PLAINTIFF'S EXHIBIT

UC-5434

NO. 02-02436-C

LONNIE HUBERT VON RAEDER and LINDA GAIL VON RAEDER,	§	IN THE DISTRICT COURT
Plaintiffs,	§	
VS.	§	DALLAS COUNTY, TEXAS
CROWN CORK AND SEAL COMPANY, INC. (successor to MUNDET CORK COMPANY); et al,	§	
Defendants.	§	68TH JUDICIAL DISTRICT

UNION CARBIDE'S OBJECTIONS AND RESPONSES TO PLAINTIFFS' REQUESTS FOR ADMISSION (SET NO. 1)

TO: Plaintiffs, Lonnie Hubert Von Raeder and Linda Gail Von Raeder, by and through their attorneys of record, Scott Frost, Baron & Budd, P.C., The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW, Defendant Union Carbide Corporation ("Union Carbide"), and makes and serves this, its Responses and Objections to Plaintiffs Lonnie Hubert Von Raeder and Linda Gail Von Raeder's Request for Admissions.

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Respectfully submitted,

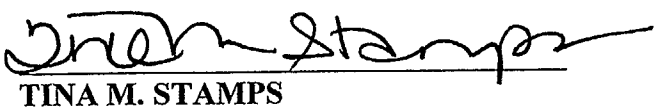
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ATTORNEYS FOR DEFENDANT
UNION CARBIDE CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been forwarded to counsel for Plaintiffs by Certified Mail, Return Receipt Requested and all other counsel of record by facsimile on this 2nd day of December, 2002.


TINA M. STAMPS

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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 Responses 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 Plaintiffs' 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 these Requests for Admissions as phrased. In addition, Union Carbide objects to this set of Requests for Admissions to the extent that they seek the production of information not relevant to any matter at issue in this litigation.

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GENERAL OBJECTION NO. 3:

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

GENERAL OBJECTION NO. 4:

Union Carbide acquired mineral rights to its Coalinga mine in 1958. From 1958 until late 1963 Union Carbide developed its mining and milling processes. From August, 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).

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.

GENERAL OBJECTION NO. 6:

Union Carbide objects to this entire set of Requests for Admissions to the extent that they seek information contained in documents that are available to Plaintiff's counsel in the document repository maintained by Union Carbide's counsel. The burden of determining the responses to these Requests for Admissions is equally as demanding on Plaintiff counsel as it is on Union Carbide. The burden on Union Carbide is enhanced because many of the events and circumstances that appear to be at issue took place approximately 40 years ago. With the passage of time, complete records may no longer exist, memories have faded and to go back and attempt to recreate history presents often times an insurmountable challenge and an undue burden.

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GENERAL OBJECTION NO. 7:

Union Carbide objects to this entire set of Request for Admissions to the extent they call for speculation and information equally available to plaintiffs in that information about suppliers of raw asbestos used by other manufacturers is best known by those manufacturers, rather than Union Carbide. As such, plaintiffs' Request for Admissions are better directed to those manufacturers.

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REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Admit that Union Carbide Corporation mined raw asbestos.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

Admitted. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos which Union Carbide extracted from an asbestos ore deposit in New Idria, California which was discovered in 1957. The mining was performed by a small number of sub-contractors and was carried out every other year during the period May to October. The ore deposit was mined by conventional open pit methods. The chrysotile asbestos that was mined in New Idria every other year during the period May to October was stored until processed at Union Carbide's asbestos plant located in King City, California. From 1963 to 1985, Union Carbide marketed and sold Calidria asbestos fiber to various third party manufacturers or distributors who incorporated and used Calidria in their products or production processes.

REQUEST FOR ADMISSION NO. 2:

Admit that Union Carbide Corporation mined raw asbestos from 1963 to 1985.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR ADMISSION NO. 3:

Admit that Union Carbide Corporation mined raw asbestos from a mine near King City, California.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR ADMISSION NO. 4:

Admit that Union Carbide Corporation mined raw asbestos from the New Idria asbestos deposit in California.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR ADMISSION NO. 5:

Admit that Union Carbide Corporation sold raw asbestos between 1964 and 1985.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR ADMISSION NO. 6:

Admit that Union Carbide Corporation sold raw asbestos mined near King City, California, between 1964 and 1985.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR ADMISSION NO. 7:

Admit that Union Carbide Corporation formed Calidria Corporation.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

Admitted.

REQUEST FOR ADMISSION NO. 8:

Admit that Union Carbide Corporation owned Calidria Corporation.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

Admitted.

REQUEST FOR ADMISSION NO. 9:

Admit that Union Carbide Corporation through Calidria Corporation published a material safety data sheet that stated overexposure to chrysotile asbestos has caused damage to lungs (asbestosis), lung cancer, and mesothelioma of the pleura and peritoneum.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it vague and ambiguous as to time. Union Carbide further objects to the extent that the document speaks for itself. Subject to its objections, Union Carbide responds as follows:

Admitted that in 1984 Union Carbide published a Material Safety Data Sheet containing the quoted language. The requirement that employers develop Material Safety Data Sheets ("MSDS") for hazardous chemicals that they produce or import is contained in 29 C.F.R. sec. 1910.1200, entitled "Hazard Communication." Section 1910.1200(g) specifies the required contents of each MSDS, and in addition to requiring that basic information about the chemical be given (i.e., its name and chemical formula, etc.), it requires that the employer disclose the "health hazards of the hazardous chemical." 29 C.F.R. sec. 1910.1200(g)(2)(iv).

In 1984, the year in which the last MSDS was written for Calidria asbestos before its sale to KCAC, the criteria for determination that a health hazard is presented by a given chemical was set forth in 29 C.F.R. sec. 1910.1200(d)(2) (1984). That section states: "Chemical manufacturers, importers or employers evaluating chemicals shall identify and consider the available scientific evidence concerning such hazards. For health hazards, evidence which is statistically significant *and which is based on at least one positive study conducted in*

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accordance with established scientific principles is considered to be sufficient to establish a hazardous effect." (emphasis added). Thus, if even one scientifically valid study out there in 1984 concluded that chrysotile asbestos could cause mesothelioma, Union Carbide was complying with the regulations by including mesothelioma as a "health hazard" of exposure to asbestos.

Nevertheless, there is no scientific basis to conclude that Calidria (as distinct from other types of asbestos, including Canadian Chrysotile and Crocidolite) caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is, however, scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

REQUEST FOR ADMISSION NO. 10:

Admit that Calidria asbestos is chrysotile asbestos.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

Admitted that Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos which Union Carbide extracted from an asbestos ore body in New Idria, California.

REQUEST FOR ADMISSION NO. 11:

Admit that Union Carbide Corporation mined asbestos from the New Idria serpentine deposit.

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RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR ADMISSION NO. 12:

Admit that a concentration of dust at or below 5 million particles per cubic foot of air is not visible to the naked eye.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "naked eye." Union Carbide further objects on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Admitted that five million particles per cubic foot of dust containing asbestos is generally not visible to the ordinary person in the absence of special lighting or instruments.

REQUEST FOR ADMISSION NO. 13:

Admit that Union Carbide Corporation informed its asbestos customers that concentrations of dust at or below 5 million particles per cubic foot of air is generally not visible in the average work area unless a beam of light causing a Tyndall effect is present.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Union Carbide further

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objects to the extent that Plaintiff is paraphrasing from an unidentified document, which speaks for itself. Subject to its objections, Union Carbide responds as follows:

Admitted.

REQUEST FOR ADMISSION NO. 14:

Admit that the Tyndall effect is generally accepted in the scientific community.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous, overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects on the grounds that it asks Union Carbide to render an expert medical or scientific opinion.

REQUEST FOR ADMISSION NO. 15:

Admit that Union Carbide Corporation provided formulas to various joint compound manufacturers for the use of Union Carbide Corporation's asbestos in joint compounds.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "use," overly broad, potentially misleading, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied as worded.

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REQUEST FOR ADMISSION NO. 16:

Admit that Union Carbide Corporation provided formulas to Kelly-Moore Paint Company for the use of Union Carbide Corporation's asbestos in joint compounds.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "use," overly broad, potentially misleading, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied as worded.

REQUEST FOR ADMISSION NO. 17:

Admit that Union Carbide Corporation provided formulas to Georgia-Pacific Corporation for the use of Union Carbide Corporation's asbestos in joint compounds.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "use," overly broad, potentially misleading, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied as worded.

REQUEST FOR ADMISSION NO. 18:

Admit that Union Carbide Corporation provided formulas to United States Gypsum Company for the use of Union Carbide Corporation's asbestos in joint compounds.

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RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "use," overly broad, potentially misleading, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied as worded.

REQUEST FOR ADMISSION NO. 19:

Admit that Union Carbide Corporation provided formulas to National Gypsum Company for the use of Union Carbide Corporation's asbestos in joint compounds.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "use," overly broad, potentially misleading, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied as worded.

REQUEST FOR ADMISSION NO. 20:

Admit that Union Carbide Corporation provided formulas to Proko Industries, Inc., for the use of Union Carbide Corporation's asbestos in joint compounds.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "use," overly broad,

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potentially misleading, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied as worded.

REQUEST FOR ADMISSION NO. 21:

Admit that Union Carbide Corporation provided formulas to Kaiser Gypsum Company, Inc., for the use of Union Carbide Corporation's asbestos in joint compounds.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "use," overly broad, potentially misleading, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied as worded.

REQUEST FOR ADMISSION NO. 22:

Admit that Union Carbide Corporation provided formulas to Flintkote for the use of Union Carbide Corporation's asbestos in joint compounds.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "use," overly broad, potentially misleading, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied as worded.

REQUEST FOR ADMISSION NO. 23:

Admit that Union Carbide Corporation was aware that asbestos could cause asbestosis prior to mining asbestos near King City, California.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the terms "aware" and "prior." Subject to its objections, Union Carbide responds as follows:

Admitted in part and denied in part. As referenced in the Asbestos Toxicology Report prepared by Union Carbide in 1964, the potential association between long-term exposure to some types of asbestos and certain diseases had been known for many years. The Calidria asbestos mined and sold by Union Carbide from the Coalinga ore deposit is a unique short-fiber chrysotile uncontaminated by tremolite asbestos. Tremolite is a form of amphibole asbestos that can contaminate chrysotile ore from certain locations and has also been recognized as a contaminant of some vermiculite and talc deposits. There is no scientific basis today to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma or any other diseases caused by other types of asbestos.

Despite the unique nature of the Calidria fiber, which did not pose the health risks that might be created by asbestos from other deposits, Union Carbide adopted a conservative approach regarding its Calidria asbestos, by assuming that Calidria was as potentially hazardous, if safe practices were not observed, as other Chrysotile asbestos. Union Carbide advised its customers, many of whom had years of experience in handling asbestos and other minerals and

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chemicals, of the health effects and precautions applicable to asbestos fibers throughout the entire time that it mined and sold asbestos.

REQUEST FOR ADMISSION N0.24:

Admit that Union Carbide Corporation was aware that asbestos could cause lung cancer prior to mining asbestos near King City, California.

RESPONSE:

See Union Carbide's Response to Request for Admission No. 23, including all objections set forth therein.

REQUEST FOR ADMISSION NO. 25:

Admit that Union Carbide Corporation was aware that asbestos could cause mesothelioma prior to mining asbestos near King City, California.

RESPONSE:

See Union Carbide's Response to Request for Admission No. 23, including all objections set forth therein.

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE:

See General Objections Nos. 1-7. 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 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 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).

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad. Subject to its objections, Union Carbide responds as follows:

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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. 26.

REQUEST FOR ADMISSION NO. 28:

Admit that Union Carbide Corporation sold asbestos for use in joint compounds.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad and vague and ambiguous as to the term "use." 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."

REQUEST FOR ADMISSION NO. 29:

Admit that 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.

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RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Interrogatory 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 FOR ADMISSION NO. 30:

Admit that asbestos, or asbestos-containing products, sold or distributed by manufactures or miners other than Union Carbide Corporation contributed to Lonnie Hubert Von Raeder's mesothelioma.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide also objects on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Union Carbide admits that some types of asbestos other than its asbestos Calidria fiber can cause some types of mesothelioma. Union Carbide denies that Calidria asbestos fiber caused or contributed to Lonnie Hubert Von Raeder's mesothelioma.

REQUEST FOR ADMISSION NO. 31:

Admit that asbestos, or asbestos-containing products, mined, milled, or distributed by Union Carbide Corporation contributed to Lonnie Hubert Von Raeder's mesothelioma.

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RESPONSE:

See General Objections Nos. 1-7. 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. There is no scientific basis today to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma or any other diseases caused by other types of asbestos.

REQUEST FOR ADMISSION NO. 32:

Admit that smoking cigarettes whose filters do not contain asbestos has no causative affect in development of mesothelioma.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad. 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:

As worded, Union Carbide is unable to admit or deny this Request.

REQUEST FOR ADMISSION NO. 33:

Admit that smoking cigarettes whose filters do not contain asbestos contributes to the development of mesothelioma.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad 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:

As worded, Union Carbide is unable to admit or deny this Request.

REQUEST FOR ADMISSION NO. 34:

Admit that a contributing cause in Lonnie Hubert Von Raeder's death was mesothelioma.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied.

REQUEST FOR ADMISSION NO. 35:

Admit that asbestos can cause peritoneal mesothelioma.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide also objects on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad. Subject to its objections, Union Carbide responds as follows:

Admitted that under certain conditions some types of asbestos fibers other than Calidria

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asbestos fiber can cause peritoneal mesothelioma under certain conditions. Union Carbide denies that Calidria asbestos fiber has caused or contributed to peritoneal mesothelioma.

REQUEST FOR ADMISSION NO. 36:

Admit that asbestos can cause pleural mesothelioma.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide also objects on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad. Subject to its objections, Union Carbide responds as follows:

Admitted that under certain conditions some types of asbestos fibers other than Calidria asbestos fiber can cause pleural mesothelioma under certain conditions. Union Carbide denies that Calidria asbestos fiber has caused or contributed to pleural mesothelioma.

REQUEST FOR ADMISSION NO. 37:

Admit that asbestos can cause asbestosis.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide also objects on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad. Subject to its objections, Union Carbide responds as follows:

Admitted that under certain conditions some types of asbestos fibers other than Calidria asbestos fiber can cause asbestosis under certain conditions. Union Carbide denies that Calidria

asbestos fiber has caused or contributed to asbestosis.

REQUEST FOR ADMISSION NO. 38:

Admit that 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. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Admitted that five million particles per cubic foot of dust containing asbestos is generally not visible to the ordinary user in the absence of special lighting or instruments.

REQUEST FOR ADMISSION NO. 39:

Admit that 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. 1-7. 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. Subject to its objections, Union Carbide responds as follows:

Admitted that Union Carbide sold Calidria asbestos fiber to various third party manufacturers from 1963 to 1985. During this period, the joint compound market contained many different kinds of competitive products, some of which did not contain asbestos. Calidria

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is a short-fiber chrysotile uncontaminated by tremolite asbestos, which Union Carbide extracted from an asbestos ore body in New Idria, California. Calidria was marketed and sold by Union Carbide or by Calidria distributors to manufacturers or producers who incorporated and used Calidria in their products or production processes. Union Carbide had no involvement in the manufacture of those products, had no control over the nature of the products in which the fiber was used, and had no authority over the manufacturers' use of the product. Nevertheless, Union Carbide consistently provided its customers with health and safety information regarding the health effects of asbestos so that, among other things, this information could be passed along to the third party manufacturers' customers.

REQUEST FOR ADMISSION NO. 40:

Admit that 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. 1-7. 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; 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 FOR ADMISSION NO. 41:

Admit that Union Carbide Corporation was a founding member of the Asbestos Information Association.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "founding" and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Denied. Admitted that Union Carbide was a member of the Asbestos Information Association /North America.

REQUEST FOR ADMISSION NO. 42:

Admit that Union Carbide Corporation was a founding member of the Industrial Hygiene Foundation.

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RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "founding" and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

After reasonable inquiry, Union Carbide is lacks sufficient information to admit or deny this Request as stated. Admitted that Union Carbide was a member of the Industrial Hygiene Foundation.

REQUEST FOR ADMISSION NO. 43:

.Admit that Union Carbide Corporation was an early member of the Asbestos Information Association.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "early" 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 of the Asbestos Information Association.

REQUEST FOR ADMISSION NO. 44:

Admit that Union Carbide Corporation was an early member of the Industrial Hygiene Foundation.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "early" 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 of the Industrial Hygiene Foundation.

REQUEST FOR ADMISSION NO. 45:

Admit that Union Carbide Corporation was a member of the Industrial Hygiene Foundation continuously from 1939 until December 1981.

RESPONSE:

See General Objections Nos. 1-7. 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:

After reasonable inquiry, Union Carbide lacks sufficient information to admit or deny this Request as stated.

REQUEST FOR ADMISSION NO. 46:

Admit that Union Carbide Corporation's representatives served on the Board of Directors of the Asbestos Information Association.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to time, overly broad and not

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

Admitted in part and denied in part. Admitted that Union Carbide representatives did serve as members of the Board during certain limited time periods.

REQUEST FOR ADMISSION NO. 47:

Admit that Union Carbide Corporation's employees served on a committee or committees of the Asbestos Information Association.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to time, overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted in part and denied in part. Union Carbide employees served on such committees at certain times.

REQUEST FOR ADMISSION NO. 48:

Admit that the Asbestos Information Association membership included companies that mined asbestos or that manufactured or sold asbestos-containing products.

RESPONSE:

See General Objections Nos. 1-7. 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 to the extent that Union Carbide was a member.

REQUEST FOR ADMISSION NO. 49:

Admit that 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. 1-7. 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 conducted air testing during sanding of joint compounds and found the results were within the relevant TLV requirements.

REQUEST FOR ADMISSION NO. 50:

.Admit that 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. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous, 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 FOR ADMISSION NO. 51:

Admit that by 1974, Union Carbide Corporation was aware that Dr. Irving Selikoff advised removing asbestos from joint compounds.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague and ambiguous as to the term "advised" and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted in part and denied in part. Some employees of Union Carbide had knowledge of a study of 59 Tapers of Local Union 1974, Drywall Tapers and Pointers of Greater New York conducted by Mount Sinai Hospital, under the direction of Dr. Irving Selikoff in 1974.

REQUEST FOR ADMISSION NO. 52:

Admit that Union Carbide Corporation continued to sell asbestos for use in joint compounds after 1974.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the terms "use" and "after," 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 FOR ADMISSION NO. 53:

Admit that 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. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague and ambiguous as to the term "advised," and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to the extent that Plaintiff is paraphrasing from an unidentified document, which speaks for itself. Subject to its objections, Union Carbide responds as follows:

Admitted.

REQUEST FOR ADMISSION NO. 54:

Admit that Union Carbide Corporation sold asbestos to the Georgia-Pacific Corporation that was used to manufacture Georgia-Pacific products in Lufkin, Texas.

RESPONSE:

See General Objections Nos. 1-7. 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:

Upon information and belief, 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.

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REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

See General Objections Nos. 1-7. 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 worded.

REQUEST FOR ADMISSION NO. 56:

Admit that Union Carbide Corporation marketed its asbestos for use in facial tissue.

RESPONSE:

See General Objections Nos. 1-7. 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 worded.

REQUEST FOR ADMISSION NO. 57:

Admit that Union Carbide Corporation was a manufacturer of asbestos-containing products as well as miner of raw asbestos fiber.

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RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad. 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.

Admitted that Union Carbide was a miner of raw asbestos fiber. Calidria consisted of a short-fiber chrysotile uncontaminated by tremolite asbestos which Union Carbide mined at or near King City, California.

REQUEST FOR ADMISSION NO. 58:

Admit that in 1957, Union Carbide Corporation believed that the Coalinga asbestos deposit was the largest single mineral deposit in the world.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide also objects to the extent Plaintiff is paraphrasing from an unidentified document. Subject to its objections, Union Carbide responds as follows:

After reasonable inquiry, Union Carbide is unable to admit or deny this Request.

REQUEST FOR ADMISSION NO. 59:

Admit that 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. 1-7. 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. Subject to its objections, Union Carbide responds as follows:

Union Carbide admits that it engaged in research and development efforts after discovering the Coalinga ore deposit in New Idria, California.

REQUEST FOR ADMISSION NO. 60:

Admit that 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. 1-7. Union Carbide objects on the grounds that it is vague and ambiguous as to the phrase "generally considered less harmful." 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 the extent Plaintiff is paraphrasing from an unidentified document. Subject to its objections, Union Carbide responds as follows:

After reasonable inquiry, Union Carbide is unable to admit or deny this Request.

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REQUEST FOR ADMISSION NO. 61:

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

RESPONSE:

See General Objections Nos. 1-7. Union Carbide also objects to the extent Plaintiff is quoting from an unidentified document. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad. Subject to its objections, Union Carbide responds as follows:

After reasonable inquiry, Union Carbide is unable to admit or deny this Request.

REQUEST FOR ADMISSION NO. 62:

Admit that in 1976, the "construction industry" was not exempt from the OSHA regulations.

RESPONSE:

See General Objections Nos. 1-7. 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 FOR ADMISSION NO. 63:

Admit that 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.

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RESPONSE:

See General Objections Nos. 1-7. Union Carbide also objects to the extent Plaintiff is paraphrasing from an unidentified document. 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. Subject to its objections, Union Carbide responds as follows:

After reasonable inquiry, Union Carbide is unable to admit or deny this Request.

REQUEST FOR ADMISSION NO. 64:

Admit that Union Carbide Corporation's asbestos is not "safer" than Canadian chrysotile asbestos.

RESPONSE:

See General Objections Nos. 1-7. 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 this Request for Admission on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos. Tremolite is a form of amphibole asbestos that can contaminate chrysotile ore from certain locations and has also been recognized as a contaminant of some vermiculite and talc deposits. There is no scientific basis today to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos

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associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma or any other diseases caused by other types of asbestos.

REQUEST FOR ADMISSION NO. 65:

Admit that Union Carbide Corporation's asbestos is "safer" than Canadian chrysotile asbestos.

RESPONSE:

See General Objections Nos. 1-7. 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 this Request for Admission on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Admitted. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos. Tremolite is a form of amphibole asbestos that can contaminate chrysotile ore from certain locations and has also been recognized as a contaminant of some vermiculite and talc deposits. There is no scientific basis today to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma or any other diseases caused by other types of asbestos.

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REQUEST FOR ADMISSION NO. 66:

Admit that Union Carbide Corporation's asbestos was not a "safer" alternative to chrysotile asbestos mined in places other than Coalinga, California.

RESPONSE:

Denied. See Union Carbide's Response to Request to Admit No. 64, including all objections stated therein.

REQUEST FOR ADMISSION NO. 67:

Admit that 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 chrysotile asbestos mined in Canada.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide also objects to the extent Plaintiff is paraphrasing from an unidentified document. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague and ambiguous. Subject to its objections, Union Carbide responds as follows:

Denied as worded. Plaintiff appears to be attempting to paraphrase and take out of context the results of the Mellon Studies, which speak for themselves.

REQUEST FOR ADMISSION NO. 68:

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

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RESPONSE:

See General Objections Nos. 1-7. Union Carbide also objects to the extent Plaintiff is quoting from an unidentified document. 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. Subject to its objections, Union Carbide responds as follows:

After reasonable inquiry, Union Carbide is unable to admit or deny this Request as worded.

REQUEST FOR ADMISSION NO. 69:

Admit that 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 it would be if each of the substances was used by itself.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide also objects on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Union Carbide further objects on the grounds that this Request is vague and ambiguous as to time. Subject to its objections, Union Carbide responds as follows:

After reasonable inquiry, Union Carbide is unable to admit or deny the Request, and would refer Plaintiff to the applicable standards in place during the time period to which the question is directed.

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REQUEST FOR ADMISSION NO. 70:

Admit that since the short-fiber asbestos market could not be used in many conventional asbestos markets, Union Carbide Corporation dedicated resources to developing new applications for its asbestos.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects that the Request is vague and ambiguous. Subject to its objections, Union Carbide responds as follows:

Admitted that Calidria fiber had unique properties and could not be used in many applications. Union Carbide admits that it engaged in research and development efforts pertaining to Calidria fiber.

REQUEST FOR ADMISSION NO. 71:

Admit that by 1977, Union Carbide Corporation predicted it would represent seventy percent of the asbestos used in tape joint compounds.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to the extent Plaintiff is paraphrasing from an unidentified document. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague and ambiguous as to the time period at issue. Subject to its objections, Union Carbide responds as follows:

Admitted that Union Carbide's "Asbestos 5-year Plan (1978-82)" which was prepared in October of 1977, predicted that by 1982 Union Carbide Calidria asbestos would represent seventy-percent of the asbestos used in joint compounds.

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REQUEST FOR ADMISSION NO. 72:

Admit that by 1976, Union Carbide Corporation represented forty-six percent of the asbestos used in the asbestos-containing tape joint compound markets.

RESPONSE:

See General Objections Nos. 1-7. 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:

After reasonable inquiry, Union Carbide is unable to admit or deny this Request.

REQUEST FOR ADMISSION NO. 73:

Admit that by 1980, asbestos sales by Union Carbide Corporation were at an all-time record high.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide also objects to the extent Plaintiff is paraphrasing from an unidentified document. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous. Union Carbide refers Plaintiff to its sales records.

REQUEST FOR ADMISSION NO. 74:

Admit that 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.

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RESPONSE:

See General Objections Nos. 1-7. Union Carbide also objects to the extent Plaintiff is paraphrasing from an unidentified document. Union Carbide further objects to this Request for Admission on the grounds that it is confusing and misleading, vague and ambiguous.

REQUEST FOR ADMISSION NO. 75:

Admit that 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. 1-7. Union Carbide also objects to the extent Plaintiff is paraphrasing from an unidentified document. 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. Subject to its objections, Union Carbide responds as follows:

Denied as worded.

REQUEST FOR ADMISSION NO. 76:

Admit that Union Carbide Corporation prepared "Technical Service Reports" to customers recommending the formulas for production of the customers' products.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR ADMISSION NO. 77:

Admit that 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. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Union Carbide admits that dust containing asbestos in excess of five million particles per cubic foot, under some circumstances, may be invisible to the ordinary user in the absence of special lighting or instruments.

REQUEST FOR ADMISSION NO. 78:

Admit that 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. 1-7. 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.

See Union Carbide's Response to Request to Admit No. 77.

REQUEST FOR ADMISSION NO. 79:

Admit that Ian Sayers wrote a report for Union Carbide Corporation entitled "Asbestos as a Health Hazard in the United States."

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

Denied.

REQUEST FOR ADMISSION NO. 80:

Admit that 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. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague, ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to the extent that Plaintiff appears to be attempting to paraphrase a document, which speaks for itself.

Subject to its objections, Union Carbide responds as follows:

Denied.

REQUEST FOR ADMISSION NO. 81:

Admit that Union Carbide Corporation mislead purchasers of its asbestos as to the level of its toxicity.

RESPONSE:

See General Objections Nos. 1-7. 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 FOR ADMISSION NO. 82:

Admit that Union Carbide Corporation's asbestos is not one hundred percent pure chrysotile asbestos.

RESPONSE:

See General Objections Nos. 1-7. 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's Calidria fiber is a pure chrysotile asbestos fiber as mined. Different non-asbestos chemical treatments may have been applied to the raw fiber during the milling process.

REQUEST FOR ADMISSION NO. 83:

Admit that Union Carbide Corporation's Calidria asbestos is not one hundred percent pure chrysotile asbestos.

RESPONSE:

See Union Carbide's Response to Request for Admission No. 82, including all objections

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stated therein.

REQUEST FOR ADMISSION NO. 84:

Admit that the average size of the Union Carbide Corporation's Calidria asbestos is five microns.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request to the extent if seeks Union Carbide to render a scientific and/or expert opinion.

REQUEST FOR ADMISSION NO. 85:

Admit that, from September 1970 to May 1977, all joint compounds manufactured by Georgia-Pacific Corporation contained raw asbestos fiber supplied by Union Carbide Corporation.

RESPONSE:

See General Objections Nos. 1-7. 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 FOR ADMISSION NO. 86:

Admit that the chemical formula for chrysotile asbestos is $Mg_3 Si_2 O_5 (OH)_4$.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as

follows:

Denied as stated. Calidria's chemical composition is $Mg_6(OH)_8Si_4O_{10}$.

REQUEST FOR ADMISSION NO. 87:

Admit that the chemical formula for Union Carbide Corporation's chrysotile asbestos is $Mg_3\ Si_2\ O_5\ (OH)_4$.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

Denied as stated. See Union Carbide's Response to Request for Admission No. 86.

REQUEST FOR ADMISSION NO. 88:

Admit that one of the trade names of the raw asbestos fiber that Union Carbide Corporation sold between 1964 and 1985 was known as "Calidria."

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Admitted. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos which Union Carbide extracted from an asbestos ore body in New Idria, California. Union Carbide acquired mineral rights to its Coalinga mine in 1958. From 1958 until late 1963 Union Carbide developed its mining and milling processes. From August, 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).

REQUEST FOR ADMISSION NO. 89

Admit that the raw asbestos fiber Union Carbide Corporation sold between 1964 and 1985 was referred to by Union Carbide Corporation as a short fiber Chrysotile.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous. Subject to its objections, Union Carbide responds as follows:

Denied as worded.

REQUEST FOR ADMISSION NO. 90:

Admit that Union Carbide Corporation represented to Union Carbide Corporation raw asbestos fiber customers that Union Carbide Corporation's raw asbestos fiber was safer than other forms of asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections Union Carbide responds as follows:

Denied. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos. Union Carbide adopted a conservative approach regarding its Calidria asbestos, by assuming and then disclosing to customers that Calidria was as potentially

hazardous, if safe practices were not observed, as other Chrysotile asbestos. These disclosures, made by Union Carbide, were based upon medical information known at the time. Subsequent scientific knowledge has shown that Union Carbide's Calidria asbestos has not caused or contributed to any asbestos associated disease or condition in humans. There is no scientific basis to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

Despite the unique nature of the Calidria fiber, which did not pose the health risks that might be created by asbestos from other deposits, Union Carbide advised its customers, many of whom had years of experience in handling asbestos and other minerals and chemicals, of the health effects and precautions applicable to asbestos fibers throughout the time that it mined and sold asbestos. Health and safety information was shared in a number of different ways including, distribution by mail and in person, through customer mailings, meetings, seminars and sales calls where asbestos toxicology was frequently discussed. Union Carbide's technical sales representatives were knowledgeable about the health effects of asbestos, regulatory requirements governing asbestos, and safe handling methods. Union Carbide shared that information with customers in writing and in face to face meetings. Union Carbide typically sold asbestos in bags which carried a warning label beginning in 1968, four years before the Federal OSHA standards were promulgated to require a warning. In 1972, when after months of extensive hearings OSHA mandated specific language for inclusion on the warning label, Union Carbide followed the regulation and modified the warning label on asbestos bags to include the language required by OSHA.

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In addition, Union Carbide provided to its customers starting in around 1972, at Union Carbide's expense, free air monitoring of asbestos dust levels. The results of the air monitoring tests were provided to customers so that customers would be aware of how much asbestos dust, if any, was being generated and would be able to take whatever steps might be necessary to maintain dust levels within limits set by government agencies or to reduce dust levels if necessary. This provided Union Carbide with the opportunity to discuss asbestos health issues and safety precautions with its customer's personnel.

Union Carbide prepared booklets and other written information for its customers containing information related to specific applications. These written materials contained specific information on asbestos health hazard and safety issues, regulatory requirements, air monitoring results and other pertinent items. Union Carbide also made available to its customers a variety of pamphlets, statements, articles, material safety data sheets, and other literature addressing asbestos health effects and safety precautions. Union Carbide also prepared information for presentations to technical society meetings or any group who was interested in the health effects and safe handling of asbestos. Union Carbide published articles on asbestos health and safety issues in various publications, including the Trade Press, that was subscribed to by customers using asbestos.

In addition to the health and safety information provided by Union Carbide, information regarding the health effects of asbestos and precautions applicable to certain asbestos fibers was publicly available from a variety of sources including, for example, medical pronouncements and publications, government regulations, media reporting, union publications, public health information, and public statements of asbestos manufacturers.

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REQUEST FOR ADMISSION NO. 91:

Admit that Union Carbide Corporation represented to Georgia-Pacific Corporation that Union Carbide Corporation's raw asbestos fiber was safer then other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 92:

Admit that Union Carbide Corporation advised Georgia-Pacific Corporation that Union Carbide Corporation's raw asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 93:

Admit that Union Carbide Corporation represented to United States Gypsum Company that Union Carbide Corporation's asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 94:

Admit that Union Carbide Corporation represented to Proko Industries that Union Carbide Corporation's raw asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 95:

Admit that Union Carbide Corporation advised Proko Industries that Union Carbide Corporation's raw asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 96:

Admit that Union Carbide Corporation represented to National Gypsum Company that Union Carbide Corporation's raw asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

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Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 97:

Admit that Union Carbide Corporation advised National Gypsum Company that Union Carbide Corporation's raw asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 98:

Admit that Union Carbide Corporation represented to Kelly-Moore Paint Company, Inc., that Union Carbide Corporation's raw asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 99:

Admit that Union Carbide Corporation advised Kelly-Moore Paint Company, Inc., that Union Carbide Corporation's raw asbestos fiber was safer than other forms of raw asbestos fiber.

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RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 100:

Admit that Union Carbide Corporation represented to The Flintkote Company that Union Carbide Corporation's raw asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 101:

Admit that Union Carbide Corporation advised The Flintkote Company that Union Carbide Corporation's raw asbestos fiber was safer than other forms of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 102:

Admit that Union Carbide Corporation represented to Certainteed Corporation that Union Carbide Corporation's raw asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 103:

Admit that Union Carbide Corporation advised Certainteed Corporation that Union Carbide Corporation's raw asbestos fiber was safer than other forms of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 104:

Admit that Union Carbide Corporation represented to GAF Corporation that Union Carbide Corporation's raw asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

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REQUEST FOR ADMISSION NO. 105:

Admit that Union Carbide Corporation advised GAF Corporation that Union Carbide Corporation's raw asbestos fiber was safer than other forms of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 106:

Admit that Union Carbide Corporation represented to Armstrong World Industries, Inc., that Union Carbide Corporation's raw asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 107:

Admit that Union Carbide Corporation advised Armstrong World Industries, Inc., that Union Carbide Corporation's raw asbestos fiber was safer than other forms of raw asbestos fiber.

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RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 108:

Admit that Union Carbide Corporation represented to Kaiser Gypsum Company, Inc., that Union Carbide Corporation's raw asbestos fiber was safer than other types of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 109:

Admit that Union Carbide Corporation advised Kaiser Gypsum Company, Inc., that Union Carbide Corporation's raw asbestos fiber was safer than other forms of raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request for Admission No. 90.

REQUEST FOR ADMISSION NO. 110:

Admit that Union Carbide Corporation received a copy of the 1966 study by the Chemical Hygiene Fellowship of Mellon Institute which addressed the potential of Union Carbide Corporation raw asbestos fiber to cause fibrosis.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Admitted in part and denied in part. Union Carbide received a copy of a 1966 Mellon Institute Special Report, prepared by the Chemical Division, Union Carbide Corporation Industrial Fellowship, entitled "The Fibrogenic Potential of Asbestos Products via Intraperitoneal Injection in Guinea Pigs, Rats, and Rabbits and by the Intratracheal Route in the Rat." The study addressed a study of samples of CTS-100 asbestos fiber, CMS-100 asbestos fiber, and JM-3K asbestos fiber. Denied that this animal injection study demonstrates that Calidria is capable of causing disease in humans, since the injection methods used in this study bypassed or overloaded the lung's natural defense mechanisms.

REQUEST FOR ADMISSION NO. 111:

Admit that Union Carbide Corporation received the 1966 study by the Chemical Hygiene Fellowship of Mellon Institute which addressed the potential of Union Carbide Corporation raw asbestos fiber to cause fibrosis in 1966.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Admitted in part and denied in part. Union Carbide received a copy of a 1966 Mellon Institute Special Report, prepared by the Chemical Division, Union Carbide Corporation Industrial Fellowship, entitled "The Fibrogenic Potential of Asbestos Products via Intraperitoneal Injection in Guinea Pigs, Rats, and Rabbits and by the Intratracheal Route in the Rat." The study addressed a study of samples of CTS-100 asbestos fiber, CMS-100 asbestos fiber, and JM-3K asbestos fiber. Denied that this animal injection study demonstrates that Calidria is capable of causing disease in humans, since the injection methods used in this study bypassed or overloaded the lung's natural defense mechanisms.

REQUEST FOR ADMISSION NO. 112:

Admit that Union Carbide Corporation received a copy of the 1966 study by the Chemical Hygiene Fellowship of Mellon Institute regarding the potential of Union Carbide Corporation raw asbestos fiber to cause fibrosis before Union Carbide Corporation ceased selling raw asbestos fiber.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Admitted in part and denied in part. Union Carbide received a copy of a 1966 Mellon Institute Special Report, prepared by the Chemical Division, Union Carbide Corporation Industrial Fellowship, entitled "The Fibrogenic Potential of Asbestos Products via Intraperitoneal Injection in Guinea Pigs, Rats, and Rabbits and by the Intratracheal Route in the Rat." The study addressed a study of samples of CTS-100 asbestos fiber, CMS-100 asbestos fiber, and JM-3K asbestos fiber. Denied that this animal injection study demonstrates that Calidria is capable of

causing disease in humans, since the injection methods used in this study bypassed or overloaded the lung's natural defense mechanisms.

REQUEST FOR ADMISSION NO. 113:

Admit that Union Carbide Corporation commissioned the 1966 study by the Chemical Hygiene Fellowship of Mellon Institute.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Admitted to the extent that Union Carbide's Chemical and Plastics Operations Division asked that a study be conducted. The result of Union Carbide's request was a 1971 Mellon Institute Report, prepared by the Chemical Hygiene Fellowship, entitled "Calidria Asbestos-Resin Grade RG 244 Tracheal Insufflation of Rat Lungs with Interpretation of Pathology after 30, 60, 90 and 180 Days." Particularly in light of evidence now available this animal injection study cannot demonstrate that Calidria is capable of causing disease in humans, since the injection methods used in this study bypassed or overloaded the lung's natural defense mechanisms.

REQUEST FOR ADMISSION NO. 114:

Admit that, between 1964 and 1985, Union Carbide Corporation performed animal testing studies on the raw asbestos fiber that Union Carbide Corporation sold.

RESPONSE:

See Union Carbide's response to Request to Admit No. 113, including all objections

stated therein.

REQUEST FOR ADMISSION NO. 115:

Admit that Union Carbide Corporation, between 1964 and 1985, learned through animal testing studies that the raw asbestos fiber had an equal or greater potential to cause fibrosis than other forms of raw asbestos fiber than commercially available.

RESPONSE:

See General Objection Nos. 1 - 7. Union Carbide also objects to the extent Plaintiff is paraphrasing from an unidentified document. Plaintiff appears to be attempting to paraphrase and take out of context the results of the Mellon Studies, which speak for themselves. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague and ambiguous. Subject to its objections, Union Carbide responds as follows:

Denied, except to the extent that Union Carbide received a copy of a 1966 Mellon Institute Special Report, prepared by the Chemical Division, Union Carbide Corporation Industrial Fellowship, entitled "The Fibrogenic Potential of Asbestos Products via Intraperitoneal Injection in Guinea Pigs, Rats, and Rabbits and by the Intratracheal Route in the Rat." Union Carbide also received a copy of a 1971 Mellon Institute Report, prepared by the Chemical Hygiene Fellowship, entitled "Calidria Asbestos-Resin Grade RG 244 Tracheal Insufflation of Rat Lungs with Interpretation of Pathology after 30, 60, 90 and 180 Days." Particularly in light of evidence now available these animal injection studies cannot demonstrate that Calidria is capable of causing disease in humans, since the injection methods used in this study bypassed or overloaded the lung's natural defense mechanisms.

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REQUEST FOR ADMISSION NO. 116:

Admit that, between 1964 and 1985, Union Carbide Corporation learned that the raw asbestos fiber Union Carbide Corporation sold was an equal or more potent carcinogen than other forms of raw asbestos fiber than commercially-available.

RESPONSE:

See General Objection Nos. 1 - 7. Union Carbide also objects to the extent Plaintiff is paraphrasing from an unidentified document. Plaintiff appears to be attempting to paraphrase and take out of context the results of the Mellon Studies, which speak for themselves. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague and ambiguous. Subject to its objections, Union Carbide responds as follows:

Denied, except to the extent that Union Carbide received a copy of a 1966 Mellon Institute Special Report, prepared by the Chemical Division, Union Carbide Corporation Industrial Fellowship, entitled "The Fibrogenic Potential of Asbestos Products via Intraperitoneal Injection in Guinea Pigs, Rats, and Rabbits and by the Intratracheal Route in the Rat." Union Carbide also received a copy of a 1971 Mellon Institute Report, prepared by the Chemical Hygiene Fellowship, entitled "Calidria Asbestos-Resin Grade RG 244 Tracheal Insufflation of Rat Lungs with Interpretation of Pathology after 30, 60, 90 and 180 Days." These studies dealt with the fibrogenic potential of asbestos, and had nothing to do with carcinogenicity.

REQUEST FOR ADMISSION NO. 117:

Admit that despite receiving the results of animal testing on Union Carbide Corporation raw asbestos fiber, Union Carbide Corporation continued to supply raw asbestos fiber until 1985.

RESPONSE:

See General Objection Nos. 1 - 7. Subject to its objections, Union Carbide responds as follows:

Admitted that Union Carbide continued to sell its Calidria asbestos fiber until 1985.

REQUEST FOR ADMISSION NO. 118:

Admit that Union Carbide Corporation's Calidria was mined from a deposit which consisted of a unique norm of chrysotile.

RESPONSE:

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

Admitted. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos. There is no scientific basis to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

REQUEST FOR ADMISSION NO. 119:

Admit that Union Carbide Corporation believes that as a result of Union Carbide Corporation Calidria's unique properties, Calidria could not pose the dangers which might be created by asbestos from other asbestos deposits.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request on the grounds that it is vague and ambiguous as to the term "dangers." Subject to its objections, Union Carbide responds as follows:

Admitted. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos. There is no scientific basis to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

REQUEST FOR ADMISSION NO. 120:

Admit that Union Carbide Corporation informed its customers of Calidria's unique properties.

RESPONSE:

See Union Carbide's response to Request to Admit No. 90, including all objections stated therein.

REQUEST FOR ADMISSION NO. 121:

Admit that Union Carbide Corporation informed its customers of Calidria's unique properties and Union Carbide Corporation's belief that Calidria could not pose the dangers which might be created by asbestos from other asbestos deposits.

RESPONSE:

Denied. See Union Carbide's Response to Request for Admission No. 90, including all objections set forth therein.

REQUEST FOR ADMISSION NO. 122:

Admit that the New Idria, California asbestos deposit contains tremolite.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad. Subject to its objections, Union Carbide responds as follows:

Denied in that Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos, which Union Carbide mined from the Coalinga ore deposit in New Idria, California. There is no scientific basis to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

REQUEST FOR ADMISSION NO. 123:

Admit that Union Carbide Corporation believes that due to Calidria's unique properties, Calidria is innocuous.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague and ambiguous as to the term

"innocuous" and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 124:

Admit that Union Carbide Corporation believes that due to Calidria's unique properties, Calidria is safe.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is overly broad, vague and ambiguous as to the term "safe," and 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 Request to Admit Nos. 118 and 119.

REQUEST FOR ADMISSION NO. 125:

Admit that exposure to Calidria in levels higher than 5 million particles per cubic foot can cause asbestosis.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request to Admit No. 119.

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REQUEST FOR ADMISSION NO. 126:

Admit that exposure to Calidria in levels higher than 5 million particles per cubic foot can cause cancer.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request to Admit No. 119.

REQUEST FOR ADMISSION NO. 127:

Admit that exposure to Calidria in levels higher than 5 million particles per cubic foot can cause lung cancer.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request to Admit No. 119.

REQUEST FOR ADMISSION NO. 128:

Admit that exposure to Calidria in levels higher than 5 million particles per cubic foot can cause mesothelioma.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request on the

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grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. See Union Carbide's Response to Request to Admit No. 119.

REQUEST FOR ADMISSION NO. 129:

Admit that exposure to Calidria can cause asbestosis.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos. There is no scientific basis to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

REQUEST FOR ADMISSION NO. 130:

Admit that exposure to Calidria can cause lung cancer.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos. There is no scientific basis to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

REQUEST FOR ADMISSION NO. 131:

Admit that exposure to Calidria can cause mesothelioma.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos. There is no scientific basis to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

REQUEST FOR ADMISSION NO. 132:

Admit that excessive exposure to Calidria can cause asbestosis.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "excessive." Union Carbide further objects to this Request on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos. There is no scientific basis to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

REQUEST FOR ADMISSION NO. 133:

Admit that excessive exposure to Calidria can cause lung cancer.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "excessive." Union Carbide further objects to this Request on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by

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tremolite asbestos. There is no scientific basis to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

REQUEST FOR ADMISSION NO. 134:

Admit that excessive exposure to Calidria can cause mesothelioma.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the term "excessive." Union Carbide further objects to this Request on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos. There is no scientific basis to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

REQUEST FOR ADMISSION NO. 135:

Admit that excessive exposure to Calidria can be adverse to a person's health.

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RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is vague and ambiguous as to the terms "excessive" and "adverse." Union Carbide further objects to this Request on the grounds that it asks Union Carbide to render an expert medical or scientific opinion. Subject to its objections, Union Carbide responds as follows:

Denied. The asbestos mined by Union Carbide from the Coalinga ore deposit in New Idria, California is referred to as Calidria. Calidria is a short-fiber chrysotile uncontaminated by tremolite asbestos. There is no scientific basis to conclude that Calidria caused or contributed to the causation of mesothelioma, lung cancer, asbestosis, pleural plaques, or any alleged asbestos associated disease or condition in humans. There is scientific evidence which demonstrates that Calidria asbestos does not cause mesothelioma.

REQUEST FOR ADMISSION NO. 136:

Admit that Union Carbide Corporation was required by Federal law to provide material safety data sheets beginning in 1972.

RESPONSE:

See General Objections Nos. 1-7. Union Carbide further objects to this Request for Admission on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to the extent that the information sought in this Request is in the public sector and equally available to Plaintiff.

Union Carbide trial exhibit UC-5434: Union Carbide's Objections and Responses to Plaintiffs' Requests for Admissi... Published by AsbestosClaims.Law
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REQUEST FOR ADMISSION NO. 137:

Admit that Union Carbide Corporation first shrink-wrapped its product at a customer's request.

RESPONSE:

See General Objections Nos. 1-7. 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:

After reasonable inquiry, Union Carbide is unable to admit or deny this Request.

REQUEST FOR ADMISSION NO. 138:

Admit that prior to the customer's request for shrink wrapping, Union Carbide Corporation did not shrink wrap its Calidria asbestos.

RESPONSE:

See General Objections Nos. 1-7. 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:

After reasonable inquiry, Union Carbide is unable to admit or deny this Request.

DEC.03.02*067793

J. CARLISLE DEHAY, JR.
(1922 - 1991)

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December 2, 2002

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Dallas, Texas 75219-4281

Re: Cause No. 02-02436-C; *Lonnie Hubert Von Raeder, et al. vs. Crown Cork and Seal Company, Inc., et al*; 68th Judicial District, Dallas County, Texas

CERTIFICATE OF WRITTEN DISCOVERY

Dear Scott:

Enclosed please find Defendant Union Carbide Corporation's Objections and Responses to Plaintiffs' Requests for Admission (Set No. 1) in reference to the above-styled and numbered cause.

Pursuant to TEXAS RULES OF CIVIL PROCEDURE 191.4 regarding the filing of discovery, only this letter is being filed with the Court. By copy of this letter, notice is being served upon all other known counsel of record via regular mail. Copies of the enclosed will be forwarded to all other counsel of record pursuant to their request for same.

Very truly yours,

Tina M. Stamps

TMS/jam
encl.

cc: Dallas County District Clerk - *Via Hand Delivery*
All Known Counsel of Record - *Via Facsimile*

U:\JAM\TINA\VONRAEDE\CERTDISC.WPD