UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA, Plaintiff, v. NL INDUSTRIES, INC., et al., Defendants, and CITY OF GRANITE CITY, ILLINOIS, LAFAYETTE H. HOCHULI, and DANIEL M. McDOWELL, Intervenor-Defendants.	)	C.A. No. 91-CV578-JLF

ALLIED-SIGNAL'S OBJECTIONS AND ANSWERS TO
UNITED STATES' SUPERSEDING INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Allied-Signal Inc. (Allied-Signal"), by and through its attorneys, Pretzel & Stouffer, Chartered, objects and answers the United States' Superseding Interrogatories and Request for Production of Documents to Defendants as follows:

OBJECTIONS TO PLAINTIFF'S
DEFINITIONS AND INSTRUCTIONS

Allied-Signal objects to the following General Instructions contained in the United States' First Set Of Interlocking Requests for Admission, Interrogatories, and Requests for Production

EPA Region 5 Records Ctr.
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of Documents to Generator Defendants, which are incorporated by reference in the United States' Superseding Interrogatories and Request for Production of documents to Defendants. The paragraph numbers used below correspond to those used in Plaintiff's Instructions.

A., C. Allied-Signal objects to the requirement that Allied-Signal obtain information beyond that which is in Allied-Signal's possession, custody or control.

F. Allied-Signal objects to the description of these interrogatories and production requests as "continuing" and the requirement of further and supplemental responses to the extent the Instruction imposes requirements beyond Rule 26(e) of the Federal Rules of Civil Procedure.

O. Allied-Signal objects to any requirement that it give an "estimate" of figures or dates.

OBJECTIONS TO PLAINTIFF'S DEFINITIONS

Allied-Signal objects to the following definitions contained in the United States' First Set Of Interlocking Requests for Admission, Interrogatories, and Requests for Production of Documents to Generator Defendants, which are incorporated by reference in the United States' Superseding Interrogatories and Request for Production of documents to Defendants. The number(s) preceding the following paragraphs correspond to specifically enumerated Definitions contained in Plaintiff's Definitions.

F., PP. Allied-Signal objects to the definitions of "document", and "you" to the extent the definitions include information protected by the attorney-client privilege, the work product doctrine, or other applicable privileges, and to the extent they include information prepared in

anticipation of litigation or trial preparation. Allied-Signal further objects to these definitions to the extent they include information or documentation not relevant to the issues of this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTIONS

Allied-Signal hereby incorporates each of the following General Objections into each response. These General Objections are a part of the response to each and every Interrogatory and are set forth here to avoid the duplication of restating each objection in each response. The General Objections may be specifically referred to in a response to certain Interrogatories for the purpose of clarity. However, the failure to specifically incorporate a General Objection should not be construed as a waiver of the General Objections.

1. Response Time. The United States claims that all answers to its Requests for Admission are due in 10 days. Rules 33 and 34 of the Federal Rules of Civil Procedure provide for 30 days. At the February 25, 1992 Status Conference, the Defendants agreed to answer previously propounded discovery relevant to Phase I as identified in the Case Management Order within 10 days. Allied-Signal objects to the foreshortened response period to the extent that the United States' superseding discovery requests contain questions which are not identical to the United States' previously propounded discovery requests.

2. Privileges. Allied-Signal objects to the Interrogatories and Requests for Production of Documents to the extent that they call for disclosure of information protected by the attorney-client privilege, work-product, or other applicable privileges, and will not disclose such information.

3. Relevance. Allied-Signal objects to the Interrogatories and Requests for Production of Documents to the extent that they seek information or documentation not relevant to the issues raised in this lawsuit and are not reasonably calculated to lead to the discovery of relevant and admissible information or documents. Nothing herein shall be construed as an admission by this Defendant respecting the admissibility or relevance of any fact or document, or as an admission of the truth or accuracy of any characterization description or definition contained in the Plaintiff's Interrogatories.

4. Information Within Plaintiff's Possession. Allied-Signal objects to the Interrogatories and Requests for Production of Documents as unduly burdensome and oppressive insofar as they seek information already in Plaintiff's knowledge, possession, and/or control.

5. Premature. Allied-Signal objects to the Interrogatories as being unduly burdensome and speculative to the extent that they request Allied-Signal to exhaustively state the facts supporting their present contentions and speculate as to their future contentions prior to the completion of discovery. Allied-Signal's search for documents and its investigation are ongoing. Allied-Signal reserves its right to rely on any facts, documents or other evidence which may develop or may come to its attention at a later date.

6. Information Not In Allied-Signal's Control. Allied-Signal objects to the Interrogatories to the extent it is asked to speculate about or provide information not in its possession, custody or control.

ANSWERS TO INTERROGATORIES

1. Explain in detail the circumstances surrounding your knowledge that U.S. EPA issued its proposed plan for the Site on January 10, 1990, including the date when you first learned that the proposed plan for the Site would be issued by U.S. EPA on January 10, 1990, the date when you first learned that the proposed plan for the Site was issued by U.S. EPA, and identify all persons who knew of the above dates.

Answer: Allied-Signal incorporates by reference its General Objections. Without waiving these objections, Allied-Signal further objects to this Interrogatory to the extent that the Interrogatory seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege. Allied-Signal further objects to the use of the undefined term "proposed plan" in the Interrogatory. Without waiving its objections, Allied-Signal states that it had no knowledge, prior to the issuance of the Record of Decision for the Site, that U.S. EPA would issue or, in fact, issued its proposed plan for the Site on January 10, 1990. Further answering, Allied-Signal states that U.S. EPA advised at a meeting on December 18, 1989 that U.S. EPA planned to issue the proposed plan for the Site on January 3, 1990.

2. Explain in detail the circumstances surrounding your receipt of U.S. EPA's proposed plan for the Site, including, the date when your first received a copy of the proposed plan for the Site, and identify all persons who delivered a copy of the proposed plan to you and all persons who received a copy of the proposed plan for you for the Site on that date.

Answer: Allied-Signal incorporates by reference its General Objections. Without waiving these objections, Allied-Signal further objects to this Interrogatory to the extent that the Interrogatory seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege. Allied-Signal further objects to the use of the undefined term "proposed plan" in the Interrogatory. Without waiving its objections, Allied-Signal states that

it did not receive a copy of U.S. EPA's proposed plan for the Site at any time prior to the issuance of the Record of Decision for the Site.

3. Identify each person whom you plan to call as a fact witness at trial on Phase I issues, and as to each state the subject matter of his or her testimony and the factual basis for that testimony.

Answer: Allied-Signal incorporates by reference its General Objections. Without waiving these objections, Allied-Signal further objects to this Interrogatory to the extent that the Interrogatory seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege. Allied-Signal further objects to the Interrogatory to the extent it is inappropriate under applicable local rules. Without waiving its objections, Allied-Signal states that it reserves its right to name its trial witnesses in the Pre-trial Order for this litigation which will be prepared in accordance with applicable local rules.

4. Identify all meetings you attended and/or were invited to attend with U.S. EPA or any other PRP or defendant in this case concerning the Site through March 30, 1990, including the dates, places, times, subject matter and persons attending those meetings.

Answer: Allied-Signal incorporates by reference its General Objections. Without waiving these objections, Allied-Signal further objects to this Interrogatory to the extent that the Interrogatory seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege. Without waiving its objections, Allied-Signal states that Heleen Schiller attended a December 18, 1989 meeting in Chicago, Illinois, concerning the Site at which representatives of U.S. EPA were present and that Mark Kamilow attended a March 9, 1990 meeting in Chicago, Illinois, concerning the Site at which representatives of U.S. EPA were present.

5. Identify all documents you copied, received or reviewed before March 30, 1990 from the documents maintained in the local Site files at the Granite City Library, the files at Region V, U.S. EPA, or any other document contained in the Administrative Record for the Site from any PRP or defendant, including the dates when those documents were copied, received or reviewed and from where.

Answer: Allied-Signal incorporates by reference its General Objections. Without waiving these objections, Allied-Signal further objects to this Interrogatory to the extent that the Interrogatory seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege and because it is vague and overly broad. Allied-Signal further objects to the use of the undefined terms "local Site files", and "the files at Region V, U.S. EPA". Without waiving its objections, Allied-Signal states that it copied, received or reviewed no such documents before March 30, 1990.

6. Do you contend that the remedy selected by U.S. EPA for the Site, and embodied in the ROD, is arbitrary and capricious or otherwise not in accordance with law. If so, state each and every fact or other item of information relating to or supporting your contention and cite with specificity all portions of the Administrative Record, the NCP, and any other law that supports your contention.

Answer: Allied-Signal incorporates by reference its General Objections. Further, Allied-Signal objects to this Interrogatory because it is premature and speculative in that it requests Allied-Signal to exhaustively state the facts supporting its present contentions and speculate as to its future contentions prior to the completion of discovery on said issues. Consequently, a good faith response cannot be made to this Interrogatory at this stage of the litigation. Allied-Signal reserves its right to rely on any facts, documents or other evidence which may develop or may come to its attention at a later date. Allied-Signal also objects to this Interrogatory to the extent it seeks information or documentation protected by the attorney-client

privilege, work product doctrine, or other applicable privilege. Allied-Signal further objects to this interrogatory to the extent it seeks a conclusion of law to be determined by the Court. Without waiving its objections, Allied-Signal refers Plaintiff to the Answer and Affirmative Defenses filed by Allied-Signal in this litigation.

7. Do you contend that the Administrative Record is incomplete or does not support the ROD? If so, state each and every fact or other item of information relating to or supporting your contention, and identify specifically each portion of the Administrative Record that is incomplete or does not support the remedy and identify all documents or facts that you contend should be included in the Administrative Record.

Answer: Allied-Signal incorporates by reference its General Objections. Further, Allied-Signal objects to this Interrogatory because it is premature and speculative in that it requests Allied-Signal to exhaustively state the facts supporting its present contentions and speculate as to its future contentions prior to the completion of discovery on said issues. Consequently, a good faith response cannot be made to this Interrogatory at this stage of the litigation. Allied-Signal reserves its right to rely on any facts, documents or other evidence which may develop or may come to its attention at a later date. Allied-Signal also objects to this Interrogatory to the extent it seeks information or documentation protected by the attorney-client privilege, work product doctrine, or other applicable privilege. Allied-Signal further objects to this interrogatory to the extent it seeks a conclusion of law to be determined by the Court. Without waiving its objections, Allied-Signal refers Plaintiff to the Answer and Affirmative Defenses filed by Allied-Signal in this litigation.

RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce all documents not in the Administrative Record identified in, referred to, or used in any way in responding to the foregoing Interrogatories and Requests for Admission.

Response: Allied-Signal incorporates by reference its General Objections. Without waiving these objections, Allied-Signal further objects to this Interrogatory to the extent that the Interrogatory seeks information protected by the attorney-client privilege, work product doctrine or other applicable privilege. Without waiving its objections, Allied-Signal states that it will produce relevant non-privileged, non-confidential and otherwise non-objectionable responsive documents for inspection and copying within the time allowed by Rule 34 of the Federal Rules of Civil Procedure, at a time and place to be agreed upon by counsel.

Submitted this 13th day of April, 1992.

ALLIED-SIGNAL INC.

By: Karen L. Douglas
One of its attorneys

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