CAUSE NO. 01-CV-0476

LAFONDA DIXON, INDIVIDUALLY AND AS THE REPRESENTATIVE OF THE HEIRS AND ESTATE OF KENNETH DIXON, DECEASED	§	IN THE DISTRICT COURT OF
Plaintiff,	§	
VS.	§	GALVESTON COUNTY, TEXAS
A. P.GREEN INDUSTRIES, ET AL	§	
Defendants.	§	10th JUDICIAL DISTRICT

DEFENDANT UNION CARBIDE CORPORATION'S RESPONSES TO PLAINTIFF'S REQUESTS FOR ADMISSIONS

TO: Plaintiff Lafonda Dixon, Individually and as the Representative of the Heirs and Estate of Kenneth Dixon, Deceased, by and through her attorney of record Ian P. Cloud, ROBINS, CLOUD, GREENWOOD & LUBEL, L.L.P., 810 Travis, Suite 2020, Houston, Texas 77002.

COMES NOW, UNION CARBIDE CORPORATION D/B/A UNION CARBIDE CHEMICALS AND PLASTICS, INC., ("Union Carbide"), Defendant, and makes and serves the attached Responses to Plaintiff's Requests for Admissions.

PLAINTIFF'S EXHIBIT

UC-5334

Respectfully submitted,

POWERS & FROST, L.L.P.

James H. Powers *by permission
Texas State Bar No. 16217400
Sharla J. Frost
Texas State Bar No. 07491100
Gwendolyn S. Frost
Texas State Bar No. 07488750
2600 Two Houston Center
909 Fannin
Houston, Texas 77010
Telephone: (713) 767-1555
Telecopier: (713) 767-1799

ATTORNEYS FOR DEFENDANT UNION CARBIDE CORPORATION D/B/A UNION CARBIDE CHEMICALS AND PLASTICS, INC.

CERTIFICATE OF SERVICE

I do hereby certify, that on this date, a true and correct copy of the above and foregoing DEFENDANT UNION CARBIDE CORPORATION'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S REQUESTS FOR ADMISSIONS was forwarded via certified mail, return-receipt-requested to counsel for Plaintiff, and a copy of the transmittal letter was sent to all other counsel of record via First Class Mail on this 3rd day of May, 2002.

Eraka L. Childs
Texas Bar No: 24001879

GENERAL OBJECTIONS

Union Carbide Corporation ("Union Carbide") objects to the entire set of Plaintiffs' Requests for Admissions on the following grounds, which are hereby incorporated by reference in Union Carbide's responses to individual Requests for Admissions below:

GENERAL OBJECTION NO. 1:

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

GENERAL OBJECTION NO. 2:

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

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admissions… Published by AsbestosClaims.Law
ACL Doc 19785 · Page 3 of 52 asbestosclaims.law/library/19785/3

GENERAL OBJECTION NO. 3:

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

GENERAL OBJECTION NO. 4:

Union Carbide objects to providing information about any asbestos-containing products which it has manufactured, sold or distributed, on the grounds that the asbestos fiber in those products was encapsulated by or embedded in other material and on the grounds that the plaintiff has made no allegation of exposure to those products. According to Union Carbide's best presently available information, these products consist of the following: a tree sprout inhibitor used primarily to inhibit growth on telephone poles; a phenolic molding compound used in electronic parts and products such as switches and radios; a thermoplastic molding material used primarily in camera cases; Prestone radiator products; acetylene cylinder liners; a steel scarfer machine; a heat exchanger; and, possibly, certain polyethylene or polystyrene or other products sold in very limited quantities or on an experimental basis. Union Carbide no longer manufactures any of the above products.

Union Carbide acquired its Coalinga mine site in 1958. From 1960-1963, as Union Carbide developed its mining and milling operation, Union Carbide provided fiber samples to potential customers. From 1963 until June 30, 1985, Union Carbide mined and sold short fiber chrysotile asbestos initially as "Union Carbide Asbestos" and then under the trade name "Calidria" (some distributors marketed Calidria under other trade names). All responses to these Requests for Admissions refer to Calidria asbestos only, unless otherwise stated.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admissions… Published by AsbestosClaims.Law
ACL Doc 19785 · Page 4 of 52 asbestosclaims.law/library/19785/4

GENERAL OBJECTION NO. 5:

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

ADMIT OR DENY THE FOLLOWING:

REQUEST 1:

Union Carbide Corporation was aware that asbestos caused deadly diseases prior to the first day it began to mine asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

Union Carbide recognizes that the excessive inhalation of asbestos fiber may be associated with the development of serious and potentially fatal disease. Union Carbide also understands that the onset and development of such disease in a person may be related to an

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admissions… Published by AsbestosClaims.Law
ACL Doc 19785 · Page 5 of 52 asbestosclaims.law/library/19785/5

affected by, among other factors: the particular type of fiber that is inhaled; cigarette smoking; and environmental conditions, in addition to the person's medical history and condition.

Union Carbide's knowledge concerning potential health hazards possibly associated with excessive asbestos fiber inhalation has gradually developed. Sources of information as to possible health concerns of which Union Carbide is presently aware included general and scientific literature on the topic and reports or memoranda by Union Carbide employees. Upon the plaintiff's request and at a suitable time and place, copies of such reports and memoranda, which Union Carbide has located, will be made available for review and duplication.

REQUEST 2:

Union Carbide Corporation was not aware that asbestos caused deadly diseases prior to the first day it began to mine asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted that Union Carbide was not ever aware that asbestos caused deadly diseases under any and all circumstances.

See also Union Carbide's Response to Response to Request for Admission No. 1.

REQUEST 3:

Union Carbide Corporation was aware by 1957 that asbestos caused deadly diseases.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admissions… Published by AsbestosClaims.Law
ACL Doc 19785 · Page 6 of 52 asbestosclaims.law/library/19785/6

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

See also Union Carbide's Response to Response to Request for Admission No. 2.

REQUEST 4:

Union Carbide Corporation was not aware by 1957 that asbestos caused deadly diseases.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Response to Request for Admission No. 2.

REQUEST 5:

Union Carbide Corporation was aware that asbestos caused asbestosis before 1963.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admissions… Published by AsbestosClaims.Law
ACL Doc 19785 · Page 7 of 52 asbestosclaims.law/library/19785/7

See Union Carbide's Response to Response to Request for Admission No. 2.

REQUEST 6:

Union Carbide Corporation was not aware that asbestos caused asbestosis before 1961.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

See Union Carbide's Response to Response to Request for Admission No. 2.

REQUEST 7:

Union Carbide Corporation never attached a label to its bags of asbestos warning of the risk of mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied that Union Carbide's asbestos, known after 1967 as "Calidria," causes mesothelioma.

Union Carbide had used two cautionary statements on its Calidria packaging: The first cautionary statement was used from June 22, 1968 through May 1972, and read as follows: "Warning: Breathing dust may be harmful. Do not breathe dust." The second cautionary

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admissions… Published by AsbestosClaims.Law
ACL Doc 19785 · Page 8 of 52 asbestosclaims.law/library/19785/8

statement was prescribed by OSHA in 1972 and was first printed on Calidria packaging in June of that year and was used by Union Carbide until the sale of the Calidria mine and mill in 1985; this second cautionary statement read as follows: "Caution. Contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause serious bodily harm."

Union Carbide had also developed an additional label variation which, according to Union Carbide's best information was never applied. Upon plaintiffs request, Union Carbide will make available a copy of that label draft as well as all correspondence and documents pertaining to label development.

REQUEST 8:

Union Carbide Corporation attached a label to its bags of asbestos warning of the risk of mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied that Calidria asbestos causes mesothelioma.

See also Union Carbide's Response to Response to Request for Admission No. 7.

REQUEST 9:

Union Carbide Corporation never attached a label to its bags of asbestos warning of the risk of lung cancer.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admissions… Published by AsbestosClaims.Law
ACL Doc 19785 · Page 9 of 52 asbestosclaims.law/library/19785/9

Admitted that Union Carbide's warning labels used only the language set forth in Union Carbide's Response to Response to Request for Admission No. 7.

REQUEST 10:

Union Carbide Corporation attached a label to its bags of asbestos warning of the risk of lung cancer.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied that Union Carbide's warning labels used language other than that set forth in Union Carbide's Response to Response to Request for Admission No. 7..

REQUEST 11:

Union Carbide Corporation sold asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted that from 1963 to 1985, Union Carbide sold Calidria asbestos fiber to various third party manufacturers or distributors. Calidria consisted of raw chrysotile asbestos in a unique short-fiber formulation which Union Carbide mined at or near King City, California. Calidria's chemical formula is Mg6(OH)8Si4O10. Union Carbide produced four grades of Calidria asbestos: standard, super standard, high purity, and resin grade; the different grades reflect varying degrees of purity of content. Each grade was sold in both pelletized and fibrous

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 10 of 52 asbestosclaims.law/library/19785/10

form. Calidria, due to its unique physical properties, short fiber length in particular, was not suited for use in thermal or frost insulation.

REQUEST 12:

Union Carbide Corporation sold asbestos for use in joint compounds,

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

Calidria consisted of raw asbestos which was marketed and sold by Calidria distributors to manufacturers or producers who incorporated and used Calidria in their products or production processes. Union Carbide also sold its raw fiber to third party manufacturers, who used it in manufacturing various products used in the construction industry. Union Carbide had no involvement in the manufacture of those products and had no control over the nature of the products the fiber was used in. Calidria was not sold by Union Carbide or, according to the best information available to Union Carbide, by Calidria distributors to consumers or other "end-users". Certain formulations of Calidria asbestos were used in joint compounds.

REQUEST 13:

Union Carbide Corporation did not sell asbestos for use in joint compounds.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and not reasonably

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 11 of 52 asbestosclaims.law/library/19785/11

calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 12.

REQUEST 14:

Union Carbide Corporation mined asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted that Calidria consisted of raw chrysotile asbestos in a unique short-fiber formulation which Union Carbide mined at or near King City, California.

REQUEST 15:

Union Carbide Corporation did not mine asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 14.

REQUEST 16:

Union Carbide Corporation never conducted, or had conducted on its behalf, an epidemiologic study on its employees who worked in its asbestos mine to detect the prevalence or rate of occurrence of asbestos-related diseases.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 12 of 52 asbestosclaims.law/library/19785/12

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, not relevant to the subject matter of this litigation and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted that no formal epidemiologic study was conducted.

REQUEST 17:

Union Carbide Corporation conducted, or had conducted on its behalf, an epidemiologic study on its employees who worked in its asbestos mine to detect the prevalence or rate of occurrence of asbestos-related diseases.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 16.

REQUEST 18:

Asbestos, or asbestos-containing products, sold or distributed by manufacturers or miners other than Union Carbide Corporation contributed to Kenneth Dixon's mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide lacks sufficient information to admit or deny this request.

Union Carbide reserves its rights to pursue all available defenses at trail.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 13 of 52 asbestosclaims.law/library/19785/13

REQUEST 19:

Asbestos, or asbestos-containing products, sold or distributed by manufacturers or miners other than Union Carbide Corporation did not contribute to Kenneth Dixon's mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 18.

REQUEST 20:

Kenneth Dixon was not at fault for the causation of his mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide lacks sufficient information to admit or deny this request.

Union Carbide reserves its rights to pursue all available defenses at trail.

REQUEST 21:

Kenneth Dixon was at fault for the causation of his mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide lacks sufficient information to admit or deny this request.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 14 of 52 asbestosclaims.law/library/19785/14

Union Carbide reserves its rights to pursue all available defenses at trail.

REQUEST 22:

Smoking cigarettes whose filters do not contain asbestos has no causative affect in the development of mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion. Subject to its objections, Union Carbide responds as follows:

Denied.

REQUEST 23:

Smoking cigarettes whose filters do not contain asbestos contributes to the development of mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion. Subject to its objections, Union Carbide responds as follows:

Union Carbide lacks sufficient information to admit or deny this request.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 15 of 52 asbestosclaims.law/library/19785/15

REQUEST 24:

A contributing cause in Kenneth Dixon's death was mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion.

Union Carbide lacks sufficient information to admit or deny this request.

REQUEST 25:

Mesothelioma was not a contributing cause of Kenneth Dixon's death.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion. Subject to its objections, Union Carbide responds as follows:

Union Carbide lacks sufficient information to admit or deny this request.

REQUEST 26:

Asbestos causes peritoneal mesothelioma.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 16 of 52 asbestosclaims.law/library/19785/16

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion. Subject to its objections, Union Carbide responds as follows:

Denied that exposure to asbestos, under any and all circumstances, causes disease. Denied that exposure to Calidria causes mesothelioma.

REQUEST 27:

Asbestos does not cause peritoneal mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 26

REQUEST 28:

Asbestos causes pleural mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 17 of 52 asbestosclaims.law/library/19785/17

discovery of admissible evidence. Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion. Subject to its objections, Union Carbide responds as follows:

Denied that exposure to asbestos, under any and all circumstances, causes disease. Denied that exposure to Calidria causes mesothelioma.

REQUEST 29:

Asbestos does not cause pleural mesothelioma.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 28.

REQUEST 30:

Asbestos causes asbestosis.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion. Subject to its objections, Union Carbide responds as follows:

Denied that asbestos always causes asbestosis.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 18 of 52 **asbestosclaims.law/library/19785/18**

REQUEST 31:

Asbestos does not cause asbestosis.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion. Subject to its objections, Union Carbide responds as follows:

Union Carbide lacks sufficient information to admit or deny this request.

REQUEST 32:

Five million particles per cubic foot of dust containing asbestos is invisible to the ordinary user in the absence of special lighting or instruments.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion. Subject to its objections, Union Carbide responds as follows:

Denied.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 19 of 52 asbestosclaims.law/library/19785/19

QUEST 33:

million particles per cubic foot of dust containing asbestos is visible to the ordinary user in the absence of special lighting or instruments.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion. Union Carbide also objects to this Request for Admission to the extent that it calls for Union Carbide to render an expert scientific or medical opinion and as it is phrased in such a manner as to be completely incomprehensible.

Union Carbide Corporation sold asbestos for use in joint compounds even after asbestos free joint compounds were on the market.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted that at the relevant times, the joint compound market contained many different kinds of competitive products, some of which did not contain asbestos. From 1963 to 1985, Union Carbide sold Calidria asbestos fiber to various third party manufacturers or distributors. Calidria is a short-fiber chrysotile which Union Carbide extracted from a mine in Central California. Union Carbide sold its raw fiber to third party manufacturers, who used it in

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 20 of 52 asbestosclaims.law/library/19785/20

manufacturing various products used in the construction industry. Union Carbide had no involvement in the manufacture of those products, no control over the nature of the products fiber was used in, and had no authority over the manufacturers to require any type of warning. Starting in at least 1969, Union Carbide placed a warning on the bags of fiber that it sold to third party manufacturers.

REQUEST 35: Union Carbide Corporation did not sell asbestos for use in joint compounds after asbestos free tape joint compounds were on the market.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 34.

REQUEST 36: Union Carbide Corporation's "Toxicology Reports" on asbestos were created by the marketing department of Union Carbide Corporation.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

During the early days of Union Carbide's Calidria business (which began in 1963), medical and industrial health officials at Union Carbide issued asbestos toxicology reports which were distributed to sales and other appropriate personnel.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 21 of 52 asbestosclaims.law/library/19785/21

REQUEST 37: Union Carbide Corporation's "Toxicology Reports" on asbestos were not created by the marketing department of Union Carbide Corporation.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

See also Union Carbide's response to Response to Request for Admission No. 36.

REQUEST 38: Union Carbide Corporation considered placing a warning on the bags of its asbestos warning the user of the hazards of cancer.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

Union Carbide had used two cautionary statements on its Calidria packaging: The first cautionary statement was used from June 22, 1968 through May 1972, and read as follows: "Warning: Breathing dust may be harmful. Do not breathe dust." The second cautionary statement was prescribed by OSHA in 1972 and was first printed on Calidria packaging in June of that year and was used by Union Carbide until the sale of the Calidria mine and mill in 1985;

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 22 of 52 asbestosclaims.law/library/19785/22

this second cautionary statement read as follows: "Caution. Contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause serious bodily harm.".

Union Carbide followed the guidelines of the OSHA regulations in reaching its decisions regarding warning labels. OSHA, Title 29, Chp. 17, Part 1910(3), Vol. 37 Fed. Reg. No. 110 (6/7/72). OSHA considered requiring a cancer warning for asbestos and decided against it as "unwarrantedly alarming."

REQUEST 39: Union Carbide Corporation never considered placing a warning on the bags of its asbestos warning the user of the hazards of cancer.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

Union Carbide followed the guidelines of the OSHA regulations in reaching its decisions regarding warning labels. OSHA, Title 29, Chp. 17, Part 1910(3), Vol. 37 Fed. Reg. No. 110 (6/7/72). OSHA considered requiring a cancer warning for asbestos and decided against it as "unwarrantedly alarming."

REQUEST 40: Union Carbide Corporation was a founding member of the Asbestos Information Association.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 23 of 52 asbestosclaims.law/library/19785/23

calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied as stated. Admitted that Union Carbide was an early member of the Asbestos Information Association /North America.

REQUEST 41: Union Carbide Corporation was not a founding member of the Asbestos Information Association.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 40.

REQUEST 42: Union Carbide Corporation was on the Board of Directors of the Asbestos Information Association.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied as stated. Admitted that Union Carbide representatives did serve as members of the Board during certain limited time periods.

REQUEST 43: Union Carbide Corporation was not on the Board of Directors of the Asbestos Information Association.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 24 of 52 asbestosclaims.law/library/19785/24

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 42.

REQUEST 44: Union Carbide Corporation served on a committee or committees of the Asbestos Information Association.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied. Union Carbide admits that Union Carbide employees served on such committees at certain times.

REQUEST 45: Union Carbide Corporation did not serve on a committee or committees of the Asbestos Information Association.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 44.

REQUEST 46: The Asbestos Information Association membership included companies that mined asbestos or that manufactured or sold asbestos-containing products.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 25 of 52 asbestosclaims.law/library/19785/25

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted that Union Carbide was a member.

REQUEST 47: The Asbestos Information Association membership did not include companies that mined asbestos or that manufactured or sold asbestos-containing products.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 46.

REQUEST 48: Union Carbide Corporation knew that sanding an asbestos-containing joint compound could exceed the Threshold Limit Values for asbestos in 1974.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide also objects to this Request for Admission on the grounds that it is overly broad in terms of time and that the legal definition is in the public domain and equally accessible to plaintiff. Moreover, to the extent the Request for Admission seeks a scientific definition, it improperly seeks without foundation to require an expert opinion. Subject to its objections, Union Carbide responds as follows:

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 26 of 52 asbestosclaims.law/library/19785/26

Calidria was not an asbestos-containing product but rather consisted of asbestos with a unique configuration which was marketed and sold by Union Carbide and by Calidria distributors to manufacturers or producers for use in their products or production processes.

Denied as stated. Union Carbide conducted air testing during sanding of joint compounds and found the results were within the relevant TLV requirements.

REQUEST 49: Union Carbide Corporation did not know that sanding an asbestos-containing joint compound could exceed the Threshold Limit Values for asbestos in 1974.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's response to Response to Request for Admission No. 48.

REQUEST 50: By 1974 Union Carbide Corporation knew that drywall workers experienced similar levels of positive findings of fibrosis on chest x-rays as did insulation workers.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

REQUEST 51: By 1974 Union Carbide Corporation did not know that drywall workers experienced similar levels of positive findings of fibrosis on chest x-rays as did insulation workers.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 27 of 52 asbestosclaims.law/library/19785/27

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's response to Response to Request for Admission No. 50.

REQUEST 52: By 1974 Union Carbide Corporation was aware that Dr. Irving Selikoff advised removing asbestos from joint compounds.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 53: By 1974 Union Carbide Corporation was not aware that Dr. Irving Selikoff advised removing asbestos from joint compounds.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 54: Union Carbide Corporation continued to sell asbestos for use in joint compounds after 1974.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 28 of 52 **asbestosclaims.law/library/19785/28**

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide admits that it sold Calidria to manufacturers of joint compounds after 1974.

REQUEST 55: Union Carbide Corporation did not continue to sell asbestos for use in joint compounds after 1974.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See also Union Carbide's response to Response to Request for Admission No. 54.

REQUEST 56: Union Carbide Corporation was aware that by 1974 Dr. Irving Selikoff advised that the two fiber limit as proposed by OSHA in the time weighted averages of its regulations governing asbestos was not adequate to protect against asbestosis.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 57: Union Carbide Corporation was not aware that by 1974 Dr. Irving Selikoff advised that the two fiber limit as proposed by OSHA in the time weighted averages of its regulations governing asbestos was not adequate to protect against asbestosis.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 29 of 52 **asbestosclaims.law/library/19785/29**

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 58: Union Carbide Corporation sold asbestos to the Georgia Pacific Corporation.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted that Union Carbide sold Calidria to certain Georgia Pacific plants, during certain periods of time. Union Carbide possesses copies of invoices of Calidria sales made by Union Carbide to Calidria customers. Since Union Carbide sold its Calidria business in 1985, Union Carbide, at present, can make no representation as to the completeness of its records. The aforementioned constitute the most complete records of Calidria sales currently available to Union Carbide. Union Carbide lacks, however, a record of sales made by Calidria distributors, who accounted for approximately 25% of all Calidria sales.

REQUEST 59: Union Carbide Corporation did not sell asbestos to the Georgia Pacific Corporation.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's response to Response to Request for Admission No. 58.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 30 of 52 asbestosclaims.law/library/19785/30

REQUEST 60: Union Carbide Corporation sold asbestos to the Georgia Pacific Corporation that was used to manufacture Georgia Pacific products in Lufkin, TX.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide denies that Georgia Pacific sold Calidria-containing products manufactured in Lufkin, Texas. Union Carbide admits that it sold 230 pounds of Calidria to that location.

REQUEST 61: Union Carbide Corporation did not sell asbestos to the Georgia Pacific Corporation that was used to manufacture Georgia Pacific products in Lufkin, TX.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 60.

REQUEST 62: Union Carbide Corporation advised the Georgia Pacific Corporation that it would remove warnings regarding asbestos from its bags, if the Georgia Pacific would buy at least a car load of Union Carbide Corporation's asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 31 of 52 asbestosclaims.law/library/19785/31

REQUEST 63: Union Carbide Corporation did not advise the Georgia Pacific Corporation that it would remove warnings regarding asbestos from its bags, if any, if the purchaser would buy at least a car load of Union Carbide Corporation's asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 64: Union Carbide recommended its asbestos for use in facial tissue

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied as stated. Union Carbide admits that at certain times it marketed Calidria for use in various paper products, including facial tissues. Union Carbide denies that Calidria was ever actually used in facial tissue.

REQUEST 65: Union Carbide did not recommend its asbestos for use in facial tissue.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 64.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 32 of 52 asbestosclaims.law/library/19785/32

REQUEST 66: Union Carbide Corporation was a manufacturer of asbestos-containing products as well as a miner of raw asbestos fiber.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted that during certain years Union Carbide manufactured certain asbestos containing products in which the asbestos was encapsulated and therefore was not respirable.

See Union Carbide's General Objection No. 4.

Admitted that Union Carbide was a miner of raw asbestos fiber. Calidria consisted of raw chrysotile asbestos in a unique short-fiber formulation which Union Carbide mined at or near King City, California. Union Carbide operated its Calidria mine and mill from 1958 until June 25, 1985.

REQUEST 67: Union Carbide Corporation was not a manufacturer of asbestos-containing products.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 66

REQUEST 68: In 1957 Union Carbide Corporation believed that the Coalinga asbestos deposit was the largest single mineral deposit in the world.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 33 of 52 asbestosclaims.law/library/19785/33

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 69: In 1957 Union Carbide Corporation did not believe that the Coalinga asbestos deposit was the largest single mineral deposit in the world.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 70: After discovering its asbestos deposit Union Carbide Corporation began research and development efforts that recommended asbestos for use in products that had not before contained asbestos

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 71: After discovering its asbestos deposit Union Carbide Corporation did not begin research and development efforts that recommended asbestos for use in products that had not before contained asbestos.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 34 of 52 asbestosclaims.law/library/19785/34

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 72: Union Carbide Corporation recommended using its asbestos in place of materials that were "inert" or generally considered less harmful than asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 73: Union Carbide Corporation did not recommend using its asbestos in place of materials that were "inert" or generally considered less harmful than asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 74: Union Carbide Corporation advised manufacturers of asbestos-containing joint compounds that the "construction industry was exempt from OSHA regulations."

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 35 of 52 **asbestosclaims.law/library/19785/35**

REQUEST 75: Union Carbide Corporation did not advise manufacturers of asbestos-containing joint compounds that the "construction industry was exempt from OSHA regulations."

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 76: In 1976 the "construction industry" was not exempt from the OSHA regulations.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, calls for a legal conclusion and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 77: In 1976 the "construction industry" was exempt from the OSHA regulations.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 78: Union Carbide Corporation advised at least one purchaser of its asbestos on the language that should be used on the warning of products containing asbestos.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 36 of 52 **asbestosclaims.law/library/19785/36**

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 79: Union Carbide Corporation did not advise any purchaser of its asbestos on the language the purchaser should use on the warning of products containing asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 80: Union Carbide Corporation sold asbestos to the United States Gypsum Company.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted that Union Carbide sold, during certain time periods, Calidria asbestos to certain plants operated or owned by United States Gypsum Company. Union Carbide possesses copies of invoices of Calidria sales made by Union Carbide to Calidria customers. Since Union Carbide sold its Calidria business in 1985, Union Carbide, at present, can make no representation as to the completeness of its records. The aforementioned constitute the most complete records of Calidria sales currently available to Union Carbide. Union Carbide lacks, however, a record

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 37 of 52 asbestosclaims.law/library/19785/37

of sales made by Calidria distributors, who accounted for approximately 25% of all Calidria sales.

REQUEST 81: Union Carbide Corporation did not sell asbestos to the United States Gypsum Company.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's response to Response to Request for Admission No. 80.

REQUEST 82: Union Carbide Corporation's asbestos is not "safer" than Canadian chrysotile asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied. Union Carbide's Calidria asbestos, a short fiber asbestos, lacking tremolite contamination, was less likely to cause certain diseases than other types of asbestos, including longer fiber, tremolite containing Canadian chrysotile asbestos.

REQUEST 83: Union Carbide Corporation's asbestos is "safer" than Canadian chrysotile asbestos.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 38 of 52 asbestosclaims.law/library/19785/38

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide admits that Union Carbide's Calidria asbestos, a short fiber asbestos, lacking tremolite contamination, was less likely to cause certain diseases than other types of asbestos, including longer fiber, tremolite containing Canadian chrysotile asbestos.

REQUEST 84: Union Carbide Corporation's asbestos never was a "safer" alternative to chrysotile asbestos mined in places other than Coalinga, California.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 83.

REQUEST 85: Union Carbide Corporation's asbestos was "safer" than Canadian chrysotile asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide lacks sufficient information to admit or deny this request.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 39 of 52 **asbestosclaims.law/library/19785/39**

REQUEST 86: Union Carbide Corporation sold asbestos for use in the production of beer.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

REQUEST 87: Union Carbide Corporation did not sell asbestos for use in the production of beer.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

REQUEST 88: Union Carbide Corporation's own animal studies, or studies it had conducted on its behalf, demonstrated that in certain instances its asbestos "produced a more severe reaction" than did asbestos mined in Canada.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to plaintiffs' characterization of the test results, which documents speak for themselves.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 40 of 52 asbestosclaims.law/library/19785/40

REQUEST 89: Union Carbide Corporation's own animal studies, or studies it had conducted on its behalf, did not demonstrate that in certain instances its asbestos "produced a more severe reaction" than did asbestos mined in Canada.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to plaintiffs' characterization of the test results, which documents speak for themselves.

REQUEST 90: Union Carbide Corporation knew that paint containing its asbestos would be "sandblasted" off the surface on which it was painted.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague. ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 91: Union Carbide Corporation did not know that paint containing its asbestos would be "sandblasted" off the surface on which it was painted.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence

REQUEST 92: When two or more substances are present, both of which have been assigned a threshold limit value, the two threshold limit values must be considered together when calculating time weighted averages so that the resulting threshold limit value is lower than any it would be if each of the substances was used by itself.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 41 of 52 **asbestosclaims.law/library/19785/41**

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

Union Carbide also objects to this Request for Admission on the grounds that it is overly broad in terms of time and that the legal definition is in the public domain and equally accessible to plaintiff. Moreover, to the extent the Request for Admission seeks a scientific definition, it improperly seeks without foundation to require an expert opinion.

REQUEST 93: When two or more substances are present, both of which have been assigned a threshold limit value, the two threshold limit values must not be considered together when calculating time weighted averages so that the resulting threshold limit value is lower than any it would be if each of the substances was used by itself.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 94: Since the short-fiber asbestos market could not be used in many conventional markets, Union Carbide Corporation dedicated resources to developing new applications for its asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is so vague and ambiguous as to be incomprehensible, it is also overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 42 of 52 asbestosclaims.law/library/19785/42

REQUEST 95: Although the short-fiber asbestos market could not be used in many conventional markets, Union Carbide Corporation did not dedicate resources to developing new applications for its asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is so vague and ambiguous as to be incomprehensible, it is also overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 96: By 1977 Union Carbide Corporation predicted it would represent seventy percent of the asbestos used in tape joint compounds.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 97: By 1977 Union Carbide Corporation did not predict it would represent seventy percent of the asbestos used in tape joint compounds.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 98: By 1976 Union Carbide Corporation represented forty-six percent of the asbestos used in the asbestos-containing tape joint compound market.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 43 of 52 asbestosclaims.law/library/19785/43

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 99: By 1976 Union Carbide Corporation did not represent forty-six percent of the asbestos used in the asbestos-containing tape joint compound market.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 100: By 1980 asbestos sales by Union Carbide Corporation were at an all-time record high.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 101: By 1980 asbestos sales by Union Carbide Corporation were at an all-time record high.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 44 of 52 **asbestosclaims.law/library/19785/44**

REQUEST 102: John Myers was coached by Union Carbide Corporation prior to giving deposition testimony in litigation pending in the state of Texas.

RESPONSE:

See General Objections Nos. 1-5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, harassing and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

REQUEST 103: John Myers was not coached by Union Carbide Corporation prior to giving deposition testimony in litigation pending in the state of Texas.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous, harassing and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

REQUEST 104: By 1980 Union Carbide Corporation had no plans of exiting the asbestos mining business unless they were forced out by adverse publicity or regulatory action.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 45 of 52 asbestosclaims.law/library/19785/45

REQUEST 105: By 1980 Union Carbide Corporation did not consider adverse publicity or regulatory action in deciding when it would cease mining asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 106: Even as late as 1980 Union Carbide Corporation retained discretion to deny its employees access to their own medical records.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 107: Union Carbide Corporation did not consider denying its employees access to their own medical records.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 108: Union Carbide Corporation prepared "Technical Service Reports" to customers recommending the formulas for production of the customers products.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 46 of 52 asbestosclaims.law/library/19785/46

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied in part. Union Carbide admits that it marketed Calidria for certain applications with examples of formulas for those applications.

REQUEST 109: Union Carbide Corporation did not prepare "Technical Service Reports" to customers recommending the formulas for production of the customers products.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 108.

REQUEST 110: Union Carbide Corporation pushed an average of twenty-five tons of ore to the side of the road every year during its hauling operations from its mine to its processing center in King City, California.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

Denied.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 47 of 52 asbestosclaims.law/library/19785/47

REQUEST 111: Union Carbide Corporation did not push an average of twenty-five tons of ore to the side of the road every year during its hauling operations from its mine to its processing center in King City, California.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

REQUEST 112: Dust containing asbestos can be in excess of five million particles per cubic foot and not be visible in the absence of special lighting or instruments.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad. vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence and seeks an expert opinion.

REQUEST 113: Dust containing asbestos in excess of five million particles per cubic foot will be visible in the absence of special lighting or instruments.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence and seeks an expert opinion.

REQUEST 114: Ian Sayers wrote a report for Union Carbide entitled "Asbestos as a Health Hazard in the United States."

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 48 of 52 asbestosclaims.law/library/19785/48

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

REQUEST 115: Ian Sayers did not write a report for Union Carbide entitled "Asbestos as a Health Hazard in the United States."

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

REQUEST 116: In his report, "Asbestos as a Health Hazard in the United States," Ian Sayers reported that the five million particles per cubic foot exposure limit for asbestos was an arbitrary choice, and had no experimental foundation.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 49 of 52 **asbestosclaims.law/library/19785/49**

REQUEST 117: In his report, "Asbestos as a Health Hazard in the United States," Ian Sayers did not report that the five million particles per cubic foot exposure limit for asbestos was an arbitrary choice, and had no experimental foundation.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 118: Union Carbide Corporation mislead purchasers of its asbestos as to the level of its toxicity.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

REQUEST 119: Union Carbide Corporation did not mislead purchasers of its asbestos as to the level of its toxicity.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 50 of 52 asbestosclaims.law/library/19785/50

REQUEST 120: The warning provided on bags of Calidria asbestos, if any, was inadequate.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

REQUEST 121: The warning provided on bags of Calidria asbestos, if any, was adequate.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

REQUEST 122: Union Carbide Corporation was negligent in the manner in which it marketed its asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 51 of 52 **asbestosclaims.law/library/19785/51**

REQUEST 123: Union Carbide Corporation was not negligent in the manner in which it marketed its asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

REQUEST 124: Union Carbide Corporation acted with malice in the manner in which it marketed its asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied.

REQUEST 125: Union Carbide Corporation did not act with malice in the manner in which it marketed its asbestos.

RESPONSE:

See General Objections Nos. 1, 2, 4 and 5. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted.

Union Carbide trial exhibit UC-5334: Union Carbide Corporation's Responses to Plaintiff's Requests for Admission... Published by AsbestosClaims.Law
ACL Doc 19785 · Page 52 of 52 **asbestosclaims.law/library/19785/52**