

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

IN RE: READY MIXED CONCRETE ANTITRUST LITIGATION <hr style="width: 100%;"/> THIS DOCUMENT RELATES TO: All Actions))))))	Master Docket No. 1:05-CV-00979-SEB-JMS
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**DEFENDANT CHRIS BEAVER’S OBJECTIONS
TO PLAINTIFF’S FIRST SET OF INTERROGATORIES**

Pursuant to Magistrate Jane Magnus-Stinson’s May 1, 2007 Order [Document # 325], defendant Chris Beaver hereby sets forth his objections to Plaintiffs’ First Set of Interrogatories to Defendant Chris Beaver as follows:

General Objections

1. Chris Beaver objects to each and every of Plaintiffs’ First Interrogatories to the extent that such interrogatories call for matters protected by attorney-client privilege, work product immunity or any other applicable privilege or immunity, including, without limitation, privileges, immunities or obligations of secrecy associated with Chris Beaver’s communications with federal or state law enforcement authorities and matters before the Grand Jury. In accordance with Fed.R.Civ.P. 26(b)(5), Chris Beaver will provide upon request a privilege log or other description of documents or communications subject to privilege or immunity within a reasonable time. Chris Beaver fully reserves and does not waive any applicable privileges and immunities and will act in accordance with all obligations of secrecy. This general objection is elaborated in specific objections to particular interrogatories below.

2. Chris Beaver objects that the totality of Plaintiffs' First Interrogatories are unduly burdensome and that such interrogatories, taken as a whole, impose burdens or expenses which outweigh their likely benefit and discovery should be limited accordingly pursuant to the principles of Fed.R.Civ.P. 26(b)(2). Specifically, though without limitation, Plaintiffs' First Interrogatories are overbroad and unduly burdensome to the extent that they seek answers beyond the temporal and geographic limitations imposed by the Court's August 18, 2006 Entry on Motion to Compel and Motion for Protective Order [Docket No. 201]. The provision of information beyond the temporal and geographic scope defined by the August 18, 2006 Entry would impose an undue burden and Plaintiffs' First Interrogatories are overbroad to that extent.¹

3. Chris Beaver objects to Plaintiffs' First Interrogatories to the extent that such interrogatories call for matters which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. First, the interrogatories call for irrelevant information to the extent that they exceed the temporal and geographic scope of discovery defined as relevant by the Court's August 18, 2006 Entry (*See* General Objection No. 2). Second, as more fully described in the specific objections below, plaintiffs' interrogatories relating to communications or meetings between or among the defendants and/or other manufacturers of ready-mixed concrete are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence to the extent that any such meetings or communications do not reflect or embody a conspiratorial agreement or

¹ The August 18, 2006 Entry stated, in relevant part: "The Magistrate Judge agrees with the defendants that the time period sought by the plaintiffs is too broad, at least without a specific showing by the plaintiffs' experts that the information from the additional years is relevant. However, it is only logical to expect that documents from a short time before and after the Class Period likely are relevant to what occurred during the Class Period, and therefore the Magistrate Judge will permit discovery from July 1, 1999, through May 31, 2005. As for the proper geographic scope, the Magistrate Judge finds that the plaintiffs have not demonstrated at this time that it is appropriate to expand discovery beyond the Central Indiana Area as defined in the Complaint." Entry, Docket No. 201, p. 2. Chris Beaver objects to Plaintiffs' unilateral definition of a "Central Indiana Area" as embracing ten counties is arbitrary and without factual basis. Thus, Chris Beaver's use of the term "Central Indiana Area" in responding to Plaintiffs' First Interrogatories does not connote agreement with that definition for any purpose.

agreements in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1, among the defendants. Accordingly, Chris Beaver objects to providing an account of any such communications or meetings beyond those reflecting consummated, unlawful agreements among the defendants in violation of Section 1.

4. Chris Beaver objects to Plaintiffs' First Interrogatories to the extent that the interrogatories purport to require disclosure of trade secrets or other confidential research, development or commercial information within the meaning of Fed.R.Civ.P. 26(c). Pursuant to the agreed Protective Order entered March 2, 2006 [Docket No. 132], Chris Beaver designates as confidential the specific matters set forth below in response to particular interrogatories.

5. Chris Beaver objects to each and every of Plaintiffs' First Interrogatories to the extent that answers would cause Chris Beaver to violate any existing protective orders, confidentiality agreements or license agreements, whether express or implied as a matter of custom and practice in the industry, and whether entered by courts or administrative agencies or with third parties.

6. Chris Beaver objects to each and every of Plaintiffs' First Interrogatories to the extent that they call for information reflecting or relating to any settlement communications, discussions or negotiations, including, without limitation, communications with federal or state law enforcement authorities, in that such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence under the Federal Rules of Evidence 408 and otherwise. Additionally, any communications with law enforcement authorities not reflected in published plea, amnesty or other agreements, or otherwise in the public domain, are subject to both statutory and common law privileges and obligations of secrecy. Included, without limitation, among such protected communications are matters occurring before the Grand Jury within the meaning of the Federal Rules of Criminal Procedure. Accordingly, such matters are not properly discoverable.

7. Chris Beaver objects to each and every of Plaintiffs' First Interrogatories to the extent that such interrogatories incorporate plaintiffs' purported "definitions" and "instructions" if and to the extent that such definitions and instructions purport to require the provision of information beyond that required by the Federal Rules of Civil Procedure and applicable case law. Chris Beaver will respond to Plaintiffs' First Interrogatories in accordance with the Federal Rules of Civil Procedure, and not pursuant to plaintiffs' definitions and instructions. Without limiting the generality of the foregoing, further specific objections to plaintiffs' definitions and instructions are set forth below.

8. Chris Beaver and his counsel continue diligently to pursue their investigation and analysis of the facts. Neither that investigation nor discovery in this case are complete. Therefore, plaintiffs' interrogatories are in some respects premature and these answers to interrogatories are being provided without prejudice to Chris Beaver's rights to add to, modify or otherwise change or amend his responses at a later time, prior to trial. Chris Beaver will supplement his answers to interrogatories in accordance with, and to the extent required by, the Federal Rules of Civil Procedure.

9. Inadvertent identification or production of privileged documents/information is not a waiver of any applicable privilege.

Specific Objections

Objections to Definitions and Instructions - Definitions

1. "Defendants" means Defendants in the above-captioned case, their predecessors, successors, subsidiaries, parents, branches, departments, divisions, or affiliates, including, without limitation, any organization or entity in which any Defendant has management or controlling interests, together with all present and former directors, officers, employees, agents, representatives,

or any persons acting or purporting to act on behalf of any Defendant.

RESPONSE: Chris Beaver incorporates by reference General Objections 1, 2, 3, and 7. Chris Beaver specifically objects to this definition to the extent that it refers to any person or entity other than Chris Beaver. Use of this definition would cause Chris Beaver's provision of information to exceed the temporal and geographic scope of discovery defined as relevant by the Court's August 18, 2006 Entry [Docket No. 201]. Accordingly, this definition is contrary to that Entry and calls for matters which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence to the extent that it refers to any person, entity or organization other than Chris Beaver. Chris Beaver additionally objects to this definition to the extent that it purports to require the provision of any information beyond the possession, custody or control of Chris Beaver. Specifically, without any limitation, Chris Beaver may not control "predecessors", "successors", "any organization or entity in which any defendant has management" interests or "present and former directors, officers, employees, agents, representatives or any person acting or purporting to act on behalf of any defendant."

2. "You" or "your" means Chris Beaver, including your representatives or any persons acting or purporting to act on your behalf.

RESPONSE: Chris Beaver incorporates by reference General Objections 1, 2, 3, and 7. Chris Beaver specifically objects to this definition to the extent that it refers to any person or entity other than Chris Beaver. Use of this definition would cause Chris Beaver's provision of information to exceed the temporal and geographic scope of discovery defined as relevant by the Court's August 18, 2006 Entry [Docket No. 201]. Accordingly, this definition is contrary to that Entry and calls for matters which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence to the extent that it refers to any person, entity or organization other than Chris Beaver.

Chris Beaver additionally objects to this definition to the extent that it purports to require the provision of any information beyond the possession, custody or control of Chris Beaver. Specifically, without any limitation, Chris Beaver may not control “representatives” or “persons acting or purporting to act” on his behalf.

3. “Person” means, without limitation, any natural person, corporation, partnership, proprietorship, joint venture, association, governmental entity (including, without limitation, any governmental agency or political sub-division of any government), any group, or any other form of public or private business or legal entity.

RESPONSE: Chris Beaver incorporates by reference General Objections 1, 2, 3, 4, 5, 6 and 7. Chris Beaver specifically objects to this definition to the extent that it purports to require the provision of information beyond that within Chris Beaver’s possession, custody or control. Moreover, to the extent that this definition purports to include governmental entities among relevant “persons” with whom communications have occurred, certain such communications are subject to applicable privileges, immunities and obligations of secrecy as detailed in response to certain specific interrogatories below.

4. “Communication” means, without limitation, oral or written communication of all kinds, such as correspondence, exchanges of written or recorded information, face to face meetings, electronic, facsimile or telephone. The phrase “communication between” is defined to include instances where one person addresses another person even if the other person does not respond.

RESPONSE: Chris Beaver incorporates by reference General Objections 1, 2,3, 4, 5, 6, 7, and 8. Chris Beaver specifically objects to this definition, and to the interrogatories in which it is incorporated, to the extent that it would require identification or production of documents, if any, protected from production by the Fifth Amendment’s privilege against self-incrimination, U.S.

Const. Amend. V. *See United States v. Doe*, 465 U.S. 605, 104 S.Ct. 1237 (1984). Chris Beaver specifically objects that, to the extent this definition refers to correspondence, exchanges of written or recorded information or electronic or facsimile transmissions, any such written or documented communications are more appropriately obtained by requests for production under Federal Rule of Civil Procedure 34 (which plaintiffs have served) rather than by interrogatory. To this extent, Plaintiffs' First Interrogatories are overbroad and unduly burdensome.

Chris Beaver also objects to the inclusion of "instances where one person addresses another person even if the other person does not respond" as overbroad, unduly burdensome and irrelevant. Additionally, insofar as this definition relates to interrogatories concerning agreements in restraint of trade, Chris Beaver denies, as a matter of law, that any such agreement can be inferred from silence alone. Accordingly, this definition also calls for matters which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence to that extent.

5. "Meeting" means, without limitation, any assembly, convocation, encounter, or contemporaneous presence of two or more persons for any purpose, regardless if planned, arranged or scheduled.

RESPONSE: Chris Beaver incorporates by reference General Objections 1, 2, 3, 4, 5, 6, 7 and 8. Chris Beaver specifically objects that this definition is overbroad, unduly burdensome and, as it relates to any meetings between or among the defendants, calls for the provision of information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The sole relevant meetings are those where conspiratorial agreements in violation of the Sherman Act were concluded among the defendants.

6. “Employee” means, without limitation, current and former officers, directors, agents, representatives, executives, managers, sales personnel, secretaries, clerical staff or any other person employed for any reason.

RESPONSE: Chris Beaver incorporates by reference General Objections 1, 3, and 7. Chris Beaver specifically objects to the extent that this definition calls for the provision of information beyond the possession, custody or control of Chris Beaver.

7. “Document” has the same full meaning as construed by the Federal Rules of Civil Procedure.

RESPONSE: Chris Beaver incorporates by reference General Objection 1. Chris Beaver specifically objects to this definition, and to the interrogatories in which it is incorporated, to the extent that identification or production of responsive documents, if any, is protected by the Fifth Amendment’s privilege against self-incrimination, U.S. Const., Amend. V. *See United States v. Doe*, 465 U.S. 605, 104 S.Ct. 1237 (1984).

8. “Relate to” or “Relating to” means, without limitation, the concepts: refer to, discuss, describe, reflect, deal with, pertain to, analyze, evaluate, estimate, constitute, study, survey, project, assess, record, summarize, criticize, report, comment, or otherwise involve, in whole or in part.

RESPONSE: Chris Beaver incorporates by reference General Objection 7. Chris Beaver specifically objects to this definition as creating vague and ambiguous interrogatories and as using the referenced terms in a manner contrary to their plain meaning. The effect, in the context of particular interrogatories, is to create vague, open-ended inquiries and to improperly attempt to shift to Chris Beaver the burden of identifying what information is sought by particular interrogatories. Accordingly, Chris Beaver will respond in accordance with the plain meaning of the terms “relate to” or “relating to”, and not in accordance with plaintiff’s definition.

9. “Or” is used in its inclusive sense and shall be construed so as to require the broadest possible response. If, for example, a request calls for information about “A” or “B,” you should produce all information about A, all information about B and all information about A and B. (In other words, “or” should be read as “and/or.”)

RESPONSE: Chris Beaver incorporates by reference General Objection 7. Chris Beaver specifically objects to this definition as creating vague and ambiguous interrogatories and as using the referenced term in a manner contrary to its plain meaning. The effect is to create vague, open-ended interrogatories and improperly to attempt to shift to Chris Beaver the burden of specifying what information is sought by a specific interrogatory. Accordingly, Chris Beaver will respond in accordance with the plain meaning of the word “or”, and not in accordance with plaintiffs’ definition.

10. “Identify” or “Identification,” when used in reference to a firm, partnership, corporation, proprietorship, association or other entity person (as previously defined) means to state that person’s full name, address and telephone number (designate as current or last known), the legal form of the entity and the current officers, directors or chief executive.

RESPONSE: Chris Beaver incorporates by reference General Objections 1, 2, 3, 6, 7 and 8. Chris Beaver specifically objects that this definition’s request for contact information (“address and telephone number”) is overbroad and irrelevant. The referenced persons or entities should be contacted through appropriate counsel. Chris Beaver also objects that the terms “current officers, directors or chief executive” of the referenced persons or entities may include matters which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence when used in connection with specific interrogatories, as specifically identified below.

11. “Identify” or “Identification” when used in reference to a document, means to state the type of document (e.g. letter, memorandum, telegram) or some other means of identifying it, its date, author, addressees and custodian. If any such document was, but is no longer, in your possession or subject to your control, state its disposition.

RESPONSE: Chris Beaver incorporates by reference General Objections 1, 2, 3, 6, 7 and 8. Chris Beaver also incorporates by reference his specific objections to plaintiffs’ definition of “document” as described above. Chris Beaver specifically objects that to the extent the identification of documents is relevant, any such relevant, non-privileged documents will be produced either in response to Plaintiffs’ requests for production of documents or in response to Plaintiffs’ First Interrogatories, pursuant to Federal Rule of Civil Procedure 33(d). In either instance, however, the identity of the document is plain from the face of the document itself, and this definition is thus superfluous and unduly burdensome. Chris Beaver additionally objects to the last sentence of this definition to the extent that it calls for the provision of information beyond the possession, custody or control of Chris Beaver.

12. “Identify” or “Identification,” when used in reference to an individual person, means to state that person’s full legal name, residence address and telephone number (designate as current or last known), position and business affiliation and business address and telephone number (designate as current or last known).

RESPONSE: Chris Beaver incorporates by reference General Objections 1, 2, 3, 6, 7 and 8. Chris Beaver specifically objects that this definition’s request for contact information (“residence address and telephone number (designate as current or last known)... and business address and telephone number (designate as current or last known)”), is overbroad and irrelevant. The referenced individuals should be contacted through appropriate counsel.

13. “Identify” or “Identification,” when used in reference to a communication or meeting, means to identify all persons involved in such communication or meeting, the date of such communication, all documents related to such communication or meeting (including, without limitation, all documents recording or summarizing such communication or meeting) and any actions taken by you as a result of such communication or meeting.

RESPONSE: Chris Beaver incorporates by reference General Objections 1 through 8, inclusive. Chris Beaver also incorporates by reference his specific objections to plaintiffs’ definitions of “document”, “communication” and “meeting,” as described above. Insofar as the definition calls for “all documents related to such communication or meeting (including, without limitation, all documents regarding or summarizing such communication or meeting)”, any such relevant, non-privileged documents will be produced in response to plaintiffs’ requests for production or in response to Plaintiffs’ First Interrogatories under Fed.R.Civ.P. 33(d). Accordingly, this definition is superfluous and unduly burdensome to that extent.

14. “Date” means the exact day, month and year, if ascertainable, or the best available approximation, including any relationship to other known events (designate whether exact or approximate).

RESPONSE: Chris Beaver incorporates by reference General Objection 7.

15. “Ready-Mixed Concrete” means a product comprised of cement, sand, gravel, water, and occasionally additional additives.

RESPONSE: Chris Beaver denies that this is an adequate, complete or accurate definition of ready-mixed concrete. “Ready-mixed concrete” is a colloquial term that embraces a wide variety of products, applications and services that cannot be adequately or accurately described as a single product. Chris Beaver will answer plaintiffs’ interrogatories in accordance with his understanding of the diversity of products, applications and services embraced by the term “ready-mixed concrete”.

Instructions

1. Unless otherwise noted, these interrogatories require responses for the time period January 1, 1995 to the present.

RESPONSE: Chris Beaver incorporates by reference General Objections 2 and 3. Chris Beaver specifically objects to each and every of plaintiffs’ interrogatories as irrelevant, overbroad and unduly burdensome to the extent that they purport to require the provision of information beyond the temporal or geographic scope of discovery defined as relevant by the Court’s August 18, 2006 Entry [Docket No. 201].

2. If you refuse to respond to any interrogatories based on a claim of privilege, pursuant to Federal Rule of Civil Procedure 26(b)(5), provide a statement of the claim of privilege and all facts relied on in support of that claim, including, the parties involved, the dates involved, the relevant subject matter of the privileged material, any documents supporting the privileged information, specifying the dates, authors, recipients, title and subject matter, and present location of any documents involved. In the case of attorney work product privilege, also identify the litigation in connection with which the work product was prepared.

RESPONSE: Chris Beaver incorporates by reference General Objections 1, 6 and 7. Chris Beaver will support his privilege claims as required by the Federal Rules, applicable case law, and not in accordance with plaintiffs’ instruction.

3. If you answer any interrogatory by reference to business records pursuant to Federal Rule of Civil Procedure 33(d) and as that term is defined under the Federal Rules of Evidence, identify such records by bates number and the name of the employee certifying the documents as business records for purposes of answering the interrogatory.

RESPONSE: Chris Beaver incorporates by reference General Objections 1 and 7. Chris Beaver will identify any documents produced in response to Plaintiffs' First Interrogatories with the degree of specificity required by Fed.R.Civ.P. 33(d), and not in accordance with plaintiffs' instruction. Specifically, there is no requirement in the Rule that the documents be identified "by bates number and the name of the employee certifying the documents as business records for purposes of answering the interrogatory."

Interrogatories

1. If you testified for, gave an oral statements to, or produced any documents, written statements or data to any employee, agent, agency, department, or committee of the United States, any State, or the European Commission, including any testimony before a grand jury, relating to Ready-Mixed Concrete, please state:

- a. The date testimony or other oral statement was given or documents produced;
- b. The employee, agent, agency, department, or committee receiving the testimony, oral statement or documents; and
- c. A description of the testimony, oral statement or documents.

ANSWER: Chris Beaver incorporates by reference General Objections 1 through 8, inclusive. Chris Beaver specifically objects that the sole relevant testimony or statements are any given in connection with the U.S. Department of Justice's investigation of ready-mixed concrete producers in Indianapolis. Moreover, any such statements or testimony given in the context of the

government's criminal investigation are subject to common law privilege and/or subject to obligations of secrecy under the Federal Rules of Criminal Procedure and applicable case law. Accordingly, Chris Beaver objects to this interrogatory. Similarly, with respect to any documents provided by Chris Beaver to the government under search warrants, grand jury subpoenas or otherwise, case law establishes that production of the documents, segregated and denominated as such, is objectionable and Chris Beaver objects to this interrogatory, to that extent, on this basis as well.

Chris Beaver respectfully declines to answer this interrogatory on the basis of the Fifth Amendments privilege against self-incrimination. U.S. Const., Amend. V.

5. Identify each actual or proposed understanding or agreement between any manufacturers of Ready-Mixed Concrete relating to prices, pricing, production or inventory levels of Ready-Mixed Concrete and state as to each such actual or proposed understanding or agreement:

- d. The identity of the participants and all persons with knowledge thereof;
- e. When such understanding or agreement was entered into;
- f. Where such understanding or agreement was entered into;
- g. The terms of such understanding or agreement; and
- h. When and how you discovered the existence of such understanding or agreement.

ANSWER: Chris Beaver incorporates by reference General Objections 1 through 8, inclusive. Chris Beaver specifically objects to the extent that this interrogatory seeks information with respect to "proposed" or unconsummated understandings or agreements, or to the extent that it refers to any meetings or communications other than any such meetings or communications as reflect or embody agreements in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. To the

extent that any responsive meetings or communications do not reflect or embody an agreement among defendants in violation of Section 1, they are neither relevant nor reasonably calculated to lead to the admissible evidence. Additionally, provision of any such information beyond concluded agreements in violation of Section 1 among the defendants would impose an undue burden on defendants in relation to the factors made relevant by Fed.R.Civ.P. 26(b)(2)(C)(iii). Chris Beaver further objects that this interrogatory imposes an undue burden because certain responsive information is more appropriately obtained by deposition.

Chris Beaver specifically objects to this interrogatory to the extent that providing a full answer would compromise the attorney-client privilege, work product or trial preparation immunity and/or common law privileges or statutory obligations of secrecy associated with Chris Beaver's cooperation with the government's criminal investigation of the ready-mixed concrete industry. Without limiting the generality of the foregoing, Chris Beaver states the communications made to government representatives, or to the grand jury in connection with the government's criminal investigation of the ready-mixed concrete industry, are subject to privilege and to secrecy obligations imposed with respect to matters occurring before the grand jury under the Federal Rules of Civil Procedure. Accordingly, Chris Beaver specifically objects to the provision of any information based on such sources in response to this interrogatory.

Subject to and without waiving the foregoing general and specific objections, Chris Beaver respectfully declines to answer this interrogatory on the basis of the Fifth Amendment's privilege against self-incrimination. U.S. Const., Amend. V.

6. Identify and describe any meetings or communications between you and any employee or any other defendant or manufacturer of Ready-Mixed Concrete including those relating to price, pricing, price increase announcements, terms and conditions of sales, margins or market share, discounts, production levels, inventory, customers, auctions, reverse auctions, bidding events, or sales, and for each such meeting or communication:

- a. Provide the date and location of the meeting or communication;
- b. Identify the person(s) who initiated, called, organized, attended or participated in the meeting or communication;
- c. Describe the subject matter discussed and any information you provided or received;
- d. Describe every action taken by you as a result of the meeting or communication; and
- e. Identify all persons with knowledge relating to the meeting or communication.

ANSWER: Chris Beaver incorporates by reference General Objections 1 through 8, inclusive. Chris Beaver specifically objects to the extent that this interrogatory seeks information with respect to “proposed” or unconsummated understandings or agreements, or to the extent that it refers to any meetings or communications other than any such meetings or communications as reflect or embody agreements in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. To the extent that any responsive meetings or communications do not reflect or embody an agreement among defendants in violation of Section 1, they are neither relevant nor reasonably calculated to lead to the admissible evidence. Additionally, provision of any such information beyond concluded agreements in violation of Section 1 among the defendants would impose an undue burden on defendants in relation to the factors made relevant by Fed.R.Civ.P. 26(b)(2)(C)(iii). Chris Beaver further objects that this interrogatory imposes an undue burden because certain responsive information is more appropriately obtained by deposition. Chris Beaver further objects that this

interrogatory imposes an undue burden and could feasibly require a description of each and every communication between an him and an employee of a manufacturer of Ready-Mixed Concrete regarding the prices of Ready-Mixed Concrete products, or a description of each and every communication between co-employees regarding pricing of Ready-Mixed Concrete products.

Chris Beaver specifically objects to this interrogatory to the extent that providing a full answer would compromise the attorney-client privilege, work product or trial preparation immunity and/or common law privileges or statutory obligations of secrecy associated with Chris Beaver's corporation with the government's criminal investigation of the ready-mixed concrete industry. Without limiting the generality of the foregoing, Chris Beaver states that communications made to government representatives, or to the grand jury in connection with the government's criminal investigation of the ready-mixed concrete industry, are subject to privilege and to secrecy obligations imposed with respect to matters occurring before the grand jury under the Federal Rules of Civil Procedure. Accordingly, Chris Beaver specifically objects to the provision of any information based on such sources in response to this interrogatory.

Subject to and without waiving the foregoing general and specific objections, Chris Beaver respectfully declines to answer this interrogatory on the basis of the Fifth Amendments privilege against self-incrimination. U.S. Const., Amend. V.

7. Identify the source, by name and by bates number, of each document produced to plaintiffs in this litigation.

ANSWER: Chris Beaver incorporates by reference General Objections 1 through 9, inclusive. Pursuant to Federal Rule of Civil Procedure 33(d), Chris Beaver states that he is producing documents in response to plaintiffs' requests for production of documents, which include any file jackets, labels or other organizational designations associated with such documents as kept in the ordinary course of business. Beyond this, Chris Beaver specifically objects that this interrogatory is unduly burdensome and overbroad in relation to the factors made relevant by Fed.R.Civ.P. 26(b)(2)(C)(iii).

As to objections:

By: /s/ Charles R. Sheeks

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2007, a copy of the foregoing Objections was filed electronically. Notice of this filing will be sent to the following party by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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