

**PLAINTIFF'S
EXHIBIT**

RR-457a

NO.95-11267-K

MERLYN W. ALLRED; MELVIN H.
LAMKEY; AND MARTIN LUKE
FRIERSON, JR.

Plaintiffs

VS.

OWENS-CORNING FIBERGLAS
CORPORATION

Defendants.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

192TH JUDICIAL DISTRICT

**DEFENDANT UNION PACIFIC RAILROAD COMPANY'S FIRST SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO PLAINTIFF'S INTERROGATORIES**

TO: Martin Luke Frierson, Plaintiff, by and through his attorneys of record, Baron & Budd, The Centrum,
3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

Pursuant to Rules 166b and 168 of the Texas Rules of Civil Procedure, Defendant Missouri
Pacific Railroad Company d/b/a Union Pacific Railroad Company (named as successor to Texas and Pacific
Railway), Defendant herein, hereby submits its First Supplemental Objections and Responses to Plaintiff's
Interrogatories.

INTERROGATORIES

INTERROGATORY NO. 1: State the name, address, job title, length of time employed by Defendant, and a year-
by-year list of all positions, titles, or jobs held while working for Defendant of each person who supplied any
information used in answering these interrogatories.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is
neither relevant nor likely to lead to the discovery of admissible evidence. Subject to and without waiver of the
foregoing objections, Arlene Schroeder, Senior Claim Representative, Union Pacific Railroad Company, 1416
Dodge Street, Omaha, Nebraska 68179.

INTERROGATORY NO. 2: State the full and proper business name and address of the Defendant. State whether
or not you are a corporation. If so, state your corporate name, the state of your incorporation, the address of your
principal place of business, the name and address of the person or entity authorized to accept service of process
on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of
Texas, maintained a registered agent in Texas, engaged in business in Texas or recruited or hired employees in
Texas.

ANSWER: Defendant Union Pacific Railroad Company is a Utah Corporation licensed to do business in the State
of Texas. Defendant's home office is in Omaha, Nebraska. It does business in Texas, maintains a registered agent
in Texas, Norma Davenport, 808 Travis, Suite 620 Houston, Texas 77002 is authorized to accept service.
Defendant engages in business and has employees in Texas.

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INTERROGATORY NO. 3: With regard to each policy of liability insurance intended to provide coverage to Defendant, its agents and/or employees for the liability in connection with the allegations such as those delineated in Plaintiff's Original and Amended Petitions including, but not limited to, all primary and excess policies covering the Defendant for such liability, state the name and address of each carrier.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence.

INTERROGATORY NO. 4: State whether you contend that the Plaintiff has done anything or failed to do anything that constitutes contributory negligence and/or a failure to mitigate damages. If so, please describe the basis of your contention and what evidence exists to support that contention.

ANSWER: Defendant anticipates that some of the Plaintiff's social habits may have contributed to his medical condition.

INTERROGATORY NO. 5: List each and every place of work and job assignment of the Plaintiff which he held during his employment with you and describe in detail the duties involved in each of the job assignments.

ANSWER: DEFENDANT has no records available from which to obtain the requested information.

INTERROGATORY NO. 6: Describe in detail your knowledge of the nature of other work performed in your railroad or railroad shops during the period of Plaintiff's employment, where insulation and asbestos-containing products were installed, removed or used by railroad workers working in the vicinity of the Plaintiff.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of evidence.

INTERROGATORY NO. 7: If you have alleged in your answer that someone else's conduct or some other condition or event was the "sole proximate cause" or was "contributing proximate cause" of the alleged injuries made the basis of this lawsuit, please describe in detail the identity of such other person, entity, corporation, event, or condition and identify all evidence upon which you base this contention.

ANSWER: Based on the information provided by Plaintiff, he was allegedly exposed to various asbestos products while employed by non-railroad employers, including co-defendants he is suing in this case.

INTERROGATORY NO. 8: If you have alleged in your answer that Plaintiff's injuries and/or damages were caused by some other injury, disease or condition, either pre-existing or unrelated to and arising after or in conjunction with the Plaintiff's exposure to asbestos-containing products, please describe in detail such pre-existing or subsequent disease, injury or condition. For each alleged other injury, disease or condition, identify all evidence upon which you base this contention.

ANSWER: Plaintiff Frierson's extensive smoking history caused his alleged illness.

INTERROGATORY NO. 9: Please state the name, most recent address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to this case involving, but not limited to:

- A. Identification of asbestos-containing products or type of products to which Plaintiff was exposed or facts disputing the identification of these products;
- B. Plaintiff's damages, injuries and/or facts disputing Plaintiff's alleged damages and/or injuries;
- C. The negligence of any person or entity other than Defendant which Defendant contends was a cause of Plaintiff's alleged injuries and/or damages;
- D. Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER: To the extent the requested information is available to Defendant, the following individuals can be named; however, this is not a representation that each person is knowledgeable as to each interrogatory.

1. Martin Luke Frierson
2. Ernest T. Rouse,
710 Hanley
St. Louis, MO 63105
3. Dennis Richling
1416 Dodge
Omaha, Nebraska 68179.
4. Dr. L.C. Bevilacqua
Omaha, Nebraska
5. Dr. R. D. Sellers
Council Bluffs, Iowa
- D. Objection. This Interrogatory is overly broad and unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, this Interrogatory is outside the scope of knowledge of the persons identified.

INTERROGATORY NO. 10: Identify the names and addresses of all individuals Defendant may call as an expert witness(es) at trial, and for each individual, please state:

- A. The subject matter in which the witness is expected to testify, the substance of the facts and opinions to which the witness intends to testify on the Defendant's behalf and, a summary of the grounds for each opinion;
- B. All factual observations, test results, supporting data, learned treatise (books, general articles, texts or other publications) and opinions which the witness has generated, been provided, intends to use, and/or may use to support his/her opinions and conclusions relative to the case whereupon which the witness has or will base his/her testimony in this matter. The identity and address of each consulting expert whose opinions or data have been referred to and/or relied upon by the expert witness, and the complete title and author of each learned treatise referred to and/or relied upon by the witness for information and/or corroborating his/her opinions regarding the subject matter of this lawsuit.

ANSWER:

1. Dr. Frank Weir, 8131 Wycomb Drive, Houston, Texas 77070, (281) 893-4003.

A. Dr. Weir is an industrial hygienist and toxicologist. He is expected to testify regarding whether Martin Frierson's exposure to asbestos was in excess of acceptable levels in the railroad industry at the time of Plaintiff's employment. He is also expected to testify regarding the state of medical knowledge within the railroad industry and whether Defendant's efforts with regard to industrial hygiene were appropriate. A copy of Dr. Weir's curriculum vitae has been produced to Plaintiff. Pursuant to Plaintiff's request, a written report has been requested and will be produced to Plaintiff once it is complete and received by Defendant.

2. Larry Liukonen, CIH, CSP, Technical Health & Safety Consultant, Inc., 3605 W. Pioneer Pkwy, Suite D, Arlington, Texas 76013, (817) 483-4097.

A. Mr. Liukonen is a certified industrial hygienist and may testify as to issues of causation, Defendant's compliance with any state, federal or local regulations or guidelines relating to permissible levels of exposure to asbestos at the time of the alleged exposure in the subject case. Mr. Liukonen has not yet rendered his final opinion regarding the issues upon which he will testify in this case. However, Mr. Liukonen is expected to quantify the level of asbestos exposure, if any, that Martin Frierson received while in the employ of Defendant. In addition, Mr. Liukonen is expected to quantify the level of exposure to asbestos that Martin Frierson received while in the employ other employers. Mr. Liukonen will then compare the level of exposure, if any, that Martin Frierson received while working for Texas and Pacific with the level that Martin Frierson received while working for other employers. Mr. Liukonen's curriculum vitae has been previously produced to Plaintiff. Pursuant to

Plaintiff's request, a written report has been requested and will be produced to Plaintiff once it is complete and received by Defendant.

3. Horton Corwin Hinshaw, M.D. San Francisco, California

A. Dr. Hinshaw will be called to testify by video deposition in Re FELA as to the asbestos litigation, 1984, as to the state-of-the-art as reflected in his review of the medical literature and from his own personal experience. Plaintiff's counsel was in attendance at this deposition and had an opportunity to cross examine Dr. Hinshaw. Dr. Hinshaw, is in sufficiently poor health that he is unavailable to testify at trial. Dr. Hinshaw's curriculum vitae has been produced to Plaintiff.

For the complete substance of Dr. Hinshaw's testimony, please see his video deposition. Defendant believes that Plaintiff is in possession of this deposition transcript through his attorneys. However, if Plaintiff is not in possession of this transcript, Defendant will produce it upon further request.

4. Elliott Hinkes, M.D., 301 North Prairie, Suite 311, Englewood, California 90301, (301) 674-0050.

A. Dr. Hinkes is an oncologist who may testify as to issues pertaining to the cause of plaintiff's medical condition. Dr. Hinkes may also testify as to issues pertaining to the state-of-the-art of medical literature relating to the potential health hazards of asbestos at all relevant times and, in particular, as the state of the art pertains to railroad employees. Dr. Hinkes is expected to testify that the medical and scientific information available to the railroad industry from the 1930s through the early 1980s was not sufficient to place the railroad industry on notice that any railroad workers were at any increased risk for contracting asbestos related diseases. Additionally, Dr. Hinkes will render testimony regarding the statistical probabilities of contracting various asbestos related diseases and cancers based upon epidemiological studies. From this testimony, Dr. Hinkes will render his opinion regarding possible causes of Martin Frierson's illness.

Dr. Hinkes' curriculum vitae has been previously produced to Plaintiff. A written report has been requested and will be produced to Plaintiff once it is complete and received by Defendant.

5. Douglas K. Phillips, Phillips Consulting, 1934 Baker Trail, Houston, Texas 77094, (713) 579-9600.

A. Mr. Phillips, an economist, is expected to testify regarding the present value of Plaintiff's economic loss. In addition, Mr. Phillips is expected to testify about the differences between his opinions, impressions, and conclusions and those of Plaintiff's witness, the source or reason for the differences and the reason why Mr. Phillips' opinions and conclusions are more sound than those of Plaintiff's witness. In arriving at his opinions, Mr. Phillips will rely upon his experience, education, and background, part of which is reflected on his resume, as well as common sense. He will consider the Plaintiff's earning history, Plaintiff's income tax returns, Plaintiff's work-related expenses and income tax, and fringe benefits; Plaintiff's age, race, education, and date of injury and death. He will consider historical trends regarding wage growth and interest rates. His opinions will also include Plaintiff's potential wage earnings based on acceptable accounting principles. Mr. Phillips' curriculum vitae has been previously produced to Plaintiff.

B. Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objection, the expert's opinions and basis of opinion will be included in their reports. If experts prepare reports, Defendant will produce them.

INTERROGATORY NO. 11: Identify all persons, entities, agencies or others, whether governmental (state or federal) or private, who participated in any investigation of the claims made the basis of this lawsuit.

ANSWER: None known regarding Plaintiff Frierson.

INTERROGATORY NO. 12: Before 1980, did Defendant or any predecessor or subsidiary company of Defendant receive notice that any individual or individuals claimed injury(ies) as a result of exposure to asbestos? If so, state:

- A. The name and address of each claimant;
- B. The date of notice of each claim;
- C. A description of the claim;
- D. The type of injuries allegedly sustained by each claimant;
- E. The name and address of each attorney who represented each individual making a claim;
- F. The style and court number of each claim;
- G. The disposition of each claim that has been settled or taken to judgment.
- H. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff was allegedly employed by Defendant nor limited to the job site or facilities on which Plaintiff was allegedly employed by Defendant. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 13: Has Defendant or any of its predecessor or subsidiary companies at any time published, distributed or displayed any printed material, including brochures, pamphlets, catalogs, warning signs or statements, packaging or other written material of any kind or character containing any warning concerning the possibility of injury resulting from the use of asbestos-containing products and/or machinery requiring the use of asbestos-containing products and/or exposure to airborne asbestos resulting from the use of asbestos-containing products by others? If so, state:

- A. The exact wording of each warning statement and a description of the material upon which the warning was printed;
- B. The method(s) used to distribute the materials to persons likely to use the asbestos-containing products or likely to be exposed to airborne asbestos;
- C. The date each warning was first issued or distributed;
- D. The name, address, and job title of each person responsible for having drafted or issued the warning statements and/or written materials;
- E. The current location of any such printed material and the custodian thereof;
- F. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER:

Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff was allegedly employed by Defendant nor limited to the job site or facilities on which Plaintiff was allegedly employed by Defendant. Subject to and without waiver of the foregoing objection, Defendant has displayed and distributed brochures and warning signs concerning the use of asbestos-containing products.

INTERROGATORY NO. 14: Did Defendant, its agents and/or employees, borrowed servants or any other entity or person at the direction of the Defendant install, repair, replace, use, prepare for use, assemble, store and/or apply, either as an original appurtenance of the railroad or placed in/on the railroad in conjunction with repairs, alterations or fabrications to the railroad, any asbestos-containing products or machinery requiring the use of asbestos or asbestos-containing products during the time Plaintiff worked for Defendant and on such of Defendant's railroad or railway car(s) and/or engine(s), as previously defined, upon which Plaintiff worked including but specifically not limited to the following types of products: boilers, asbestos cement, pipe, pipecovering, gaskets, flat and corrugated siding, millboard, cements and fillers, insulated paper, firebrick, insulating materials, spray on fireproofing compounds, clothing, thermal, electrical and acoustical insulating materials, flooring, motor casings, insulating tapes, friction products, brake shoes, brake linings, clutch linings, wire and cable? If so, identify:

- A. By name and number each of Defendant's railroad(s), whether operating or in railyards, upon which Plaintiff worked and upon which the asbestos-containing product(s), friction products and/or machinery requiring the use of asbestos or asbestos-containing products were installed, repaired, replaced, used, prepared for use, assembled, stored or applied during the time Plaintiff worked for Defendant;
- B. The particular type of asbestos-containing product(s), friction products and/or machinery requiring the use of asbestos or asbestos-containing products present on said railroads;
- C. The trade or brand name of each of the asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products installed, repaired, replaced or applied upon the railroad(s) and/or railway car(s) and/or engine(s) in question;
- D. The years during which each named asbestos product was applied, assembled, stored, used, prepared for use or installed either as an original appurtenance of the railroad or railway car(s) and/or engine(s) or placed on/in the railroad or railway car(s) and/or engine(s) in conjunction with repairs, alterations or fabrications to the railroad(s) and/or railway car(s) and/or engine(s); and
- E. The dates of any removal or abatement of such asbestos-containing products, friction products and/or machinery requiring the use of asbestos-containing products from the railroad(s) and/or railway car(s) and/or engine(s) in question.

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence.

Subject to and without waiver of the foregoing objections, Defendant does not maintain purchasing records known to cover the course of Plaintiff's employment. Purchase orders for non-stock items are retained for five years. For stock order materials, purchase orders are maintained for 3 years.

Based on information obtained in the course of other litigation, Defendant has the following information regarding the use of asbestos-containing products in the railroad industry:

- i. Asbestos-containing mittens - manufacturers include Sager Glove Company. These mittens were used for handling hot objects in the course of manufacture. Use of these products was discontinued in the early 1980s.
- ii. Asbestos tape - manufacturers include Amatex, Novatex, Jane's Brand 116, Anchor Rubber Company and Johns-Manville. This material was used to wrap steam and hot water pipes on steam locomotives and business cars. This material is not presently maintained in Defendant's store stock.
- iii. Ground asbestos - manufacturers include Johns-Manville, Product 7M-13. This was used for post curing process for glued Vortex and Allegheny insulated joints. This product was discontinued November 14, 1978.
- iv. Sealing and glazing compounds - The following sealing and glazing compounds were in use up until at least the mid 1980s and contained a small percentage of asbestos (usually less than 5%):

<u>Product</u>	<u>Manufacturer</u>
Duxseal Sealing Compound	- Johns-Manville
Chalking Glazing Compound	- Tremco Manufacturing Company
M242 Elastic Glazing Compound	- Pecora Chemical Company
Mastic	- Overall Paint Inc.
No. 1-723 Lt. Gray Anti-Skid	- Matcote Company, Inc.
Dayco Wood Filler	- Day, James B and Company
Wood Filler Paste	- Lawrence-McFadden Co.
Black Plastic Cement	- Johns-Manville
Medium Black Cement	- No-Ko-Rode
Heavy Black Cement No. 169	- Lucan

- v. Asbestos-containing barriers in dynamic brakeshoes - manufacturers include General Electric, General Motors and Moseback. These barriers were

- insulation in dynamic brake grids on locomotives. This product was first used in approximately 1937 by General Motors.
- vi. Firebox linings - manufacturers unknown. A product containing asbestos was used to line the bottom of fireboxes in steam locomotives. Steam locomotives have not been operated by Defendant since approximately 1955.
 - vii. Gaskets - Defendant is aware that some gasket material contained a small percentage of asbestos - Manufacturers include Garlock, Chesterton and Johns-Manville Company. These were used in the stack and base gaskets for steam generators. This was also used on some diesel locomotives. The use of asbestos-containing gaskets in diesel locomotives was discontinued by General Motors (Electro Motive Division ("EMD") and General Electric in approximately 1984.
 - vii. Asbestos heat shields - These were used in or around cabin stoves or cabooses and used in welding for heat protection. These were first used sometime before 1980. They were no longer placed in cabooses after 1984.
 - ix. Composition brake shoes - Suppliers for composition brake shoes have included Railroad Friction Products, Westinghouse, Griffin, Abex (predecessor to ABC Rail), Anchor Brake Shoes (predecessor to Standard Car, Truck/Anchor and Cobra). Defendant was advised that Griffin discontinued including asbestos as a component in October 1981, Abex in January 1977, Railroad Friction Products in 1980, Anchor Brake Shoe in 1981 and Cobra in August 1978.
 - x. Arc chutes and wire coverings - Manufacturers unknown. This material was used to contain contact of flashing when making or breaking contact on locomotives; provide protection covering for high voltage and high current wiring on locomotives. The material ceased to being used in locomotives sometime prior to 1983.
 - xi. Flexible trainline insulation - Manufacturer is Gustin-Bacon. This was used for insulating steam lines on passenger cars. The defendant discontinued purchase of the material on April 18, 1973.
 - xii. Lagging and Packing on steam locomotives - 85% Magnesia material was used as insulation on boilers on steam locomotives and for packing of steam joints. Possible supplies and manufacturers include Johns-Manville, Union Rubber and Asbestos, Fiberboard ("Pabco"), Owens Corning Fiberglass and Owens Illinois and Philip Carey and Garlock. Use of this material would have ceased when Defendant ceased operating steam locomotives in approximately 1955.
- In addition, defendant is aware that asbestos millboard was purchased from Insulating and Materials Company, 1020 Central Industrial Drive, St. Louis, Missouri 63110. Asbestos paper was purchased from General Gasket Company, 2322 South Seventh Street, St. Louis, Missouri 63104. Asbestos gloves were purchased from Midwest Safety Equipment, P.O. Box 277, St. Louis, Missouri 63301. Eighteen inch asbestos welding sleeves were purchased from Sager Glove Company, 4030 Nashville Avenue, Chicago, Illinois 60634

INTERROGATORY NO. 15: If the answer to the preceding interrogatory is in the affirmative or if any asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products are identified in response to such interrogatory, state the following as to each identified product:

- A. The name(s) of the company(ies), entity(ies) or other persons, whether crew members, builders, subcontractors, employees, borrowed servants or others installing, repairing, replacing, using, preparing for use, assembling or applying each asbestos-containing product, friction product and/or machinery requiring the use of asbestos or asbestos-containing products on such of Defendant's railroad(s) and/or railway car(s) and/or engine(s) upon which and in the vicinity of which Plaintiff worked;
- B. A description of the physical appearance of each of the named asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products identified;

- C. A detailed description of the intended uses of the named asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products identified;
- D. A detailed description of the location upon each of Defendant's railway car(s) and/or engine(s) in question where such asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products were installed, repaired, replaced or applied;

ANSWER: The extent of Defendant's knowledge in respect to this Interrogatory is set forth in Defendant's Objections and Response to Interrogatory No. 14.

INTERROGATORY NO. 16: Has Defendant its agents and/or employees or any other entity at the direction of Defendant, including any of its predecessor or subsidiary companies, engaged in or contracted with another entity for the acquisition, ordering, purchasing, supplying or distributing of asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products any time prior to or during the time Plaintiff was employed by Defendant for use on or in such of Defendant's railroad(s) and/or railway car(s) and/or engine(s) upon which Plaintiff worked including but specifically not limited to: boilers, asbestos cement pipe, pipecovering, gaskets, flat and corrugated siding, millboard, cements and fillers, insulated paper, firebrick, insulating materials, spray on fireproofing compounds, clothing, thermal, electrical and acoustical insulating materials, flooring, motor casings, insulating tapes, wire, cable, brake shoes, brake linings, and clutch linings? If so, identify:

- A. Each of Defendant's railway car(s) and/or engine(s) by name and number upon which Plaintiff worked for which the asbestos-containing products, friction products and/or machinery identified were ordered, purchased, supplied or distributed during the time Plaintiff was employed by Defendant;
- B. The particular type of asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products acquired;
- C. The trade or brand name of each of those asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products ordered, purchased, supplied or distributed;
- D. The years such asbestos-containing products were acquired, ordered, purchased, supplied or distributed by Defendant;
- E. The dates of any removal or abatement of such asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products from the railway car(s) and/or engine(s) and/or locomotives in question.

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad and unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objection, see Defendant's Objection and Response to Interrogatory No. 14.

INTERROGATORY NO. 17: If your answer to the preceding interrogatory is in the affirmative, or if any asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products are identified in response to such interrogatory, state the following as to each product so identified for each of the railway car(s) and/or engine(s) and/or locomotives identified:

- A. The name(s) of the company(ies), entity(ies), manufacturers from which the asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products were acquired, ordered, purchased, supplied or distributed;
- B. The date(s) each asbestos-containing product, friction products and/or machinery requiring the use of asbestos or asbestos-containing products was ordered, purchased, supplied or distributed;
- C. A description of the physical appearance of each of the named asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products;
- D. A detailed description of the intended uses of the named asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products;
- E. Identify the last year that Defendant ordered, purchased, supplied or distributed each asbestos-containing product, friction products and/or machinery requiring the use of asbestos or asbestos-containing products.

ANSWER: The extent of Defendant's knowledge in respect to this Interrogatory is set forth in Defendant's Objections and Response to Interrogatory No. 14.

INTERROGATORY NO. 18: State whether you or any of your predecessors and/or subsidiaries maintain, from 1960 through the present or for any portion thereof, copies of invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature relating to the purchase or acquisition of asbestos-containing products, friction products and/or machinery requiring the use of asbestos-containing products. If so, state:

- A. The location of such documents;
- B. The name and address of the custodian of the documents;
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.;
- D. In what form the documents can be accessed, i.e., by railway car and/or engine name and/or locomotive name, by railroad track line, by product type, etc.

ANSWER: The extent of Defendant's knowledge in respect to this Interrogatory is set forth in Defendant's Objections and Response to Interrogatory No. 14.

INTERROGATORY NO. 19: Identify all persons, including name, address and telephone number, who provided and/or conducted or were responsible for conducting any type of safety training, during the time Plaintiff was employed by Defendant, to Plaintiff and the crew, employees or borrowed servants working upon Defendant's railroad, railway car(s) and/or engine(s) and/or locomotive(s).

ANSWER: Defendant has no records available from which to obtain the requested information.

INTERROGATORY NO. 20: At any time prior to 1980 did Defendant or any of its agents, employees or anyone at the direction of Defendant, Defendant's agent or employees ever conduct an investigation, survey or other process to identify the primary emission sources of airborne asbestos fibers and/or to assess and/or sample for the detection of, the quantity of, or threshold limit value of airborne asbestos fibers aboard such of Defendant's railway car(s) and/or engine(s) and/or locomotive(s) upon which Plaintiff worked? If so, please identify with particularity the entity conducting such investigation(s), survey(s) or test(s), the dates conducted and the results of the same.

ANSWER: Defendant is aware of current permissible exposure limits for exposure to asbestos fibers and its predecessors promulgated by the OSHA. Investigation with regard to TLVs and the date upon which Defendant first became aware of this "concept" has not been established.

INTERROGATORY NO. 21: Did Defendant or any subsidiaries or predecessor(s) ever arrange for any labor agency, insurance company, government agency, inspectors or anyone from your company to go on to any of Defendant's railway car(s) and/or engine(s) and/or locomotive(s) in question where asbestos-containing products were used or present to make or take dust level counts related to asbestos dust? If so, identify with particularity the party(ies) conducting such procedure, the dates conducted, the purpose of such procedure, and all results of such procedure.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff was allegedly employed by Defendant nor is it limited to the job site or facilities on which Plaintiff was allegedly employed by Defendant. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 22: Did Defendant or any predecessor or subsidiary obtain facts, knowledge or information from any industry, insurance company, governmental agency, union, and/or any other entity regarding the potential health effects and/or health hazards created for persons exposed to airborne asbestos dust? If so, please list all sources of such information and the dates received.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff was allegedly employed by Defendant. Moreover, this Interrogatory seeks information if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 23: List each person who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians (including those physicians who would have been responsible for conducting physicals, evaluations or screenings of Defendant's employees) and industrial hygienists, and the current address, telephone number and job title of each of those individuals who has had or may have had any knowledge regarding the hazards of airborne asbestos dust.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period during which Plaintiff was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, Ernest T. Rouse, 710 Hanley, St. Louis, MO 63105, was Medical Director for Missouri Pacific Railroad Company from approximately 1969 until approximately 1986. Dennis Richling is Union Pacific Railroad Company's current medical director. He began at the railroad in 1986. His business address is 1416 Dodge, Omaha, Nebraska 68179. Dr. L.C. Bevilacqua was with the Union Pacific from 1978 to 1989. Dr. Bevilacqua lives in the Omaha area. Dr. R. D. Sellers was a contract physician with the Union Pacific Railroad from approximately 1874 to 1978. It is believed that Dr. Sellers is in the Council Bluffs, Iowa area.

INTERROGATORY NO. 24: Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- A. The name of each such publication;
- B. The date of publication and the names of the author and publisher (if any);
- C. The date received by Defendant;
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff was allegedly employed by Defendant. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 25: Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of airborne asbestos? If so, state:

- A. The name and address of each such association or organization;
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members;
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations related in any way to the hazards of asbestos;
- D. Whether any of those publications are still in your possession, and if so:
 1. A description of the publications, including the date;
 2. The current location of such publications;
 3. The custodian of such publications;
 4. The method or manner in which such publications are maintained.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, Defendant has been a member of the Association of American Railroads since 1934. Prior to 1934, Defendant was a member of the American Railway Association. Defendant does not currently have in its possession any records which indicate whether it had representatives at the Medical and Surgical Section of the Association of American Railroad for the years listed. Counsel for Defendant has obtained minutes of the proceedings of the Medical and Surgical Section of the American Railway Association and the American

Association of Railroads for certain years through the course of other asbestos litigation. These records indicate that the following individual were in attendance at the following meetings. Defendant has no records which indicate that these individuals were employed by Defendant.

1921	P.F. Vasterling
1922	P.F. Vasterling, J. O. Graves, A. Isom, G. M. Snellings
1926	W.B. Burns, J. B. Caharton, W. P. Coyle, T.B.M. Craig, H.W. Cummings, J.N. Greene, C.C. Hawke, S.C. Murray, E.B. Parsons, L.L. Purefoy, E.H. Skinner
1929	O.B. Zeinert
1930	O.B. Zeinert
1931	O.B. Zeinert
1932	O.B. Zeinert
1933	O.B. Zeinert
1934	O.B. Zeinert
1935	O.B. Zeinert
1936	O.B. Zeinert
1937	O.B. Zeinert, J.A. Lembeck, D.S. Long
1939	O.B. Zeinert
1940	O.B. Zeinert
1941	O.B. Zeinert, A.J. Brown
1946	O.B. Zeinert
1947	O.B. Zeinert
1949	O.B. Zeinert
1950	O.B. Zeinert
1951	O.B. Zeinert
1952	J.A. Lembeck
1953	J.A. Lembeck
1955	J.A. Lembeck
1956	J.A. Lembeck, G.W. Bale
1957	J.A. Lembeck
1958	J.A. Lembeck
1965	J.M.L. Jensen

INTERROGATORY NO. 26: As to the disease asbestosis, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers;
- B. How Defendant became aware of the existence of the disease;
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease;
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form;
- F. Who is the custodian of such information;
- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers alone or in conjunction with second hand smoke.

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff was allegedly employed by Defendant and does not reference any condition of which Plaintiff allegedly suffered. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, it is not known what year Defendant first became aware of this issue; however, as possibilities became more probable based on more concrete medical information, Defendant's awareness of these

possibilities increased. To the best of our knowledge, it appears that the company was reasonably aware of these issues by approximately 1977.

INTERROGATORY NO. 27: As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers;
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure;
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure;
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form;
- F. Who is the custodian of such information;
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER: See Defendant's Objections and Response to Interrogatory No. 26.

INTERROGATORY NO. 28: As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers;
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers;
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos;
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure;
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form;
- G. Who is the custodian of such information;
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER: See Defendant's Objections and Response to Interrogatory No. 26.

INTERROGATORY NO. 29: As to gastrointestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans;
- B. What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers;
- C. The date on which Defendant first suspected other cancers were caused by asbestos inhalation;
- D. Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure;
- E. What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form;
- G. Who is the custodian of such information.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time

period in which Plaintiff was allegedly employed by Defendant. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 30: Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting;
- B. The general subject matter discussed at each meeting;
- C. Who was in attendance at each meeting;
- D. Where and by whom the written minutes are presently maintained;
- E. By whom the minutes were taken and put into final format;
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff was allegedly employed by Defendant. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, Defendant has not located any information responsive to this Interrogatory.

INTERROGATORY NO. 31: Does Defendant intend to call a company representative as a witnesses at the trial of any of this case? If so, list:

- A. The name, address, and job title of each company representative who may be called;
- B. A summary of the testimony expected to be given by each such witness;
- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, Defendant does not presently intend to call a company representative as a witness at the trial of this matter.

INTERROGATORY NO. 32: Does your company have, or has it ever had, or have your predecessors or subsidiaries ever had, a Medical Department? If so, state:

- A. The year such Medical Department was established;
- B. Whether or not such Medical Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, see Defendant's response to Interrogatory No. 23.

INTERROGATORY NO. 33: Please state whether written warnings were placed at any locations adjacent to or near asbestos in place on railroads, railway car(s) and/or engine(s) and/or locomotives owned or operated by Defendant at anytime from 1965 to the present. If so, please describe with specificity such signs, including size, color, wording, etc. Additionally, please state the number of such signs that were installed and indicate the specific location of each such sign and the dates such sign was at that location.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it does not reference any time period during which Plaintiff was allegedly employed by Defendant nor is it limited to the job site or facilities on which Plaintiff was allegedly employed by Defendant.

INTERROGATORY NO. 34: Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Safety Department? If so, state:

- A. The year such Safety Department was established;
- B. Whether or not such Safety Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Safety Department year by year, beginning with the first year you had a Safety Director or Safety Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Safety Department.

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to but without waiver of the foregoing objections, all Railroad Departments are conscious of safety issues. Further, Defendant has no records available from which to obtain the requested information for the time period of Plaintiff's employment. The current safety director for Union Pacific is Keith Kenyon.

INTERROGATORY NO. 35: Please state whether a medical monitoring program, medical examination program or other medical surveillance was provided to your employees and specifically to Plaintiff. If so, please indicate what records of such program, examination or surveillance concerning Plaintiff exist at this time, including but not limited to reports, x-rays and medical notes.

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. This Interrogatory seeks information which is protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, Defendant has not located any information which would indicate that medical monitoring and/or surveillance was conducted by Defendant on Plaintiff.

INTERROGATORY NO. 36: Please state whether Defendant has at any time provided safety equipment to the Plaintiff and/or the crew members or employees of Defendant present at any time on the railroad, railway car(s) and/or engine(s) and/or locomotives in question during the time Plaintiff was employed by Defendant for protection against the inhalation of airborne asbestos dust, including but not limited to; masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, please indicate when such item was first provided, under what circumstances provided, and the name, address and telephone number of the person most knowledgeable concerning such provision.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the job site and facilities on which Plaintiff was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, respiratory protection has been available to Defendant's employees for a number of years.

INTERROGATORY NO. 37: Please state whether Defendant ever agreed by contract, agreement, negotiation, collective bargaining or otherwise, to provide masks to Plaintiff and other crew members and/or employees of Defendant working with or around asbestos dust, asbestos products, friction products and/or machinery calling

for the use of asbestos or asbestos containing products. If so, please state verbatim the specific agreement or contract and/or other document by which Defendant agreed to provide such masks. Include the date the agreement was entered into, the period of time covered by the agreement and the parties to the agreement.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff was allegedly employed by Defendant nor limited to the job site or facilities on which Plaintiff was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, Defendant has not located any information which would indicate that Defendant entered into such an agreement during the years of Plaintiff's employment with Defendant.

INTERROGATORY NO. 38: Please state the precise State and/or Federal regulations, laws, statutes, or other authority pertaining to industrial hygiene or worker safety and health that governed, regulated controlled and/or were applicable to airborne asbestos exposure in your operations and/or aboard your railroad, railway car(s) and/or engine(s) and/or locomotives during the past thirty years.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period during which Plaintiff was allegedly employed by Defendant. Further the information requested is public record and equally available to Plaintiff and Defendant.

INTERROGATORY NO. 39: Please describe each and every occasion during the past thirty years when any regulatory agency or other governing body inspected Defendant's railroad, railway car(s) and/or engine(s) and/or locomotives in question for the purpose of ascertaining whether health and safety regulations were being followed or adhered to, including the date of such inspection and/or meeting, the results, and whether a written report was produced.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period during which Plaintiff was allegedly employed by Defendant nor is it limited to the job site or facilities on which Plaintiff was allegedly employed by Defendant.

INTERROGATORY NO. 40: Please state whether any asbestos-containing products in place or in use on the railroad, railway car(s) and/or engine(s) and/or locomotives owned or operated by Defendant has been removed or abated at any time from 1965 to the present. If so, please answer the following:

- A. List each and every abatement company or other contractor involved with the removal of asbestos, including address and telephone number, dates of such removal, and whether a contract for such removal exists;
- B. Indicate the total amount in dollars spent by Defendant to abate or remove asbestos from the railroads, railway car(s) and/or engine(s) and/or locomotive(s).
- C. State whether any "removal plan" or organized written criteria or other document related to asbestos removal on the railroads, railway car(s) and/or engine(s) and/or locomotive(s) was ever prepared by Defendant;
- D. State whether corporate documents discussing or relating generally to the removal of asbestos are in existence and/if so, where they are maintained;
- E. State precise dates and locations when and where such removal or abatement took place for each such car, railroad and/or engine and/or locomotive.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it does not reference any time period during which Plaintiff was allegedly employed by Defendant. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, Defendant has been involved in the abatement of asbestos in use on the railroad.

INTERROGATORY NO. 41: As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Interrogatory seeks information which is protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, Defendant is aware of current permissible exposure limits for exposure to asbestos fibers and its predecessors promulgated by the OSHA. Investigation with regard to TLVs and the date upon which Defendant first became aware of this "concept" has not located any documents which address this issue. Additionally, investigation continues on this issue, and this answer will be supplemented as appropriate.

INTERROGATORY NO. 42: Please state whether and when Defendant received a copy of the Fleischer/Drinker Report published in 1945/1946.

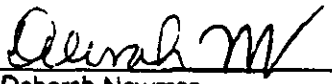
ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period during which Plaintiff was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, counsel for Defendant has obtained this document through the course of other asbestos litigation.

INTERROGATORY NO. 43: Please describe all actions taken by Defendant to comply with the Boiler Inspection Act, previously 45 U.S.C. §23 during the past thirty-five (35) years, now designated at 49 U.S.C. §20701 et seq.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period during which Plaintiff was allegedly employed by Defendant nor is it limited to the job site or facilities on which Plaintiff was allegedly employed by Defendant. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine. Finally, this Interrogatory requires Defendant to make a legal conclusion in order to respond to it.

R e s p e c t f u l l y s u b m i t t e d ,

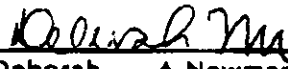
PHELPS DUNBAR

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Attorney for Defendant Union Pacific Railroad Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Defendant Missouri Pacific Railroad Company's First Supplemental Objections and Responses to Plaintiff's Request for Production has been sent via federal express to Kimberly Schauck, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281, this 23 day of August, 1997. Copies to all other parties are being sent via United States mail on the 26 of August, 1997.



Deborah A. Newman