

22. All documents relating in any way to the sale of the Site from USX to Southwestern Portland Cement Company and to the negotiations concerning the sale of the Site.

Response: Any such documents under the possession and control of Southdown shall be produced.

23. All documents relating to the value of the Site or A Tract Quarry at or about the time of the sale of the Site from USX to Southwestern Portland Cement Company.

Response: Any such documents under the possession and control of Southdown shall be produced.

24. All documents relating to any valuation or appraisal **of the** A Tract Quarry.

Response: Any such documents under the possession and control of Southdown shall be produced.

25. All documents relating to any study, report or cost assessment Southdown has prepared or caused to be prepared with respect to remedial measures at the A Tract Quarry.

Response: Any such documents under the possession and control of Southdown shall be produced.

26. All documents relating to any environmental or health-related permits, licenses or variances Southdown has acquired or attempted to acquire in connection with the A Tract Quarry.

Response: Any such documents under the possession and control of Southdown shall be produced.

27. All documents relating to Southdown's efforts to acquire a NPDES permit, including but not limited to communications with Ohio EPA or any other federal, state or local agency.

Response: Any such documents under the possession and control of Southdown shall be produced.

28. All documents identifying persons who may have knowledge of Southdown's efforts to acquire a NPDES permit.

Response: Any such documents under the possession and control of Southdown shall be produced.

29. All documents related to any lawsuit in which Southdown is a party and in which the subject matter relates in any way to cement kiln dust disposal.

Response: Objection: This request seeks information which is neither admissible nor would it lead to the discovery of admissible evidence in the trial of this matter. Without waiving this objection, Southdown states that there are no lawsuits which fit this request, and accordingly, there are no documents responsive to this request.

30. All documents which are to be used as exhibits in the trial on this matter.

Response: At this time, Southdown has not determined which documents will be used as exhibits in the trial of this matter. This response will be supplemented at the time such determination is made and such documents will be produced.

31. All documents prepared or relied upon by any person identified as an expert witness on behalf of Southdown in this matter.

Response: At this time, Southdown has not identified what experts will be used as to the USX portion of the trial of this matter, let alone what documents have been prepared or relied upon by such expert(s). However, upon this information becoming available, this response will be supplemented and any such documents shall be produced.

32. All documents relating to property owned by Southdown from 1970 to 1980 upon which cement kilns were operated or cement kiln dust was produced or disposed of.

Response: Objection: This request seeks information which is neither admissible nor would it lead to the discovery of admissible evidence.

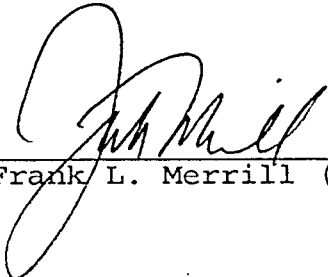
33. All documents relating to property acquisition at Southdown and any policies or procedures governing, or providing guidelines for, property acquisitions.

Response: Objection: This request is without any time limitation so that, for example, any such current policies or procedures, if different from those in effect in 1976, have no application to this case and are otherwise inadmissible nor would they lead to the discovery of admissible evidence. Nevertheless, without waiving the foregoing objection, if such documents exist which describe the policies or procedures governing or providing guidelines for property acquisitions that were in effect at the time the A Tract Quarry was acquired, such documents shall be produced, although, at this time, no such documents are known to exist.


34. All documents concerning communications to or from citizens, citizens groups, or area residents relating to the Site or the A Tract Quarry.

Response: Any such documents under the possession and control of Southdown shall be produced.

As to all objections.

  
\_\_\_\_\_  
Frank L. Merrill (0039381)

Respectfully submitted,

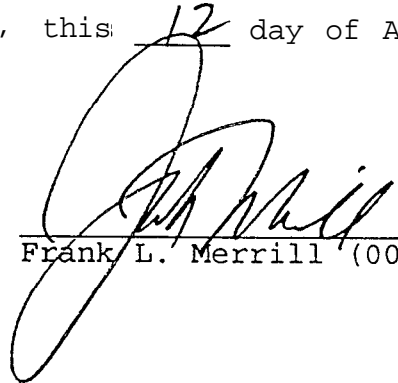
  
\_\_\_\_\_  
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OF COUNSEL:

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100 South Third Street  
Columbus, Ohio 43215  
(614) 227-2300

CERTIFICATE OF SERVICE

I do hereby certify that a true copy of the foregoing document was served, via regular U.S. Mail, upon C. Craig Woods, Esq., Trial Attorney for Defendant USX Corporation, Squire, Sanders & Dempsey, 1300 Huntington Center, 41 South High Street, Columbus, Ohio 43215; and Robert Shostak, Esq., Trial Attorney for Greene Environmental Coalition, this 12 day of August, 1994.



Frank L. Merrill (0039381)

AFFIDAVIT

The undersigned, being first duly cautioned and sworn, deposes and states that the foregoing answers to the interrogatories of USX Corporation are true and correct to the best of her knowledge.

*[Handwritten signature]*  
\_\_\_\_\_

*rh*

Sworn to before me and subscribed in my presence this I/ day of August, 1994.

*Linda F. Haraell*  
\_\_\_\_\_  
Notary Public

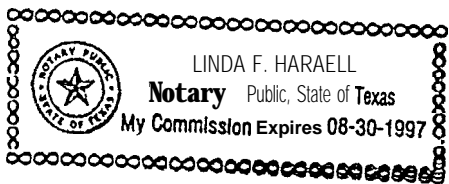


EXHIBIT A

The following individuals are identified in Southdown's responses to USX's First Set of Combined Interrogatories and Requests for Production of Documents. Pursuant to the instructions, information relating to (a) the person's full name; (b) present business address, or if unavailable, last known business address; (c) present home address (if applicable), or if unavailable, last known home address; and (d) job title (if applicable) is provided below in the requested order.

1.
  - a. Roger Turvey
  - b. Southwestern Portland Cement Company  
P. O. Box 191  
506 East Xenia Drive  
Fairborn, Ohio 45324
  - c. 1815 W. 2nd Street  
Xenia, Ohio 45385
  - d. Retired
  
2.
  - a. **Scott Lamb**
  - b. Southwestern Portland Cement Company  
P. O. Box 191  
506 East Xenia Drive  
Fairborn, Ohio 45324
  - c. Unknown
  - d. Quarry Group Leader
  
3.
  - a. Theodore E. Stute
  - b. Southwestern Portland Cement Company  
P. O. Box 191  
506 East Xenia Drive  
Fairborn, Ohio 45324
  - c. 3802 W. Eva Circle  
Springfield, Ohio 45504
  - d. Sales Manager
  
4.
  - a. James Turner
  - b. Southwestern Portland Cement Company  
P. O. Box 191  
506 East Xenia Drive  
Fairborn, Ohio 45324
  - c. 10791 Haddix Road  
Fairborn, Ohio 45324
  - d. Laborer

5.
  - a. Robert F. Bauer
  - b. Southwestern Portland Cement Company  
P. O. Box 191  
506 East Xenia Drive  
Fairborn, Ohio 45324
  - c. 1016 Grove Hill Drive  
Xenia, Ohio 45385
  - d. Retired
  
6.
  - a. William H. Strautman
  - b. Southwestern Portland Cement Company  
P. O. Box 191  
506 East Xenia Drive  
Fairborn, Ohio 45324
  - c. 478 Warm Springs Drive  
Fairborn, Ohio 45324
  - d. Retired
  
7.
  - a. Clifford Smith
  - b. Southwestern Portland Cement Company  
P. O. Box 191  
506 East Xenia Drive  
Fairborn, Ohio 45324
  - c. 2421 Banyon Street  
Dayton, Ohio 45431
  - d. Shipping Team Leader
  
8.
  - a. David Lower
  - b. Southwestern Portland Cement Company  
P. O. Box 191  
506 East Xenia Drive  
Fairborn, Ohio 45324
  - c. Fairborn, Ohio 45324
  - d. Unknown  
Divisional Vice President for Sales
  
9.
  - a.
  - b. William Glenn Lee  
Southwestern Portland Cement Company  
P. O. Box 191  
506 East Xenia Drive  
Fairborn, Ohio 45324
  - c. 1536 Greenwood Lane  
Leeds, AL 35094
  - d. Retired

10. a. William R. McCormick  
b. Riverside Cement Company  
660 N. Diamond Bar Blvd., Suite 100  
P. O. Box 4904  
c. Diamond Bar, CA 91765  
d. Unknown  
President
  
11. a. Alan Rowley  
b. Southwestern Portland Cement Company  
P. O. Box 191  
506 East Xenia Drive  
Fairborn, Ohio 45324  
c. Unknown  
d. Plant Manager
  
12. a. Bradley Phillips  
b. Giant Cement Co.  
P. O. Box 352  
Harleyville, SC 29448  
c. Unknown  
d. Unknown
  
13. a. Jerry Papania  
b. Southwestern Portland Cement Company  
P. O. Box 191  
506 East Xenia Drive  
Fairborn, Ohio 45324  
c. Unknown  
d. Unknown
  
14. a. L. Diane Schenke  
b. Brown McCarroll & Oaks Hartline  
1400 Franklin Plaza  
111 Congress Avenue  
Austin, Texas 78701  
c. Unknown  
d. Attorney
  
15. a. Ernest C. Neal  
b. 100 South Third Street  
Columbus, Ohio 43215  
c. Unknown  
d. Consultant