PLAINTIFF'S EXHIBIT

UC-2056

CAUSE NO. 99-06746-K

KENNETH A. RUTHERFORD ET AL.	§	IN THE DISTRICT COURT
V.	§	DALLAS COUNTY, TEXAS
OWENS-CORNING, ET AL.	§	192ND JUDICIAL DISTRICT

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

TO: Plaintiff, George F. Kutach, by and through his attorney of record, Holly J.W. Huart, Baron & Budd, The Centrum, 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219.

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

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT UNION CARBIDE CORPORATION

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ACL Doc 17080 · Page 1 of 84 asbestosclaims.law/library/17080/1

CERTIFICATE OF SERVICE

I do hereby certify, that on this date, a true and correct copy of the above and foregoing Answers to Plaintiffs' First Set of Interrogatories and Request for Production was forwarded via certified mail, return-receipt-requested to counsel for Plaintiff, Stephanie Finch, Baron & Budd, The Centrum, 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219 on August 24, 2001.

Misti Mosteller

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ACL Doc 17080 · Page 2 of 84 asbestosclaims.law/library/17080/2

GENERAL OBJECTION

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

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

DEFINITIONS AND INSTRUCTIONS OBJECTION NO. 1:

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

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ACL Doc 17080 · Page 3 of 84 asbestosclaims.law/library/17080/3

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's Fi... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 4 of 84 asbestosclaims.law/library/17080/4

intermittently, therefore to the extent possible, all plant specific information shall apply solely to the Seadrift facility during the relevant years at issue as defined by Plaintiff's most recently amended work history.

OBJECTIONS AND RESPONSES TO PLAINTIFF GEORGE F. KUTACH'S INTERROGATORIES, REQUESTS FOR PRODUCTION AND REQUEST FOR ADMISSIONS

INTERROGATORY NO. 1:

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

RESPONSE: Union Carbide 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.

REQUEST FOR ADMISSION NO. 1:

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

RESPONSE: Union Carbide objects to this Request on grounds that it has not been reasonably limited in time or scope or for that matter to a particular Union Carbide facility or premises, and as

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's Fi... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 5 of 84 asbestosclaims.law/library/17080/5

such this Request is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that it is 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 PRODUCTION NO. 1:

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

RESPONSE: Union Carbide objects to this Request on grounds that it has not been limited in time or scope and as such this Request constitutes an impermissible fishing expedition. 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.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises between the years 1952 and 1990.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been reasonably limited in time or scope or for that matter to a particular Union Carbide facility or premises, and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that it is 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.

INTERROGATORY NO. 2:

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

a. What these products were used for

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's Fi... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 6 of 84 asbestosclaims.law/library/17080/6

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

ANSWER: Union Carbide objects to this Interrogatory 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.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE: Union Carbide objects to this Request on grounds it is overly broad and is not reasonably limited to a specific time period or 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 trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's Fi... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 7 of 84 asbestosclaims.law/library/17080/7

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 make all relevant and responsive documents pertaining to the use of asbestos-containing products at the Seadrift facility available to the requesting party for inspection and duplication 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 ADMISSION NO. 3:

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

RESPONSE: Union Carbide objects to this Request on grounds that it has not been reasonably limited in time or scope or for that matter to a particular Union Carbide facility or premises, and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that it is 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, it was foreseeable that asbestos-containing products on Defendant's Premises would or could be removed, stripped, replaced or repaired at some time after installation.

INTERROGATORY NO. 3:

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

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

b. State the dates and locations of each abatement procedure;
c. State which asbestos-containing products were abated.

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's Fi... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 8 of 84 asbestosclaims.law/library/17080/8

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

Over the years, Union Carbide has conducted extensive abatement activities at the Seadrift facility. The services of various independent contractors, such as Brown & Root and Service Abatement Company, have been utilized during the on-going performance of asbestos abatement. Further, Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remains on going. Union Carbide is diligently attempting to conclude its examination of the Seadrift business records pertaining to asbestos abatement, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this overly broad Request are discovered, said documents and/or materials will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE: Union Carbide objects to this Request on 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 abatement. Union Carbide states that it will make all relevant and responsive documents pertaining to the use of asbestos-containing products at the Seadrift facility available to the requesting party for inspection and duplication 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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's Fi... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 9 of 84 asbestosclaims.law/library/17080/9

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

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE: Union Carbide 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.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE: Not applicable.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1952 and 1990, including but not limited to sign-in logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that as phrased, this Request is unduly burdensome, and the costly,

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 10 of 84 asbestosclaims.law/library/17080/10

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 made available to the requesting party for inspection and duplication at a 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. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, between the years 1952 and 1990, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

RESPONSE: Please refer to Union Carbide's Response to Request for Production No. 6, including all of the objections set forth therein. Additionally, Union Carbide states that according to the best information currently available, no documentation exists within the possession of Union Carbide which indicates that George Kutach was ever present upon the premises of a Union Carbide facility.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises between the years 1952 and 1990 and for each, state:

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 11 of 84 asbestosclaims.law/library/17080/11

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

Over the years, the Seadrift facility employed various contractors to perform virtually every aspect of the plants numerous operations, and as a result Union Carbide is unable to identify every contractor, which worked at the Seadrift facility between 1953-89. Union Carbide states that according to the best information currently available, Brown & Root was responsible for a majority of the contract work performed on the premises of the Seadrift facility.

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1952 and 1990, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

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

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

Additionally, Union Carbide maintains a repository of asbestos related documents, including

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 12 of 84 asbestosclaims.law/library/17080/12

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.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises between the years 1952 and 1990.

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

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE: Denied.

INTERROGATORY NO. 6:

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

RESPONSE: Union Carbide does not now, nor has it ever maintained a premises in Corpus Christi, Texas.

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE: Denied.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 13 of 84 asbestosclaims.law/library/17080/13

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE: Union Carbide objects to this Request on grounds that 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.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1952 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE: Union Carbide is unable to truthfully admit or deny this request with specificity, because within this Request, there exists no component which quantifies the exposure to enable Union Carbide to make such a contention at this time. Subject thereto, Union Carbide admits that by 1952, it was aware that prolonged exposure to sufficient quantities of dust which contained certain kinds of asbestos fibers could create a potential hazard to those people who breathed such dust.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 9:

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 14 of 84 asbestosclaims.law/library/17080/14

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

RESPONSE: Union Carbide states that it can neither admit nor deny this Request, as drafted, with any degree of specificity on grounds that the information known or easily obtainable is insufficient to establish if and/or when Plaintiff worked at the Seadrift facility. Union Carbide is called upon to speculate as to whether or not it has enough reliable information regarding Plaintiff's work history to make a definitive statement in response to this Request. Subject to its objections, Union Carbide states that during certain periods of time, it was generally aware that certain asbestos-containing products were present in various portions of the Seadrift facility.

REQUEST FOR PRODUCTION NO. 12:

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

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

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

INTERROGATORY NO. 7:

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 15 of 84 asbestosclaims.law/library/17080/15

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

ANSWER: 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. 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 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,

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 16 of 84 asbestosclaims.law/library/17080/16

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 bags.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

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

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on going. Union Carbide is diligently attempting to conclude its examination of the Seadrift business records, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be made available for inspection and copying by 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 ADMISSION NO. 10:

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 17 of 84 asbestosclaims.law/library/17080/17

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

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

INTERROGATORY NO. 8:

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

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

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

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

Union Carbide 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,

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 18 of 84 asbestosclaims.law/library/17080/18

State and plant guidelines. The imposition and the acceptance of this obligation, on the part of the contractors, to adhere to the applicable safety guidelines was considered a condition precedent to Union Carbide's decision to accept any of the various contractors proposals or bids which had been submitted for consideration. Over the years, Union Carbide has continued to modify and improve its policies and procedures pertaining to respiratory protection in a conscious effort to strictly adhere to the guidelines and other industrial safety standards of all state, federal and industrial regulations. Union Carbide states that throughout the 50's and 60's, various models and types of respiratory protection were made available to both Union Carbide employees, in addition to various contractors over the years depending on the negotiated terms of the applicable purchase order. Union Carbide states that until the early 1970's, the use of respiratory protection was voluntary. In 1972, use of respirators became mandatory, and was made available to Union Carbide's employees as part of its general safety and health program. Therefore, 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 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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 19 of 84 asbestosclaims.law/library/17080/19

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.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE: Union Carbide objects to this Request to the extent that it is overly broad and is not reasonably limited to a specific time period, or for that matter, 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 Request on grounds that it is vague and unduly burdensome, and the oppressive, time consuming and costly nature of this burden of production, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Request. Union Carbide objects to this Request on grounds that it does not describe with any degree of reasonable particularity the items sought to be discovered and as such calls for speculation. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on going. Union Carbide is diligently attempting to conclude its examination of the Seadrift business records, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be made available for inspection and copying by 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 ADMISSION NO. 11:

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 20 of 84 asbestosclaims.law/library/17080/20

RESPONSE: Denied.

INTERROGATORY NO. 9:

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

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

Please refer to Union Carbide's Answers to Interrogatory Nos. 7 and 8, including all of the objections set forth therein.

INTERROGATORY NO. 10:

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

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

INTERROGATORY NO. 11:

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

a. when the equipment was first provided

b. to whom the equipment was provided

c. under what circumstances the equipment was provided

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 21 of 84 asbestosclaims.law/library/17080/21

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

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

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

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

1. Larry McMullen;

2. Jack Dermott;

3. Don Deese;

4. Jim Sledge;

5. Tom Brooks;

6. Curtis Hintz;

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 22 of 84 asbestosclaims.law/library/17080/22

7. Anna Riveir;

8. Fred Berger;

9. Jose Robles;

10. Larry Kneble;

11. Ernest Hernandez;

12. Rodney Howell;

13. Cal Jones; and

14. Rhonda Woods.

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

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1952-1990 for the purpose of protecting these employees from inhaling asbestos.

RESPONSE: Denied.

INTERROGATORY NO. 12:

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

RESPONSE: Union Carbide objects to this Interrogatory on grounds that it is overly broad and has not been confined to a specific time period, or for that matter, to a particular plant or premises and as such, this Interrogatory as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). In addition, Union Carbide objects to this Interrogatory on grounds that it is vague and unduly burdensome, and the oppressive, time consuming and costly nature of the burden entailed in locating and identifying each and every test, each and every individual which might have conducted such a test and the results of each test without the existence of any limitation in time or scope, substantially outweighs the probative value

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 23 of 84 asbestosclaims.law/library/17080/23

of any of the information sought by this Interrogatory. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that over the years, the Industrial Hygiene department at the Seadrift facility performed countless tests and surveys in regard to air sampling and air quality in an effort to minimize, control or generally avoid dust exposure and in an effort to comply with the existing applicable state, federal and industrial regulations. According to the best information currently available, both Union Carbide and the various independent contractors which were involved over the years, thoroughly conducted surveys and air monitoring in all areas of the plant. The specific date upon which the first asbestos air monitoring test or survey was conducted is currently unknown at this time. Additionally, Union Carbide hired numerous independent contractors with specialized knowledge of industrial hygiene and asbestos monitoring in order to perform sampling throughout each unit and department contained within each of the respective facilities involved in this lawsuit. Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going, and that upon the conclusion of Union Carbide's examination of the applicable industrial hygiene records, Union Carbide will make available for inspection and duplication by the requesting party, any and all responsive dust counts or air studies in its possession which relate to the asbestos monitoring conducted at the Seadrift facility during the relevant years at issue.

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1952 to determine the quantity of asbestos fibers in the air at the Union Carbide Corporation facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 24 of 84 asbestosclaims.law/library/17080/24

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

INTERROGATORY NO. 14:

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

RESPONSE: Union Carbide objects to this Interrogatory on grounds that it is 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 "to determine if health and safety regulations governing exposure to asbestos were being followed", 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 to plaintiff for inspection and duplication at a mutually agreeable place and time.

Additionally, Union Carbide will make all responsive, relevant information within its possession pertaining to the Seadrift facility available to the requesting party for inspection and

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 25 of 84 asbestosclaims.law/library/17080/25

duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE: Union Carbide objects to this Request on grounds that it has not been limited in time or scope and as such constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Request on grounds that it is vague and as a result, Union Carbide is called upon to speculate as to which "work-sites" Plaintiffs are referring, in addition to which "employees"Plaintiffs are referring to in this Request.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE: Union Carbide objects to this Request on grounds that it has not been limited in time or scope and as such constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 26 of 84 asbestosclaims.law/library/17080/26

or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Request on grounds that it is vague and as a result, Union Carbide is called upon to speculate as to which "work-sites" Plaintiffs are referring, in addition to which "employees" Plaintiffs are referring to in this Request.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE: Union Carbide objects to this Request on grounds that, as drafted, this Request is overly broad, in that it has not been reasonably limited in time or scope, or for that matter to a particular premises or Union Carbide facility. Union Carbide further objects to this Request on grounds that the use of the terms "work-sites" and "employees" are vague and undefined, with the result being that Union Carbide is called upon to speculate as to which "work-sites" and to which "employees" Plaintiffs are referring. Subject thereto, Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding which work sites might be involved, what type of utilization of asbestos-containing materials are Plaintiffs referring to, and which Plaintiffs are involved, is insufficient. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE: Union Carbide objects to this Request on grounds that it has not been limited in time or scope and as such constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Request on grounds that it is vague and as a result, Union Carbide is called upon to speculate as to which "work-sites" Plaintiffs are referring, in addition to which "employees" Plaintiffs are referring to in this Request.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE: Union Carbide objects to the repetitious nature of this Request on grounds that it is

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 27 of 84 asbestosclaims.law/library/17080/27

oppressive and harassing. Union Carbide objects to this Request on grounds that, as drafted, this Request is overly broad, in that it has not been reasonably limited in time or scope, or for that matter to a particular premises or Union Carbide facility. Union Carbide further objects to this Request on grounds that the use of the terms "work-sites" and "employees" are vague and undefined, with the result being that Union Carbide is called upon to speculate as to which "work-sites" and to which "employees" Plaintiffs are referring. Subject thereto, Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding which work sites might be involved, what type of utilization of asbestos-containing materials are Plaintiffs referring to, and which Plaintiffs are involved, is insufficient. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is repetitious and harassing. Additionally, Union Carbide objects to this Request on grounds that it has not been limited in time or scope and as such constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Request on grounds that it is vague and as a result, Union Carbide is called upon to speculate as to which "work-sites" Plaintiffs are referring, in addition to which "employees" Plaintiffs are referring to in this Request.

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE: Union Carbide objects to this Request on grounds that, as drafted, this Request is overly broad, in that it has not been reasonably limited in time or scope, or for that matter to a particular premises or Union Carbide facility. Union Carbide further objects to this Request on grounds that the use of the terms "work-sites" and "employees" are vague and undefined, with the result being that Union Carbide is called upon to speculate as to which "work-sites" and to which "employees" Plaintiffs are referring. Subject thereto, Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding which work sites might be involved, what type of utilization of asbestos-containing materials are Plaintiffs referring to, and which Plaintiffs are involved, is insufficient. Subject thereto, denied.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 28 of 84 asbestosclaims.law/library/17080/28

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is repetitious and harassing. Additionally, Union Carbide objects to this Request on grounds that it has not been limited in time or scope and as such constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Request on grounds that it is vague and as a result, Union Carbide is called upon to speculate as to which "work-sites" Plaintiffs are referring, in addition to which "employees" Plaintiffs are referring to in this Request.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE: Union Carbide objects to this Request on grounds that, as drafted, this Request is overly broad, in that it has not been reasonably limited in time or scope, or for that matter to a particular premises or Union Carbide facility. Union Carbide further objects to this Request on grounds that the use of the terms "work-sites" and "employees" are vague and undefined, with the result being that Union Carbide is called upon to speculate as to which "work-sites" and to which "employees" Plaintiffs are referring. Subject thereto, Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding which work sites might be involved, what type of utilization of asbestos-containing materials are Plaintiffs referring to, and which Plaintiffs are involved, is insufficient. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is repetitious and harassing. Additionally, Union Carbide objects to this Request on grounds that it has not been limited in time or scope and as such constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 29 of 84 asbestosclaims.law/library/17080/29

the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Request on grounds that it is vague and as a result, Union Carbide is called upon to speculate as to which "work-sites" Plaintiffs are referring, in addition to which "employees" Plaintiffs are referring to in this Request.

INTERROGATORY NO. 15:

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

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. 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 very 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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 30 of 84 asbestosclaims.law/library/17080/30

asbestos dust. Union Carbide, as well as, the numerous amounts of contractors which have been present at the Seadrift facility over the years, utilized various safety procedures which were enforced by the respective companies for the benefit of their own employees. According to the best information currently available, 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 bags.

INTERROGATORY NO. 16:

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

a. state when this policy was implemented;

b. describe this policy in detail;

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

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 31 of 84 asbestosclaims.law/library/17080/31

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 32 of 84 asbestosclaims.law/library/17080/32

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 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.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE: Union Carbide objects to this Request on grounds that, as drafted, this Request is overly broad, in that it has not been reasonably limited in time or scope, or for that matter to a particular premises or Union Carbide facility. Union Carbide further objects to this Request on grounds that the use of the terms "work-sites" and "employees" are vague and undefined, with the result being that Union Carbide is called upon to speculate as to which "work-sites" and to which "employees" Plaintiffs are referring. Subject thereto, Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding which work sites might be involved, what type of utilization of asbestos-containing materials are Plaintiffs referring

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 33 of 84 asbestosclaims.law/library/17080/33

to, and which Plaintiffs are involved, is insufficient. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is repetitious and harassing. Additionally, Union Carbide objects to this Request on grounds that it has not been limited in time or scope and as such constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Request on grounds that it is vague and as a result, Union Carbide is called upon to speculate as to which "work-sites" Plaintiffs are referring, in addition to which "employees" Plaintiffs are referring to in this Request.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE: Union Carbide objects to this Request on grounds that, as drafted, this Request is overly broad, in that it has not been reasonably limited in time or scope, or for that matter to a particular premises or Union Carbide facility. Union Carbide further objects to this Request on grounds that the use of the terms "work-sites" and "employees" are vague and undefined, with the result being that Union Carbide is called upon to speculate as to which "work-sites" and to which "employees" Plaintiffs are referring. Subject thereto, Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding which work sites might be involved, what type of utilization of asbestos-containing materials are Plaintiffs referring to, and which Plaintiffs are involved, is insufficient. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE: Union Carbide objects to this Request to the extent that it is overly broad and 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 Request on grounds that it is vague and unduly burdensome, and the oppressive, time consuming and costly

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 34 of 84 asbestosclaims.law/library/17080/34

nature of this burden of production, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Request. Union Carbide objects to this Request on grounds that it does not describe with any degree of reasonable particularity the items sought to be discovered and as such calls for speculation. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on going. Union Carbide is diligently attempting to conclude its examination of the Seadrift business records, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be made available for inspection and copying by 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. 24:

Produce all documents reflecting payments made to contractors between the years 1952 and 1990, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

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

REQUEST FOR ADMISSION NO. 21:

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 35 of 84 asbestosclaims.law/library/17080/35

RESPONSE: Union Carbide objects to this request because it asks Union Carbide to admit a proposition of law. Espara v. Diaz, 802 S.W.2d 772, 775 (Tex. App. - Houston [14th Dist.] 1990, no writ). Union Carbide further objects to this Request on grounds that it has not been reasonably limited in time or scope, or for that matter to a particular Union Carbide premises, or to a particular type of asbestos-containing product, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Furthermore, 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 whether or not Union Carbide can accurately respond to this Request. Subject thereto, denied.

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1952 and 1990 Defendant had the power to control Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to control it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 25:

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

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 36 of 84 asbestosclaims.law/library/17080/36

REQUEST FOR ADMISSION NO. 23:

Admit that, between the years 1952 and 1990, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to manage it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 26:

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

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

REQUEST FOR ADMISSION NO. 24:

Admit that, between the years 1952 and 1990, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 27:

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 37 of 84 asbestosclaims.law/library/17080/37

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 25:

Admit that, between the years 1952 and 1990, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to superintend it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to superintend the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 28:

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

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

REQUEST FOR ADMISSION NO. 26:

Admit that, between the years 1952 and 1990, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 38 of 84 asbestosclaims.law/library/17080/38

generally had the power to superintend it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to restrict the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 29:

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

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

REQUEST FOR ADMISSION NO. 27:

Admit that, between the years 1952 and 1990, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to regulate it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to regulate the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 30:

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 39 of 84 asbestosclaims.law/library/17080/39

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

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

REQUEST FOR ADMISSION NO. 28:

Admit that, between the years 1952 and 1990, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to govern the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to govern the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 31:

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

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 40 of 84 asbestosclaims.law/library/17080/40

objects to this Request on grounds that it is unduly burdensome and as such the time-consuming nature of the burden entailed in producing documents in support of Union Carbide's good faith contentions, substantially outweighs the probative value of the information sought should discovery be allowed.

REQUEST FOR ADMISSION NO. 29:

Admit that, between the years 1952 and 1990, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to oversee the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to oversee the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 32:

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

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

REQUEST FOR ADMISSION NO. 30:

Admit that, between the years 1952 and 1990, Defendant had the power to administer the use or condition of Defendant's Premises.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 41 of 84 asbestosclaims.law/library/17080/41

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to administer the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to oversee the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 33:

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

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

REQUEST FOR ADMISSION NO. 31:

Admit that between the years 1952 and 1990 Defendant controlled Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to control the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to control the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 42 of 84 asbestosclaims.law/library/17080/42

REQUEST FOR PRODUCTION NO. 34:

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

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

REQUEST FOR ADMISSION NO. 32:

Admit that, between the years 1952 and 1990, Defendant managed the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally managed the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to manage the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE: Union Carbide objects to this Request on grounds that it seeks information which is irrelevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Union Carbide further objects on grounds that this Request is vague, and overly broad to the extent that it seeks information which has not been limited in geographic scope or for that matter, to a particular facility or premises. Union Carbide further objects

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 43 of 84 asbestosclaims.law/library/17080/43

to this Interrogatory on grounds that it has not been reasonably tailored to matters, which are relevant to this lawsuit. In Re American Optical, 988 S.W.2d 711 (Tex. 1998). In addition, Union Carbide objects to this Request on grounds that it is unduly burdensome and as such the time-consuming nature of the burden entailed in producing documents in support of Union Carbide's good faith contentions, substantially outweighs the probative value of the information sought should discovery be allowed.

REQUEST FOR ADMISSION NO. 33:

Admit that, between the years 1952 and 1990, Defendant directed the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally directed the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to direct the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 36:

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

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

REQUEST FOR ADMISSION NO. 34:

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 44 of 84 asbestosclaims.law/library/17080/44

Admit that, between the years 1952 and 1990, Defendant superintended the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to superintend the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to superintend the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 37:

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

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

REQUEST FOR ADMISSION NO. 35:

Admit that, between the years 1952 and 1990, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to restrict the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to restrict the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 45 of 84 asbestosclaims.law/library/17080/45

method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 38:

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

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

REQUEST FOR ADMISSION NO. 36:

Admit that, between the years 1952 and 1990, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to regulate the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to regulate the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 39:

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 46 of 84 asbestosclaims.law/library/17080/46

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

REQUEST FOR ADMISSION NO. 37:

Admit that, between the years 1952 and 1990, Defendant governed the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to govern the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to govern the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE: Union Carbide objects to this Request on grounds that it seeks information which is irrelevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Union Carbide further objects on grounds that this Request is vague, and overly broad to the extent that it seeks information which has not been limited in geographic scope or for that matter, to a particular facility or premises. Union Carbide further objects to this Interrogatory on grounds that it has not been reasonably tailored to matters, which are relevant to this lawsuit. In Re American Optical, 988 S.W.2d 711 (Tex. 1998). In addition, Union Carbide objects to this Request on grounds that it is unduly burdensome and as such the time-consuming nature of the burden entailed in producing documents in support of Union Carbide's good faith

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 47 of 84 asbestosclaims.law/library/17080/47

contentions, substantially outweighs the probative value of the information sought should discovery be allowed.

REQUEST FOR ADMISSION NO. 38:

Admit that, between the years 1952 and 1990, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of 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 as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to oversee the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to oversee the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 41:

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

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

REQUEST FOR ADMISSION NO. 39:

Admit that, between the years 1952 and 1990, Defendant administered the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to the vague and undefined nature of this Request, on grounds that it has not been reasonably limited in time or scope. Union Carbide further objects to this

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 48 of 84 asbestosclaims.law/library/17080/48

Request on grounds that as drafted, this Request calls for speculation. Union Carbide states that it generally had the power to administer the use of it's premises, but that according to Union Carbide's understanding of this Request, Union Carbide states that it had the power to administer the use of the Seadrift facility, but this power did not extend to the retention of control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR PRODUCTION NO. 42:

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

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

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE: Union Carbide objects to this Request on grounds that it seeks information which is irrelevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Union Carbide further objects on grounds that this Request is vague, and overly broad to the extent that it seeks information which has not been limited in geographic scope or for that matter, to a particular facility or premises. Union Carbide further objects

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 49 of 84 asbestosclaims.law/library/17080/49

to this Interrogatory on grounds that it has not been reasonably tailored to matters, which are relevant to this lawsuit. In Re American Optical, 988 S.W.2d 711 (Tex. 1998). In addition, Union Carbide objects to this Request on grounds that it is unduly burdensome and as such the time-consuming nature of the burden entailed in producing documents in support of Union Carbide's good faith contentions, substantially outweighs the probative value of the information sought should discovery be allowed.

INTERROGATORY NO. 17:

Do you contend that at no time during the time frame between 1952 and 1990, Defendant did not have the right to advise, or, if necessary, control the activities of employees of contractors, working on the premises of the Union Carbide Corporation facility, who were engaged in activities which could be potentially hazardous to either themselves or Union Carbide Corporation employees? If the answer is anything other than "no", identify each and every fact which supports this contention.

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

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

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad and has not been limited in time or scope, or for that matter to a particular work-site or task, and as such, this

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 50 of 84 asbestosclaims.law/library/17080/50

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

REQUEST FOR PRODUCTION NO. 44:

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

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

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been limited in time or scope, or for that matter to a particular work-site or task, and as such, this Request calls for speculation. Union Carbide states that in general, it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999). Subject thereto, and as expressly qualified herein, Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable is insufficient to enable Union Carbide to accurately respond to this Request, therefore it is denied.

REQUEST FOR PRODUCTION NO. 45:

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 51 of 84 asbestosclaims.law/library/17080/51

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

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

REQUEST FOR ADMISSION NO. 43:

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

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, or for that matter to a particular work-site or task, and as such, this Request calls for speculation. Union Carbide states that in general, it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999). Subject thereto, and as expressly qualified herein, Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable is insufficient to enable Union Carbide to accurately respond to this Request, therefore it is denied.

REQUEST FOR PRODUCTION NO. 46:

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

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 52 of 84 asbestosclaims.law/library/17080/52

objects to this Request on grounds that it is unduly burdensome and as such, the time-consuming nature of the burden entailed in producing documents in support of Union Carbide's good faith contentions, substantially outweighs the probative value of the information sought should discovery be allowed.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE: Union Carbide objects to this Request to the extent that it is overly broad in that it has not been limited in time or scope. Union Carbide states that during certain periods of time, in certain portions of the Seadrift facility, asbestos-containing gaskets were installed.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE: Union Carbide objects to this Request to the extent that it is overly broad in that it has not been limited in time or scope. Union Carbide states that during certain periods of time, in certain portions of the Seadrift facility, asbestos-containing pipe covering was installed.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE: Union Carbide objects to this Request to the extent that it is overly broad in that it has not been limited in time or scope. Union Carbide states that during certain periods of time, in certain portions of the Seadrift facility, asbestos-containing boilers were installed.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 53 of 84 asbestosclaims.law/library/17080/53

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE: Union Carbide objects to this Request to the extent that it is overly broad in that it has not been limited in time or scope. Union Carbide states that during certain periods of time, in certain portions of the Seadrift facility, asbestos-containing fireproofing was installed.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE: Union Carbide objects to this Request to the extent that it is overly broad in that it has not been limited in time or scope. Union Carbide states that during certain periods of time, in certain portions of the Seadrift facility, asbestos-containing joint compound was installed.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 49:

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 54 of 84 asbestosclaims.law/library/17080/54

RESPONSE: Union Carbide objects to this Request to the extent that it is overly broad in that it has not been limited in time or scope. Union Carbide states that during certain periods of time, in certain portions of the Seadrift facility, asbestos-containing installed was installed.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been limited in time or scope, or for that matter to a particular work-site or task, and as such, this Request calls for speculation. Union Carbide states that in general, it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999). Subject thereto, and as expressly qualified herein, Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable is insufficient to enable Union Carbide to accurately respond to this Request, therefore it is denied.

REQUEST FOR PRODUCTION NO. 53:

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

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 55 of 84 asbestosclaims.law/library/17080/55

INTERROGATORY NO. 18:

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

ANSWER: Union Carbide objects to this Interrogatory 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 throughout the years, and corporate research, reports and memoranda developed by or for Union Carbide employees.

REQUEST FOR PRODUCTION NO. 54:

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

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

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE: Union Carbide states that it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent allowed

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 56 of 84 asbestosclaims.law/library/17080/56

by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999). Union Carbide admits that it advised its contractors with regard to health and safety procedures, but that the independent contractors themselves were responsible for the safety of their employees and for providing their employees with the required safety equipment depending on the particular job involved, otherwise beyond this explicitly qualified admission, this Request is denied by Union Carbide.

REQUEST FOR ADMISSION NO. 52:

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

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

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 55:

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

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 57 of 84 asbestosclaims.law/library/17080/57

INTERROGATORY NO. 19:

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

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

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

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

REQUEST FOR ADMISSION NO. 54:

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

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

REQUEST FOR PRODUCTION NO. 56:

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 58 of 84 asbestosclaims.law/library/17080/58

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 8, 9, 10, 11, 12, 15, 16 and 19, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 8, 9, 10, 11, 12, 15, 16 and 19, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 8, 9, 10, 11, 12, 15, 16 and 19, including all of the objections set forth therein.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 59 of 84 asbestosclaims.law/library/17080/59

REQUEST FOR PRODUCTION NO. 59:

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

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

REQUEST FOR PRODUCTION NO. 60:

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

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

REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE: Union Carbide objects to this Request 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.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 60 of 84 asbestosclaims.law/library/17080/60

REQUEST FOR PRODUCTION NO. 62:

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

RESPONSE: Union Carbide objects to this Request 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.

Please refer to Union Carbide's Answers to Interrogatory Nos. 8, 9, 10, 11, 12, 15, 16 and 19, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 63:

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

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

REQUEST FOR PRODUCTION NO. 64:

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

a. any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding 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,

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 61 of 84 asbestosclaims.law/library/17080/61

memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

RESPONSE: Union Carbide states that the discovery process and Union Carbide's own investigation into this matter remain on-going. Upon the completion of the discovery process Union Carbide will make all responsive documents and/or materials which exist and can be located, available to the requesting party for copying and duplication at a mutually agreeable place and time. 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, 101 Park Avenue, 31st Floor, New York, New York 10178.

REQUEST FOR PRODUCTION NO. 65:

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

RESPONSE: Union Carbide objects to this request 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.

Any existing indices for documents related to Union Carbide's Seadrift facility have been reviewed for relevance and have been incorporated into Union Carbide's Repository referred to above, or included as exhibits to these responses. Specific indices of particular files previously maintained by officials or employees in the course of their business have been collected and incorporated into the Repository along with the files to which the indices respectively refer. According to the best information currently available, there exists no indices specifically pertaining to documents relevant to use of asbestos in the Seadrift 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.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 62 of 84 asbestosclaims.law/library/17080/62

INTERROGATORY NO. 20:

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

RESPONSE: Union Carbide 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 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.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 63 of 84 asbestosclaims.law/library/17080/63

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).
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.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 64 of 84 asbestosclaims.law/library/17080/64

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.
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.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 65 of 84 asbestosclaims.law/library/17080/65

96. Occupational Medicine - State of the art reviews R.N. Adams, M.D. - Editor.
97. OSHA Hazard Communication.
98. OSHA - Occupational Health Guidelines for Chemical Hazard.
99. Patty's Industrial & Hygiene Toxicology (3d Edition) Clayton, Vol's 1, 2A, 2B, 2C.
100. Permanent Impairment - Guide to Evaluation - 2d Edition American Medical Association.
101. Phenol - Exposure To - N10SH STD.
102. Physicians Desk Reference - 1986.
103. Phosphorus & Phosphine in Air - Exposure to N10SH Std.
104. Physicians Directory of Consultative Service (Yale).
105. Polychlorinated Bisphenyls (PCB's) Exposure To N10SH -STD.
106. Preventive Medicine (5/86).
107. Proctology, A method of - Macleod.
108. Product Safety/Liability Manual - UNION CARBIDE.
109. Public Health Code - 1980 - State of Connecticut.
110. Public Health & Preventive Medicine - 11th Edition - Lost, J.M.
111. Radionuclide Contamination, Management of -.
112. Red Book (1982) Representative of Committee on Infectious Disease - American Academy of Ped.
113. Refined Petroleum Solvents - Exposure to NOSH STD.
114. Reproductive System, Effects of Toxic Chemicals on American Medical Association - 1985.
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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 66 of 84 asbestosclaims.law/library/17080/66

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 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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 67 of 84 asbestosclaims.law/library/17080/67

Automotive Engineer
British Ceramic Society Transactions
Canadian Chemical Processing
Canadian Journal of Chemical Engineering
Canadian Journal of Earth Sciences
Canadian Metallurgical Quarterly
Canadian Mineralogist
Canadian Mining and Metallurgical Bulletin
Canadian Mining Journal
Cast Metals Research Journal
Chemical Engineering
Chemical Engineering Progress
Chemical Engineering Science
Chemical Geology
Chemical Instrumentation
Chemical Reviews
Chem Tech
Chemistry and Industry
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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 68 of 84 **asbestosclaims.law/library/17080/68**

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
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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 69 of 84 asbestosclaims.law/library/17080/69

Metals and Materials
Metals Technology (London)
Mineralium Deposita
Microscope
Mineralogical Magazine
Mineralogical Record
Minerals Processing
Minerals Science and Engineer
Mines Magazine
Mining Congress Journal
Mining Engineering
Mining Magazine
Modem Castings
NIM - National Institute for Metallurgy
Nature
New Scientist
Norsk Geologisk Tidsskrift
Oil and Gas Journal
Oxidation of Metals
Physics of Metals and Metallography
Platinum Metals Review
Powder Metallurgy
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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 70 of 84 **asbestosclaims.law/library/17080/70**

Steel in the USSR
Talanta
TAPPI
Thermochimica Acta
Thirty-three Magazine of Metals Producing
Tsvetnye metally (in English)
Vacuum
Water and Wastes Engineering
Welding Engineer
World Mining
X-Ray Spectrometry
Zeitschrift fur metallkunde

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

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

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 59:

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE: Union Carbide states that in certain portions of the Seadrift facility, small amounts of asbestos-containing products remain in place.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 71 of 84 asbestosclaims.law/library/17080/71

RESPONSE: Union Carbide states that in certain portions of the Seadrift facility, small amounts of asbestos-containing products remain in place.

REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is vague, unduly burdensome and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, 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 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 made available to the requesting party for inspection and duplication 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.

REQUEST FOR PRODUCTION NO. 68:

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

RESPONSE: Union Carbide 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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 72 of 84 asbestosclaims.law/library/17080/72

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

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.

REQUEST FOR PRODUCTION NO. 69:

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

RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 14, including all of the objections set forth therein. In addition, Union Carbide objects to this Request on grounds that it is extremely duplicative and repetitious of countless prior requests for information. Union Carbide further objects to this Request to the extent that it is overly broad in that Plaintiff's attempt to discovery any and all such documentation referring to "dust hazards, including but not limited to asbestos in your plants," is not limited to the Seadrift facility during the relevant time period and as such is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 70:

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

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 73 of 84 asbestosclaims.law/library/17080/73

1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility, contractor or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Union Carbide responds as follows:

Union Carbide 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 made available to the requesting party for inspection and duplication 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. 71:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope, or to a particular plant or Union Carbide premises. Union Carbide further objects to this Request on grounds that it has not been limited to the subject matter of this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of this burden substantially outweighs the probative value of the information sought, should discovery be allowed. Union Carbide further objects to this request because it is vague and does not describe specific documents or specific categories of documents to which Union Carbide might respond. In re American Optical Corp., 988 S.W.2d 711 (Tex 1998).

REQUEST FOR PRODUCTION NO. 72:

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 74 of 84 asbestosclaims.law/library/17080/74

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope, or to a particular plant or Union Carbide premises. Union Carbide further objects to this Request on grounds that it has not been limited to the subject matter of this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of this burden substantially outweighs the probative value of the information sought, should discovery be allowed. Union Carbide further objects to this request because it is vague and does not describe specific documents or specific categories of documents to which Union Carbide might respond. In re American Optical Corp., 988 S.W.2d 711 (Tex 1998). Subject thereto, Union Carbide responds 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 made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

Additionally, Union Carbide maintains a repository of asbestos related documents, including some of those documents which pertain to the installation of asbestos-containing products 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. 73:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope, or to a particular plant or Union Carbide premises. Union Carbide further objects to this Request on grounds that it has not been limited to the subject matter of this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of this burden substantially outweighs the probative value of the information sought, should discovery be allowed. Union Carbide further objects to this request because it is vague and does not describe specific documents or specific categories of documents to which Union Carbide might respond. In re

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 75 of 84 asbestosclaims.law/library/17080/75

American Optical Corp., 988 S.W.2d 711 (Tex 1998). Subject thereto, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on going. Union Carbide is diligently attempting to conclude its examination of the Seadrift 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 made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

Additionally, Union Carbide maintains a repository of asbestos related documents, including some of those documents which pertain to the removal of asbestos-containing products from 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. 74:

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

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

REQUEST FOR PRODUCTION NO. 75:

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

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

REQUEST FOR PRODUCTION NO. 76:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope, or to a particular plant or Union Carbide premises. Union Carbide further objects to this Request on grounds that it has not been limited to the subject matter of this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. K-Mart

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 76 of 84 asbestosclaims.law/library/17080/76

v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of this burden substantially outweighs the probative value of the information sought, should discovery be allowed. Union Carbide further objects to this request because it is vague and does not describe specific documents or specific categories of documents to which Union Carbide might respond. In re American Optical Corp., 988 S.W.2d 711 (Tex 1998). Subject thereto, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on going. Union Carbide is diligently attempting to conclude its examination of the Seadrift 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 made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

Additionally, Union Carbide maintains a repository of asbestos related documents, including some of those documents which might reflect the layout of 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. 77:

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

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

REQUEST FOR PRODUCTION NO. 78:

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

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 77 of 84 asbestosclaims.law/library/17080/77

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. 79:

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

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

REQUEST FOR PRODUCTION NO. 80:

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

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

REQUEST FOR PRODUCTION NO. 81:

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

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 78 of 84 asbestosclaims.law/library/17080/78

REQUEST FOR PRODUCTION NO. 82:

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

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

REQUEST FOR PRODUCTION NO. 83:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope, or to a particular plant or Union Carbide premises and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the oppressive, costly nature of this burden, in light of Plaintiffs failure to even attempt to narrow the scope of this Request to matters which are relevant to Mr. Kutach's lawsuit, substantially outweighs the probative value of the information sought, should discovery be allowed.

REQUEST FOR PRODUCTION NO. 84:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope, or to a particular plant or Union Carbide premises and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 79 of 84 asbestosclaims.law/library/17080/79

S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the oppressive, costly nature of this burden, in light of Plaintiffs failure to even attempt to narrow the scope of this Request to matters which are relevant to Mr. Kutach's lawsuit, substantially outweighs the probative value of the information sought, should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Please refer to Union Carbide's Answer to Interrogatory No. 12, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 85:

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

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

REQUEST FOR PRODUCTION NO. 86:

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

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

REQUEST FOR PRODUCTION NO. 87:

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

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 80 of 84 asbestosclaims.law/library/17080/80

reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR PRODUCTION NO. 88:

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

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

Please refer to Union Carbide's Response to Request for Production No. 15, contained herein.

REQUEST FOR PRODUCTION NO. 89:

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

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

REQUEST FOR PRODUCTION NO. 90:

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 81 of 84 asbestosclaims.law/library/17080/81

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 91:

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

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

REQUEST FOR PRODUCTION NO. 92:

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

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

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

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE: 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 trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 82 of 84 asbestosclaims.law/library/17080/82

REQUEST FOR PRODUCTION NO. 94:

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

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

REQUEST FOR PRODUCTION NO. 95:

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

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

REQUEST FOR PRODUCTION NO. 96:

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

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

REQUEST FOR PRODUCTION NO. 97:

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

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

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 83 of 84 asbestosclaims.law/library/17080/83

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

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

REQUEST FOR PRODUCTION NO. 98:

If you contend that you did not own or control the facility(ies) during any time period that Plaintiff worked (or believes he worked) at the facility(ies), please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of 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 make such a contention at this time.

Union Carbide trial exhibit UC-2056: Union Carbide Corporation's Objections and Answers to George F. Kutach's... Published by AsbestosClaims.Law
ACL Doc 17080 · Page 84 of 84 asbestosclaims.law/library/17080/84