



NO. 94-12336-K

HAROLD LARMOUR, et al.,

§

IN THE DISTRICT COURT

vs.

§

DALLAS COUNTY, TEXAS

OWENS-CORNING FIBERGLAS
CORP., et al.

§

§

§

192nd JUDICIAL DISTRICT

**DEFENDANT ILLINOIS CENTRAL RAILROAD COMPANY'S SUPPLEMENTAL
RESPONSES AND OBJECTIONS TO PLAINTIFF MILFORD RAWSON'S
SECOND SET OF INTERROGATORIES, SUBJECT TO AND WITHOUT WAIVING
SPECIAL APPEARANCE TO PRESENT MOTION OBJECTING TO JURISDICTION**

TO: MILFORD RAWSON, by and through his counsel of record, Kimberly Shauck,
Baron & Budd, P.C., 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219-4281.

Now comes Illinois Central Railroad Company ("ICRC"), Defendant, Subject to its Special Appearance to Present Motion Objecting to Jurisdiction, and files this its Supplemental Responses and Objections to Plaintiff Milford Rawson's Second Set of Interrogatories to Defendant, Subject to and Without Waiving Special Appearance to Present Motion Objecting to Jurisdiction, pursuant to Rule 120a, 166b and 168 of the Texas Rules of Civil Procedure.

Respectfully submitted,

By

Thomas R. Peters

GUNDLACH, LEE, EGGMANN, BOYLE & ROESSLER
5000 West Main Street, P.O. Box 23560
Belleville, IL 62223-0560
Telephone: (618) 277-9000

Scott P. Hazen

BROWN McCARROLL & OAKS HARTLINE
300 Crescent Court, Suite 1400
Dallas, TX 75201-6929
(214) 999-6100
ATTORNEYS FOR DEFENDANTS ILLINOIS CENTRAL
CORPORATION and ILLINOIS CENTRAL RAILROAD
COMPANY

CERTIFICATE OF SERVICE

The undersigned attorney certifies that a copy of the foregoing Defendant Illinois Central Railroad Company's Supplemental Responses and Objections to Plaintiff Milford Rawson's Second Set of Interrogatories, Subject to and Without Waiving Special Appearance to Present Motion Objecting to Jurisdiction was faxed to the below-listed counsel on November 20, 1997, and was also deposited in a mail box located near 5000 West Main Street, Belleville, Illinois, with proper postage prepaid at approximately 5:00 p.m. on November 20, 1997, addressed to the following:

Ms. Kimberly Shauck (Fax: 214-520-1181)
Baron & Budd, P.C.
3102 Oak Lawn Ave., Suite 1100
Dallas, TX 75219



Thomas R. Peters
Pro Hac Vice
GUNDLACH, LEE, EGGMANN, BOYLE
& ROESSLER
5000 West Main St., Box 23560
Belleville, IL 62223-0560
(618) 277-9000
(618) 277-4594 FAX

I.**PRELIMINARY STATEMENT AND OBJECTIONS**

Subject to and without waiving its current or any future special appearances, ICRC makes this preliminary statement and these objections:

ICRC currently has special appearance motions pending in two cases involving two Plaintiffs in Dallas County, Texas. Each of these cases involve numerous Plaintiffs who are residents of states other than Texas. Each and every objection, response or matter contained in these responses and answers is made strictly subject to and without waiving any pending special appearance motion. To the extent that ICRC is named and served as a party in future cases in Dallas County, these responses shall also be subject to and without waiving any future special appearance motions.

ICRC expressly objects to each and every discovery request to the extent that it seeks any information in those cases wherein a special appearance is pending for the reason that such discovery requests are not related to any special appearance motion or likely to lead to the discovery of evidence admissible in a special appearance hearing. ICRC does not own or control any railroad track in Texas.

ICRC will provide substantive responses to those requests related to jurisdictional issues as they relate to those Plaintiffs who have sued ICRC and as otherwise contained herein subject to specific and general objections. However, ICRC objects to each and every discovery request and/or interrogatory to the extent that it is unrestricted as to subject, time and geography on the grounds that such requests/interrogatories are unreasonably burdensome and not reasonably related to the discovery of jurisdictional evidence related to such claims.

II.

GENERAL OBJECTIONS

1. ICRC further objects to each and every discovery request, interrogatory and request for admission to the extent that it requires ICRC to search through all corporate documents or all corporate documents for the reason that such interrogatories are clearly over broad, unduly burdensome, exceptionally expensive, and not reasonably related to the discovery of evidence relevant to the claims of Plaintiff claiming injury arising out of alleged exposure while employed by Defendant in Texas.

2. ICRC further objects to those interrogatories as a whole, since they seek matters which are privileged under the Tex. R. Civ. P. and Tex. R. Civ. Evid., including, but not limited to, information and matters precluded by the attorney/client privilege, attorney/work product exemption and the party communications privilege.

3. ICRC further objects to the definitions set forth at the beginning of Plaintiffs' interrogatories as an improper attempt to give meanings to ordinary English words that are contrary to their accepted meanings and which render the requests ambiguous, overly broad and/or unduly burdensome to answer.

4. ICRC further objects to Plaintiffs' interrogatories as vague since they are not limited to the time and location when and where Plaintiffs were allegedly employed by ICRC.

5. ICRC expressly incorporates each and every general objection and preliminary statement into its response to each interrogatory, subject to and without waiving its special appearance motion objecting to jurisdiction.

**SUPPLEMENTAL RESPONSES TO
SECOND SET OF INTERROGATORIES**

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: Subject to and without waiving its previously filed objections, defendant incorporates its previously filed response to this interrogatory and further incorporates the deposition of Charles Garrett in *Lewis v. IC*, Tarrant County, as well as the exhibits filed by the parties in that case in further response to this interrogatory.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving its previously filed objections, Defendant states that it cannot answer this interrogatory in that the phrase "intended to provide coverage" is not limited in time or to any individual or entity. Defendant does state that it does not have any insurance policies in its possession regarding Gulf, Mobile & Ohio Railway Company. With respect to Illinois Central Railroad Company, Defendant has in its possession and has provided for inspection by Plaintiff at the deposition of Charles Garrett approximately 54 binders of policies relating to the years 1957 through 1985, reflecting in excess of 165 insurance companies. Illinois Central Railroad Company initiated litigation against these companies which resulted in a settlement. See *Illinois Central Railroad Company v. Certain Underwriters at Lloyd's, London, et al*, Civ. Action No. 91 L 91 WLB (Asbestos).

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving its previous objections, Defendant states that at Plaintiff's deposition, he stated he smoked.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving its previous objections, Defendant states that based on Plaintiff's deposition, Plaintiff worked as a hostler for a short time in Vicksburg, MS and spent the remainder of his employment as a fireman or engineer in service between Vicksburg and Meridian, MS.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answer this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it is vague and unclear, and virtually impossible to answer, as worded.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving its previously filed objections, Defendant states that its knowledge of any specific work being done in close proximity to plaintiff is limited to plaintiff's deposition testimony and prior statements. According to Drs. Embry and Forrester, plaintiff never worked with and was never around anyone working with asbestos during his employment with defendant.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving its previously filed objections, Defendant incorporates plaintiff's most recent petition and its response to interrogatory No. 4 as its response herein.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving its previously filed objections, Defendant asserts that plaintiff's medical records disclose that plaintiff suffered a back and neck injury requiring surgery in 1969, a myocardial infarction in 1991, and currently suffers from ischemic heart disease. See report of Dr. Ross in further response to this interrogatory. See also response to interrogatory No. 4.

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 damages and/or injuries;
- 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. 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to these objections, the following persons have knowledge of facts relevant to Defendant's Special Appearance Motion:

Charles Garrett
Illinois Central Railroad Company
2921 Horn Lake Road
Memphis, TN 38109

Robert Hanly
Illinois Central Railroad Company
Houston, Texas

Subject to and without waiving its previously filed objections, Defendant states:

- A. None, other than plaintiff;
- B. See response to interrogatory No. 10 below;
- C. None, other than previously disclosed by plaintiff; Defendant continues to object based upon work product privilege.

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 on 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, 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.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections.

Defendant further objects to answering this interrogatory for the reason that it seeks information which is relevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving its previously filed objections, see attached Disclosure of Witnesses incorporated herein and made a part hereof.

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: Subject to and without waiving its previous objections, Defendant states that the only "investigation" of Plaintiff's claims were made by Defendant and/or counsel, which "investigation" is privileged pursuant to the work product and attorney/client privileges.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states as to its own employees, no.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, and limited to the time period prior to 1969 when plaintiff left Defendant's employ, Defendant states unknown.

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, replace, use, repair, 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 or 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) 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 cars(s) and/or engine(s) in question.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states limited to plaintiff's place of employment, that it has no information other than that contained in plaintiff's deposition and the disclosure of witnesses. Investigation continues.

INTERROGATORY NO. 15: 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 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 questions where such asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products were installed, repaired, replaced or applied.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, see responses to Interrogatory No. 14, as well as materials produced at the deposition of Mr. Garrett.

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, insulating 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states that is purchased products which may have contained asbestos consistent with materials purchased by other railroads during the time periods plaintiff was employed by Illinois Central Railroad Co.

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 locomotive(s) identified:

- A. The name(s) of the company(ies), entity(ies), manufacturer(s) 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states, see response to Interrogatory #16.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states that it has no such documents in its possession.

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 railway car(s) and/or engine(s) and/or locomotives.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states that Illinois Central Railroad Co. had a safety department which provided training and materials throughout all operation of defendant's railroad. Numerous employees, including its foremen, had responsibility for safety training.

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 locomotives(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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states, unknown.

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 Defendant's railway car(s) and/or engine(s) and/or locomotive(s) in questions 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states that, limited to plaintiff's employment from 1946 to 1969, unknown.

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 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, and limited to the time period prior to 1969, Defendant states, "unknown."

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 or each of those individuals who has had or may have had any knowledge regarding the hazards of airborne asbestos dust.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states:

Illinois Central Railroad Co. employed the following Chief Medical Officers for the years indicated:

G. Dondall (1935-48)
W.W. Leake (1948-51)
Ernest Olsen (1951-69)
Harry Hunter (1969-74)
Philip L. Campagna (Acting Chief Medical Officer on at lest May 11, 1971)
William Hand (1974-77)
Thomas Davidson (1977-86)
Dennis Ignatz (1986-87)

Addresses of the above persons is unknown. it is believed each person was officed in Chicago, Illinois. The position was abolished in 1987.

Further, Defendant never hired an individual with the job title "industrial hygienist."

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 published (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 it present location.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, defendant states "no," other than materials collected in anticipation of litigation.

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 publication;
 - 4. The method or manner in which such publications are maintained.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks

information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, defendant states none other than organizations referred to in documents already produced by plaintiff or defendant in this case or the depositions of Novander and Garrett.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states, "unknown." Defendant further states that first asbestosis claim filed against it occurred in 1982.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states unknown. Defendant further states that the first lung cancer claim filed against it occurred in 1983.

INTERROGATORY NO. 28: As to the disease mesothelioma, 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. 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states, "unknown." Defendant further states that the first mesothelioma claim filed against it occurred in 1982.

INTERROGATORY NO. 29: As to gastro-intestinal 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 is still maintained by Defendant or its subsidiary or predecessor in any written form;
- F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form;
- G. Who is the custodian of such information.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states that medical science does not yet agree that gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer are caused by inhalation of asbestos fibers, nor is defendant aware of any other cancer caused by inhalation of asbestos fibers.

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 title of those individuals.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states, none known.

INTERROGATORY NO.31: Does Defendant intend to call a company representative as a witness 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states, unknown at this time. If Defendant elects to call such a representative, it will most likely be Mr. Garrett. See attached Disclosure as further response to this interrogatory.

INTERROGATORY NO. 32: Does your company have, or has it ever had, or have your predecessor(s) 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 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporated its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness

statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states, see answer to Interrogatory #23. Defendant further states that it has no written job description related to its Chief Medical Officers.

INTERROGATORY NO. 33: Please state whether written warnings were placed at any locations adjacent to or near asbestos in place on railroad(s), 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states, unknown.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible

evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states, yes. Further information is currently being investigated, and if uncovered, Defendant will supplement this interrogatory.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states that it required pre-employment and return to work physicals for its employees. With respect to plaintiff, defendant has no medical information other than that obtained in his lawsuit which are available upon request.

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 locomotive(s) 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states it has provided employees with hard hats, goggles, gloves, shoes and breathing protective equipment including cloth masks, black rubber respirators with filters fitting the nose and mouth and face masks with filters. See Plaintiff's deposition regarding his alleged use or non-use of this available "equipment."

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 documents 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states none known.

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 locomotive(s) during the past thirty years.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states: Federal Employer's Liability Act, 45 U.S.C. § 51 *et seq.*

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 locomotive(s) 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant is unaware of any regulatory agency inspecting plaintiff's place of employment during the time he was employed.

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 locomotive(s) 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 of dollars spent by Defendant to abate or remove asbestos from the railroad(s), 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 railroad(s), 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, whether they are maintained;
- E. State precise dates and locations when and where such removal or abatement took place for each such car and/or engine.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states that while it has abated or removed asbestos-containing materials on its railroad, it is not aware of any abatement or removal of such materials at the Vicksburg shops that were allegedly in place when plaintiff worked. In addition, defendant is unaware of any "abatement" occurring on any particular engine upon which plaintiff worked, but does state that all steam locomotives were no longer in service as of 1965.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states, unknown.

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

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible

evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Subject to and without waiving its previous objections, Defendant states, unknown.

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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this interrogatory for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further states that its objection to this same interrogatory in *Bethel v. OCF* has been sustained.