

NO. D153109



VERNON T. GOODALE, et al.,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
vs.	§	JEFFERSON COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLAS	§	
CORPORATION, et al.,	§	
	§	
Defendants.	§	136TH JUDICIAL DISTRICT

DEFENDANT MISSOURI PACIFIC RAILROAD COMPANY d/b/a
UNION PACIFIC RAILROAD COMPANY'S
OBJECTIONS AND RESPONSES TO PLAINTIFF'S INTERROGATORIES

TO: Leroy Dean Harris, 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, Defendant herein, hereby submits its Objections and Responses to Plaintiff's Interrogatories.

General Objections

1. Defendant objects to the Interrogatories to the extent that they request information protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine. Any information subject to any such privilege inadvertently provided by Defendant in response to the Interrogatories shall not constitute or be deemed to constitute a waiver of any such privilege.
2. Defendant objects to the Interrogatories to the extent that they request information that is neither relevant nor likely to lead to the discovery of admissible evidence.
3. Defendant objects to the Interrogatories to the extent that they exceed the scope of permissible discovery under the Texas Rules of Civil Procedure.
4. Defendant objects to the Interrogatories to the extent that they purport to require Defendant to provide information that is available to Plaintiff where the burden of deriving or ascertaining such information is substantially the same as for Plaintiff as for Defendant.

5. Defendant objects to the Interrogatories to the extent that they purport to require Defendant to provide information pertaining to any time period other than the relevant time period which Plaintiff was allegedly employed by Defendant.

6. Defendant reserves the right to supplement or amend its responses as appropriate.

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.

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. 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: State whether you contend that the Plaintiff has done or failed to do anything that constitutes a failure to mitigate damages. If so, please describe the basis of your contention and what evidence exists to support that contention.

ANSWER: Objection. This Interrogatory is premature because Defendant will not know the answer until discovery is completed.

INTERROGATORY NO. 6: List each and every place of work and job assignment of the Plaintiff which he held during his employment with Defendant and describe in detail the duties involved in each of the job assignments.

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 has not yet located Plaintiff's personal file. Defendant will produce said file under separate cover if it is located.

INTERROGATORY NO. 7: Describe in detail how asbestos containing products were used by railroad workers on Defendant's railroad(s) during the period of Plaintiff's employment by Defendant.

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.

Further, this Interrogatory is not limited to the job sites and/or facilities at which Plaintiff was allegedly employed by Defendant.

INTERROGATORY NO. 8: Describe in detail where asbestos containing products were used by railroad workers on Defendant's railroad(s) during the period of Plaintiff's employment by Defendant.

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. Further, this Interrogatory is not limited to the job sites and/or facilities at which Plaintiff was allegedly employed by Defendant.

INTERROGATORY NO. 9: 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: Objection. This Interrogatory is premature. Defendant will not know the answer until discovery is completed and/or more information is obtained or furnished.

INTERROGATORY NO. 10: Please state the name of each and every person having knowledge of facts relevant to this action including most recent address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant's agents, including, 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 damages and/or injuries; and
- C. The negligence of any person or entity other than Defendant which Defendant contends was a cause of Plaintiff's injuries and/or damages.
- D. Each of Defendant's defenses enumerated 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. Leroy Dean Harris
1290 S.W. 239th
Hillsboro, Oregon 97123
- 2. Ernest T. Rouse,
710 Hanley
St. Louis, MO 63105

- 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. 11: Please identify documents or things, including x-rays, MRI's, CT-scans or other materials, 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: 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. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 12: 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 on which the witness is expected to testify, specific as to each individual Plaintiff's case, 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, specific as to each individual Plaintiff's case;

- 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, specific as to each individual Plaintiff's case. The identity, address, and job classification 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;
- C. Whether any person identified in subparagraph B above has provided a report or other documentation to you, and if so, identify each such document or report, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group.
- D. Identify all documents or other materials, including but not limited to x-rays, pathology, CT-scans, you have provided to each person identified in response to subparagraph B above, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group.
- E. Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph B above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

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. 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 answers as follows:

- A.
 - 1. **Dr. Frank Weir**, Houston, Texas. Dr. Weir is an industrial hygienist and toxicologist. His curriculum vitae is attached to Defendant's responses to requests for production. Dr. Weir will testify regarding whether Plaintiff's exposure to asbestos was in excess of acceptable levels in the industry at the time of Plaintiff's alleged employment. He will testify regarding the state of medical knowledge within the railroad industry and whether Defendant's efforts with regard to industrial hygiene were appropriate, grounded upon all of the discovery and testimony in this case.
 - 2. **Dr. Horton Corwin Hinshaw**, San Francisco, California. Dr. Hinshaw will testify consistent with his video deposition taken in Kansas City in 1984. Plaintiff's counsel has access to the transcript of this deposition.
- 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.
- C. If experts prepare reports, Defendant will produce them.
- D. 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.
- E. A copy of the foregoing expert curriculum vitae will be attached under separate cover.

INTERROGATORY NO. 13: 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:

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. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-

client privilege and the work product doctrine. Further, Defendant's first notice of Plaintiff's claim was when he filed suit.

INTERROGATORY NO. 14: Please state whether Defendant or any successor or predecessor was ever a member of the Railroad Claims Registry, and if so, please state the years Defendant was a member; the years of attendance at and involvement in the Railroad Claims Registry Meetings; the name, job classification, address and telephone number of each and every agent and/or representative and/or employee of Defendant attending each and every Railroad Claims Registry Meeting and the year that agent and/or representative and/or employee of Defendant attended the meeting; and the location of the Railroad Claims Registry Meeting for each year attended by Defendant.

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. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 15: Please state whether Defendant or any successor or predecessor ever attended or sent an agent on its behalf to any of the Association of American Railroads and American Railway Association meetings from 1930 to the present, and if so, please state the years of attendance; the location of the meeting; the name, address, job classification and telephone number of each and every agent and/or employee and/or representative of Defendant attending each and every Association of American Railroads and American Railway Association meeting and the exact year of attendance.

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. 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 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 Medical and Surgical Section from the Association of American Railroads. These records indicate that the following individuals were in attendance as representatives of Defendant 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. 16: Before 1980, did Defendant receive notice that any individual who at any time was employed by the Defendant claimed injury 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. 17: Before 1980, did Defendant receive notice that any individual who at any time was employed by any Railroad claimed injury 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. 18: Has Defendant 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 exposure to airborne asbestos? 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 waiving the foregoing objection, Defendant has displayed and distributed brochures and warning signs concerning the use of asbestos-containing products.

INTERROGATORY NO. 19: Did Defendant install, replace, use, repair, assemble, transport or store, either as an original appurtenance of the railroad or placed in/on the railroad in conjunction with repairs or alterations to the railroad, any asbestos-containing products during the time Plaintiff worked for Defendant? If so, identify:

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

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.
 - viii. 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. 20: Did any entities or persons at Defendant's direction, whether direct or indirect, including but not limited to contractors and subcontractors install, replace, use, repair, assemble, transport or store, either as an original appurtenance of the railroad or placed in/on the railroad in conjunction with repairs

or alterations to the railroad, any asbestos-containing products during the time Plaintiff worked for Defendant? If so, identify:

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

ANSWER: Defendant is unable to respond to this Interrogatory because, after a thorough search of its records, Defendant has not been able to locate any information which would indicate when, or if, Plaintiff was employed by Defendant.

INTERROGATORY NO. 21: If the answer to any portion of the preceding interrogatory is in the affirmative and/or if any asbestos-containing products are identified in response to such interrogatory, state the following as to each identified product:

- A. The name(s) of the railroad workers repairing, replacing, or using each asbestos-containing product on Defendant's railroad(s) during Plaintiff's period of employment by Defendant;
- B. A description of the physical appearance of each of the named asbestos-containing products;
- C. A detailed description of the uses of the named asbestos-containing products;
- D. A detailed description of the areas on Defendant's railroad where such asbestos-containing products were installed, replaced or used.

ANSWER: The extent of Defendant's knowledge in respect to this Interrogatory is set forth in Defendant's Objections and Response to Interrogatory No. 20.

INTERROGATORY NO. 22: Has Defendant or any other entity at the direction of Defendant, contracted with another entity for the acquisition, ordering, purchasing, supplying or distributing of asbestos-containing products, at any time prior to or during the time Plaintiff was employed by Defendant. If so, identify:

- A. Each of Defendant's railroad components by name and number for which the asbestos-containing products were ordered, purchased, supplied or distributed during the time Plaintiff was employed by Defendant;
- B. The particular type of asbestos-containing products acquired;
- C. The trade or brand name of each of those 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 asbestos-containing products.

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. Further, Defendant is unable to respond to this Interrogatory because, after a thorough search of its records, Defendant has not been able to locate any information which would indicate when, or if, Plaintiff was employed by Defendant.

INTERROGATORY NO. 23: If your answer to any portion of the preceding interrogatory is in the affirmative, or if any asbestos-containing products, are identified in response to that interrogatory, state the following as to each product:

- A. The name(s) of the company(ies), entity(ies), manufacturers from which the asbestos-containing products were acquired, ordered, purchased, supplied or distributed;
- B. The date(s) each asbestos-containing product was ordered, purchased, supplied or distributed;
- C. A description of the physical appearance of each of the named asbestos-containing product;
- D. A detailed description of the uses of the named asbestos-containing products;

- E. Identify the last year that Defendant ordered, purchased, supplied or distributed each identified asbestos-containing product.

ANSWER: The extent of Defendant's knowledge in respect to this Interrogatory is set forth in Defendant's Objections and Response to Interrogatory No. 19.

INTERROGATORY NO. 24: State whether Defendant maintained from 1950 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. 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.

ANSWER: The extent of Defendant's knowledge in respect to this Interrogatory is set forth in Defendant's Objections and Response to Interrogatory No. 19.

INTERROGATORY NO. 25: 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.

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. Further, Defendant is unable to respond to this Interrogatory because, after a thorough search of its records, Defendant has not been able to locate any information which would indicate when, or if, Plaintiff was employed by Defendant.

INTERROGATORY NO. 26: At any time prior to 1980 did Defendant or anyone at the direction of Defendant 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 in relation to Defendant's railroad? If so, please identify with particularity the entity and/or persons conducting such investigation(s), survey(s), or test(s), the dates conducted and the results.

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. 27: Did Defendant ever arrange for any labor agency, insurance company, government agency, inspectors or anyone from your company to go into any of Defendant's railway car(s) and/or engine(s) and/or locomotive(s) and/or roundhouses and/or shops to take dust level counts related to asbestos dust? If so, identify with particularity the party(ies) conducting such procedure(s), the dates conducted, the purpose of such procedure(s), and all results of such (s).

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. 28: Did Defendant 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. Subject to and without waiver of the foregoing objections, Defendant has not located any documents from the time period during which Plaintiff was allegedly employed by Defendant which are responsive to this Interrogatory.

INTERROGATORY NO. 29: 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, 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

INTERROGATORY NO. 30: 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. 31: Has Defendant 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 member [Sic];
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations;
- 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. 32: As to the disease asbestosis, state:

- A. The date on which Defendant 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. 33: As to the disease lung cancer, state:

- A. The date on which Defendant 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 32.

INTERROGATORY NO. 34: As to the disease mesothelioma, state:

- A. The date on which Defendant 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 32.

INTERROGATORY NO. 35: As to gastrointestinal cancer, laryngeal cancer, pharyngeal cancer and/or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant first learned that such diseases were caused by inhalation of asbestos fibers by humans;
- B. What cancers has the Defendant 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. 36: Did Defendant 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. 37: Does Defendant intend to call a company representative as a witness at the trial 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 Plaintiff(s) 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. 38: Does your company have, or has it ever had, a Medical Department or Medical Section? If so, state:

- A. The year such Medical Department or Section was established;
- B. Whether or not such Medical Department or Section has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department or Section year by year, beginning with the first year of its existence 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. 29.

INTERROGATORY NO. 39: Please state whether written warnings were placed at any locations adjacent to or near asbestos in place on Defendant's railroad(s), at anytime from 1930 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. Subject to and without waiver of the foregoing objections, it is doubtful, even if Plaintiff's dates of employment with Defendant are furnished that Defendant can respond to this Interrogatory with accuracy.

INTERROGATORY NO. 40: Does your company have, or has it 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.

INTERROGATORY NO. 41: 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 documents which would indicate that medical monitoring and/or surveillance was conducted by Defendant on Plaintiff.

INTERROGATORY NO. 42: Please state whether Defendant has at any time provided safety equipment to the Plaintiff and/or the railroad workers of Defendant present at any time during Plaintiff's employment by Defendant for protection against the inhalation of airborne asbestos dust, including but not limited to masks, respirators, or 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, 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. 43: 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 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. 44: 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 in relation to Defendant's railroad.

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 is equally available to Plaintiff and Defendant.

INTERROGATORY NO. 45: Please describe each and every occasion during the past thirty years when any regulatory agency or other governing body inspected Defendant's railroad to ascertain 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. 46: Please state whether any asbestos-containing products in place or in use on Defendant's railroad, 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.
- C. State whether any "removal plan" or organized written criteria or other document related to asbestos removal on the railroad(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 railroad.

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. 47: 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 was 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. 48: 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. 49: 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.

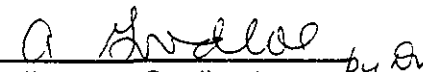
ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period during which Plaintiff was allegedly employed by Defendant nor is it limited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

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**Attorneys for Defendant Missouri Pacific Railroad Company
d/b/a 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 d/b/a Objections and Responses to Plaintiff's Interrogatories has been sent via First Class Mail to all parties of record on attached service list and via Federal Express to Kimberly A. Castles, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281, this 15 day of January, 1997.

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