



e-mail, letter, memo or note or by any other means.

D-2. Date. "Date" means the exact date, month, and year, if ascertainable or if not, your best approximation thereof, including by reference to relationships to other events.

D-3. Document. "Document" refers to the originals and copies of every printed, written, recorded, filmed or graphic matter however produced or reproduced, including, but not limited to, records, communication, correspondence, e-mail, memoranda, diaries, computations, notes, reports, sales agreements, deeds, contracts, receipts, articles and accounts, photographs, recorded audio or video tapes, computer disks, cards, tapes, files, printouts or other computer or machine recordable records, electronic media and any other written or otherwise reproduced matter, whether published or unpublished. Different versions of the same document (e.g., copies of a printed document with differing handwritten notations or superseded drafts) are different documents within the meaning of that term as used herein.

D-4. Facility. Defendant's approximate 1,100 acre cement manufacturing facility, including its quarry located in Thomaston, Maine as described in its License issued by the Maine BEP on June 21, 2007, and its Site Location of Development Permits, and any related office, supply, or related adjunct offices, plants related to the operation of the Thomaston facility, whether elsewhere in Maine (as in the City of Portland) or in the United States or abroad.

D-5. Identify or Identification. To identify a document is to provide a description reasonably sufficient to identify it for a purpose of a request to produce or subpoena duces tecum; and is further to state (i) the date the document was prepared and the identification of the author of the document; (ii) the identification of the person, if any, who provided it to you, or means by which you acquired knowledge of its contents or obtained access to it; and (iii) when and how you first became aware of it.

To identify a communication is to provide (i) its full and complete substance; (ii) the identification of any documents involved in, relating to, or describing the communication; (iii) the identification of any person involved and the nature of their involvement; (iv) the date of the communication; and (v) the place of the communication.

To identify a natural person is to (i) state the person's full name; (ii) identify the person's employer; (iii) state the person's occupation, job description or title; and (iv) state the person's business and residence addresses or, if unknown, the last known business and residence addresses, and the person's telephone number.

D-6. Off-site. "Off-site" means within a mile of Defendant's approximate 1,100 acre physical cement-making plant and quarry in Thomaston.

D-7. Person. "Person" includes the singular and plural of natural persons, corporations, trusts, trustees, business trusts, partnerships, proprietorships, firms, joint ventures, unincorporated associations of persons of whatever composition or description; and any attorneys, agents, representatives, employees or other persons acting on behalf of such person.

D-8. You. "You" or "your" includes the Defendant to whom these interrogatories are directed, and any attorneys, agents, representatives, employees, or other persons acting on behalf of such Defendant. Dragon Products Company, LLC and its predecessor, Dragon Products Company, Inc., and its shareholders, members, owners, holders of beneficial interests and any corporation or other entity that owns, directly or indirectly, an interest in the Facility, meaning to include all directors, managers, officers, agents, employees, or other persons responsible in any degree for the control, or management of the Facility, Dragon Products LLC or its predecessor from November 1, 2004 to date, and as further described in Defendant Dragon Products Company, LLC's Corporate Disclosure Statement filed with the court on February 13, 2008, and

including the persons described in Defendant's Rule 26(a)(1) Initial Disclosures filed with the Court on April 30, 2008. Also including all corporations, limited liability companies, partnerships, limited partnerships, limited liability partnerships or other business entities which are affiliated with or in a group of affiliated business enterprises with Defendant, including any participants in Defendant's confidential or proprietary meetings held by or with regard to, whether in whole or part, the Facility, and whether the meetings are held in person, by telephone or electronically, and meaning and intending to include Giant Cement Company, Giant Cement Holding, Inc., Cementos Portland Valderrivas, S.A., Cementos Lemona, S.A., and Telsa S.A. Y Compania, SRC.

#### **INSTRUCTIONS**

In answering these requests, you are requested to furnish all information which is available to you including information in the possession of your attorneys, agents, investigators, representatives, employees, or anyone acting in cooperation or concert with them, including experts consulted or retained by you. Please include documentation which relates to and/or was referred to in your answers to Plaintiffs' Interrogatories Propounded on Defendant Dragon Products, LLC.

If you cannot answer any request in full after exercising due diligence to secure the information to do so, please so state and answer the request to the extent possible, specifying any inability to answer the remainder of any such request and stating what information and knowledge is presently available to you concerning the unanswered portion of said request.

Your attention is called to the duty imposed by Federal Rule of Civil Procedure 26(e) to supplement the responses to this Request with respect to information hereinafter acquired. This Request for Production of Documents should therefore be considered a continuing request for

supplementation of information up to and including the day of trial and any such additional reports, notes, or other writings whatever, from any source should be provided in a timely manner prior to trial without further request.

Photocopies of each of the requested materials may be mailed to the offices of Perkins Thompson, P.A. prior to the date set for their production.

### **DOCUMENTS REQUESTED**

1. All documents referred to or relating in any way to the Interrogatories propounded to you on this date.
2. All documents requested to be identified in your answers to Plaintiffs' Interrogatories.
3. All documents that you reviewed or consulted in preparing your answers to Plaintiffs' Interrogatories.
4. All documents or tangible things you or anyone acting in your behalf has prepared, obtained, had, or has in his possession concerning this Lawsuit or its subject matter.
5. All documents or tangible things provided to, prepared by or reviewed by any expert who may testify at the trial of this Lawsuit or whose opinions or reports form the basis for any opinion of any such testimonial expert in connection with this Lawsuit or its subject matter.
6. The curriculum vitae of any person that you intend to call as an expert to testify in connection with this Lawsuit, including the curriculum vitae of each expert whose opinions or impressions have been or will be reviewed or relied upon by any testifying expert.

7. All documents that pertain to communications between you and any other person or entity pertaining to you, Plaintiff or the allegations made in Plaintiffs' Complaint, and your Answer and Affirmative Defenses.
8. All documents pertaining to communications between you and anyone acting on your behalf, any government or investigative agency, or any other person or entity (other than privileged communications between you and your attorney), that pertain in anyway to this Lawsuit.
9. All documents you or anyone acting on your behalf sent to or received from any government or investigative agency, or any other person or entity (other than privileged communications between you and your attorney) that pertain in any way to this Lawsuit.
10. All documents pertaining to any other communications you have had with any party the employees, agents, and/or representatives, pertaining to this Lawsuit.
11. All policies of insurance, and documents regarding any insurance claims regarding your Facility, or claims made against you for which you sought legal defense pursuant to any such insurance policy.
12. Copies of all insurance policies and agreements under which any insurance business may be liable to satisfy part or all of the damages alleged in the Complaint, including the insurance declaration pages.
13. Any documents from the insurer(s), to whom the previous Request refers, pertaining to limits on the type of coverage or the amount of coverage available to you.

14. All documents pertaining to any claim made to, reimbursement, or other payments made by you, whether through insurer or any other person for injuries and/or damages, or other claims related to your Facility.
15. Written instructions, advice, inquiries, contracts, evaluations, estimates, opinions, plans, surveys, construction documents, and/or proposals which relate to any operation, damage or rectification of same due to your actions alleged in this Lawsuit or which relate to the prevention, rectification, mitigation, and/or alleviation of any of your actions and manufacturing practices.
16. All documents pertaining to what you responded with in your Answer, including without limitation, all documents that defend, prove, or disprove your defense.
17. If you have ever been a party to or received, orally or in writing, any other demand, claim, lawsuit, workers' compensation proceeding, or had any claim of damages, personal injury, occupational disease, or disability filed against you, please produce all documents pertaining to such claims, including but not limited to copies of the claims, the complaint, and disposition. Please list each such lawsuit or proceeding with the caption, forum, and date of filing.
18. All photographs, videotapes, audiotapes or other depictions, including electronic recordings and powerpoint presentations, of or relating to your facility and its equipment and operations, and any off-site location, including any of the foregoing relating to the allegations made in this Lawsuit.
19. All documents pertaining to your limestone Quarry.
20. All documents pertaining to your cement manufacturing process
21. All documents pertaining to your cement manufacturing plant.

22. All documents pertaining to your production, storage, or reuse of cement kiln dust, waste clinker.
23. All documents pertaining to vibrations caused by blasting at your facility.
24. All documents pertaining to noise generated by your operations.
25. All documents pertaining to monitoring of operations at your Facility.
26. All documents pertaining to EPA, U.S. Bureau of Mines, OSHA, DEP and/or BEP inspections and actions towards and regarding your facility.
27. All documents, video, and/or audio or other monitoring recordings pertaining to dust emissions, including particulate matter, blasting and ground vibrations, transportation of material, and video cameras set to record your operations.
28. All documents pertaining to any chemical analyses performed on or regarding the materials mined, transported, burned, or used in any way on your Facility.
29. All documentation indicating a presence or non-presence of silicon in the materials used on your Facility.
30. All documents or other means of data storage pertaining to any complaints made by Plaintiffs or other off-site persons regarding your Facility and its alleged off-site impacts.
31. All written fuel burn logs, or daily console logs, from 2004 to date, and all documents regarding any experiment with use of ammonia or other materials at the Facility and the nature and reason for the experiment, including all documents regarding the ammonia spill in 2005.
32. All documents relating to and the reasons for converting Dragon Products Company, Inc. to Dragon Products Company LLC, and all your financial records from 2004.

33. All risk assessment analyses as to any concerns, allegations made by off-site persons, including Plaintiffs, regarding potential or perceived damage to them caused by your facility and its operation.
34. All documents relating to the kiln, waste storage, limestone and the quarry operation, the CKD Pile, including records of deposit made into the CKD Pile, amounts removed from the CKD Pile, its location, dimensions, volume, the individual chemical constituents of the CKD, off-site fugitive dust from your Facility, from any source or point, records of the materials, fuels and amounts and composition thereof used in the operation of the cement kiln, and any research or studies you have performed, requested, or are in your possession regarding the constituents and/or properties of any materials mined, transported, used, burned or stored at your facility.
35. All documents relating to any tests, studies, investigations or analyses that you have conducted or have in your possession or control relating to any materials mined, transported, used, burned or stored at your facility.
36. All documents relating to noise and/or vibration from your blasting operations.
37. All documents relating to hazards posed by exposure of humans to CKD and other fugitive dust, and/or clinker, including any and all reports, communication, memoranda, notes or other documents of any kind.
38. All United States government files or documents, State of Maine files or documents, municipal files or documents, independent studies and consultant reports, and all other documents pertaining to the nature and constituents of CKD and/or clinker in

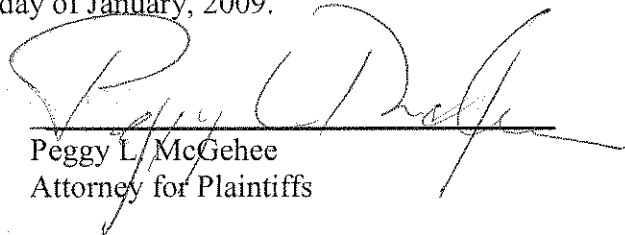
your possession or control, including but not limited to any cement making facility, including yours.

39. All policies, instructions, manuals, specifications, warnings, and other documents relating to handling of CKD and/or clinker, and exposure to lime, kiln, clinker or CKD or other dust, including dust at the Facility, and including, but not limited to, policies regarding employee safety, policies directing the placement and handling of or exposure to quarry, cement, CKD and/or clinker or other dust generated on the Facility, and policies regarding the containment of the dust.
40. Any and all documents regarding the release or escape of CKD and other fugitive dust to areas off-site of the Facility, including self-reporting, internal memoranda, corporate policies, and any and all communications.
41. All research, internal memoranda or other documents or communication regarding the effects of the blasting conducted at the Facility, including, but not limited to vibration or noise studies, monitoring protocol, and documents related to any possible or alleged off-site effects of blasting and other operations at or related to the Facility.
42. Any offers and all settlement agreements, wherein you have proposed to compensate, repair, clean or otherwise take action on behalf of any resident, business or other person or property in the Town of Thomaston, or arrived at a settlement or agreement between you and any other person, relating to allegations of off-site effects from equipment, conditions or operations at the Facility. This request includes, but is not limited to, any agreements to purchase real estate to settle actual or potential claims.
43. Any and all insurance policies which would cover the claims asserted against Dragon Products in this lawsuit.

44. All reports, correspondence, documents and written or oral findings relating in any way to any investigation, study, testing or expert review by any person or entity relating to noise, blasting, dust, or environmental contamination or emissions of any kind resulting from equipment, conditions or operations at the Facility.
45. All correspondence with any regulatory agency or its agents, including the Maine Department of Environmental Protection, ATSDR, OSHA, regarding the quarry, the CKD Pile, the Clinker Pile, the condition of the air quality in the on and off-site vicinity of the Facility.
46. Any and all documents that relate in any way to the claims, counterclaims or defenses asserted in this lawsuit.
47. Any and all documents relied upon in assembling documents or otherwise preparing responses to these Requests for Document Production.
48. Copies of all documents relating to any testing reports or other analysis that you have conducted, or have caused any third-party consultants to conduct, relating to noise, blasting, dust, clinker or other alleged environmental contamination or emissions of any kind resulting from equipment, conditions or operations at the Facility.
49. Copies of all data, reports, inquiries, complaints, claims, comments or other documents that you have delivered to or received from federal, state or local authorities or regulatory agencies, or their contractors, or from corporations, companies, shareholders, managers, suppliers, employees, or any individual relating to noise, blasting, dust, or environmental contamination or emissions of any kind resulting from equipment, conditions or operations at the Facility.

50. Copies of any documents, including confidentiality agreements, to and from any third-party consultants that you have retained with respect to environmental consultation, advice or testing of any kind.
51. All documents relating to the Clinker Pile, including records of deposit made into the Clinker Pile, amounts removed from the Clinker Pile, its location, dimensions, volume, the individual chemical constituents of the clinker, records of the particular fuels and amounts thereof used in the operation of the cement kiln, and any research or studies you have performed, requested, or are in your possession regarding the constituents and/or properties of the clinker.
52. All documents you intend to use as exhibits at trial.

Dated at Portland, Maine this 20th day of January, 2009.



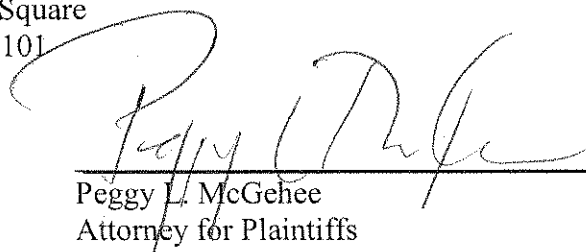
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 20, 2009, I served the foregoing Plaintiffs' Request for Production of Documents on Defendant's counsel by hand delivery as follows:

Peter W. Culley, Esq.  
Eric Wycoff, Esq.  
Pierce Atwood  
One Monument Square  
Portland ME, 04101



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