



CAUSE NO. 96-05440-K

SEATON, JESSE CHALMERS	§	IN THE DISTRICT COURT
BEATTY WYNN MORGAN, ET. AL	§	
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLAS, ET AL	§	192ND JUDICIAL DISTRICT

**DEFENDANT'S OBJECTIONS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

TO: Plaintiffs Beatty Wynn Morgan and Shirley Ann Morgan, by and through their attorney of record, Peter K. Kraus/Kimberly A. Castles, Baron & Bud, P.C., 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219

Defendants Norfolk Southern Railway Company (NSRC) and Norfolk Southern Corp. (NSC), pursuant to Rules 166b and 168 of the Texas Rules of Civil Procedure, hereby serve their Objections to Plaintiffs' First Set of Interrogatories as follows:

PRELIMINARY STATEMENT

The following responses are being provided after diligent investigation and inquiry by Defendant. However, because some of the evidence relating to the matters inquired about by Plaintiffs' First Set of Interrogatories occurred more than fifty (50) years ago, the availability of persons involved and the existence of applicable documents has been limited.

As a result of the foregoing factors, many of the individuals who might have had personal knowledge of the matters to which Plaintiffs' First Set of Interrogatories relate are deceased, retired, or are otherwise unavailable to NSRC, and investigations to date indicate that at least some documents which relate to matters inquired about by these interrogatories may have been destroyed in keeping with normal corporate record retention policy. Accordingly, some answers are possibly

incomplete. NSRC's investigation is continuing and should additional information surface, supplemental responses will be submitted. The following is a part of and is incorporated by reference in every response provided hereinafter:

This response is accurate as of the date of the Answers of Defendant Norfolk Southern Railway Company to Plaintiffs' First Set of Interrogatories. However, NSRC's investigation is continuing, and NSRC cannot exclude the possibility that it may be able to obtain more complete information or even information which indicates that the answer being supplied is incorrect. NSRC objects to responding to this interrogatory in regard to any period of time other than the period during which it allegedly employed Plaintiff. NSRC objects to providing information about geographic locations and operating units within the system other than those at which and for whom Plaintiff worked. The basis for such objections are that any responses would be irrelevant to the subject matter of the pending litigation, would not be reasonably calculated to lead to the discovery of admissible evidence, and would be burdensome and oppressive to NSRC.

The answers that follow, unless otherwise apparent from the context, are limited to the specific period that NSRC allegedly employed Plaintiff; and to the area in and around the place where Plaintiff allegedly worked for NSRC.

NSRC would also state that the answers to these First Set of Interrogatories are not complete since the Defendants have not been supplied with information regarding the Plaintiff's work history. Therefore, NSRC is unaware of the exact dates and locations in which the Plaintiff allegedly work for NSRC.

Finally, Defendant, Norfolk Southern Corporation objects to answering each and every Interrogatories in this First Set of Interrogatories due to the fact that the Plaintiff was never an employee of this Defendant and it was not in existence at the time of the Plaintiff's alleged employment. Effective June 1, 1982, Southern Railway Company and Norfolk and Western Railway

Company became sister corporations and the stock of each became owned by the Norfolk Southern Corporation, a non-carrier holding company which has never operated a railroad. Each of the carriers continued to operate as separate legal entities, a practice which continues to date. Southern Railway Company subsequently changed its name to Norfolk Southern Railway Company, but never employed the Plaintiff. Norfolk Southern Railway Company remains a separate distinct entity.

INTERROGATORIES

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

ANSWER:

It would be impossible to identify all persons who were consulted in connection with the answers to these interrogatories, and Defendants object to the interrogatory to the extent it seeks information within the work product privilege and the investigative/party communication privilege. Defendants further object to this interrogatory on the grounds that the interrogatory is overly broad, vague and ambiguous.

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:

Norfolk Southern Railway Company, One Commercial Place, Norfolk, Virginia 23510. NSRC is a corporation, organized and existing in the State of Virginia, with its principal place of business in Norfolk, Virginia. Defendants object to the portion of Interrogatory No. 2 devoted to a Certificate of Authority and operating in the State of Texas for the reason that Plaintiff, Beatty Wynn Morgan, if he worked for NSRC, did not do so in the State of Texas. Therefore, the response of NSRC to such interrogatories could not lead to the discovery of admissible evidence.

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 Plaintiffs 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:

Not applicable.

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

ANSWER:

Defendants object to this request on the grounds that the request is premature.

INTERROGATORY NO. 5: State whether you contend that the Plaintiff has done or failed to do anything that constitutes a failure to mitigate damages. If so, please describe the basis of your contention and what evidence exists to support that contention.

ANSWER:

Defendants object to this request on the grounds that the request is premature.

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

ANSWER:

See Preliminary Statement and General Objection. Defendants further object to this interrogatory on the grounds that the interrogatory is overly broad, vague and ambiguous.

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

ANSWER:

Defendants object to this request on the following grounds: that the request is overly broad; the request is unlimited in terms of geographic scope; the request is vague; the request is ambiguous; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

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

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is unlimited in terms of geographic scope; the request is vague; the request is ambiguous; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 9: If you have alleged in your answer that Plaintiffs 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 Plaintiffs exposure to asbestos-containing products, please describe in detail such pre-existing or subsequent disease, injury or condition.

ANSWER:

Defendants object to this request on the grounds that the request is premature.

INTERROGATORY NO. 10: Please state the name of each and every person having knowledge of facts relevant to this action including most recent address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant's agents, including, but not limited to:

- A. Identification of asbestos-containing products or type of products to which Plaintiff was exposed or facts disputing the identification of these products;
- B. Plaintiffs damages, injuries and/or facts disputing Plaintiffs damages and/or injuries; and
- C. The negligence of any person or entity other than Defendant which Defendant contends was a cause of Plaintiffs injuries and/or damages.
- D. Each of Defendant's defenses enumerated in Defendant's last filed answer.

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is vague; the request is ambiguous; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; the request infringes on the attorney work product privilege; the request infringes on the investigative/party communication privilege; the request infringes on the attorney-client privilege; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 11: Please identify documents or things, including x-rays, MRI'S, CT-scans or other materials, which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is vague; the request is ambiguous; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; the request infringes on the attorney work product privilege; the request infringes on the investigative/party communication privilege; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 12: Identify the names and addresses of all individuals Defendant may call as an expert witness(es) at trial, and for each individual, please state:

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

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

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is vague; the request is ambiguous; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 13: Identify all persons, entities, agencies or others, whether governmental (state or federal) or private, who participated in any investigation of the claims made the basis of this lawsuit.

ANSWER:

Defendants object to this request on the following grounds: the request is vague; the request is ambiguous; the request infringes on the attorney work product privilege; the request infringes on the investigative/party communication privilege; the request infringes on the attorney-client privilege; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

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

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is unlimited in terms of time; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure; and, the request seeks information which is private, confidential and/or proprietary.

Defendants further object to this interrogatory on the grounds that the number of interrogatories submitted exceed the number of interrogatories permitted by Rule 168 of the Texas Rules of Civil Procedure.

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

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is unlimited in terms of time; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure; and, the request seeks information which is private, confidential and/or proprietary.

Defendants further object to this interrogatory on the grounds that it exceeds the number of interrogatories permitted by Rule 168 of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 16: Before 1980, did Defendant receive notice that any individual who at any time was employed by the Defendant claimed injury as a result of exposure to asbestos? If so, state:

- A. The name and address of each claimant;
- B. The date of notice of each claim;
- C. A description of the claim;

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

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure; and, the request seeks information which is private, confidential and/or proprietary.

Defendants further object to this interrogatory on the grounds that it exceeds the number of interrogatories permitted by Rule 168 of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 17: Before 1980, did Defendant receive notice that any individual who at any time was employed by any Railroad claimed injury as a result of exposure to asbestos? If so, state:

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

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure; and, the request seeks information which is private, confidential and/or proprietary.

Defendants further object to this interrogatory on the grounds that it exceeds the number of interrogatories permitted by Rule 168 of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 18: Has Defendant at any time published, distributed or displayed any printed material, including brochures, pamphlets, catalogs, warning signs or statements, packaging or other written material of any kind or character containing any warning concerning the possibility of injury resulting from the use of asbestos-containing products and/or exposure to airborne asbestos? If so, state:

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

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is unlimited in terms of time; the request is unlimited in terms of geographic scope; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

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

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

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is unlimited in terms of geographic scope; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

Defendants further object to this interrogatory on the grounds that it exceeds the number of interrogatories permitted by Rule 168 of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 20: Did any entities or persons at Defendant's direction, whether direct or indirect, including but not limited to contractors and subcontractors install, replace, use, repair, assemble, transport or store, either as an original appurtenance of the railroad or placed in/on the railroad in conjunction with repairs or alterations to the railroad, any asbestos-containing products during the time Plaintiff worked for Defendant? If so, identify:

- A. By name and number each of Defendant's railroad(s), whether operating or in railyards, upon which the asbestos-containing product(s) were installed, repaired, used, stored or transported during the time Plaintiff worked for Defendant;
- B. The particular type of asbestos-containing product(s);
- C. The trade or brand name of each of the asbestos-containing products;

- D. The years during which each named asbestos product was applied, stored, used, repaired, installed or transported either as an original appurtenance of the railroad or placed on/in the railroad in conjunction with repairs or alterations to the railroad(s); and
- E. The dates of any removal or abatement of such asbestos-containing products, from Defendant's railroad(s).

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is unlimited in terms of geographic scope; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

Defendants further object to this interrogatory on the grounds that it exceeds the number of interrogatories permitted by Rule 168 of the Texas Rules of Civil Procedure.

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

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

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is unlimited in terms of geographic scope; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

Defendants further object to this interrogatory on the grounds that it exceeds the number of interrogatories permitted by Rule 168 of the Texas Rules of Civil Procedure.

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

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

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is unlimited in terms of geographic scope; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

Defendants further object to this interrogatory on the grounds that it exceeds the number of interrogatories permitted by Rule 168 of the Texas Rules of Civil Procedure.

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

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

- D. A detailed description of the uses of the named asbestos-containing products;
- E. Identify the last year that Defendant ordered, purchased, supplied or distributed each identified asbestos-containing product.

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is unlimited in terms of geographic scope; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

Defendants further object to this interrogatory on the grounds that it exceeds the number of interrogatories permitted by Rule 168 of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 24: State whether Defendant maintained from 1950 through the present copies of invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature relating to the purchase or acquisition of asbestos-containing products. If so, state:

- A. The location of such documents;
- B. The name and address of the custodian of the documents;
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.;
- D. In what form the documents can be accessed.

ANSWER:

Defendants object to this request on the following grounds: the request is overly broad; the request is unlimited in terms of geographic scope; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

Defendants further object to this interrogatory on the grounds that it exceeds the number of interrogatories permitted by Rule 168 of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 25: Identify all persons, including name, address and telephone number, who provided and/or conducted or were responsible for conducting any type of safety training, during the time Plaintiff was employed by Defendant.

ANSWER:

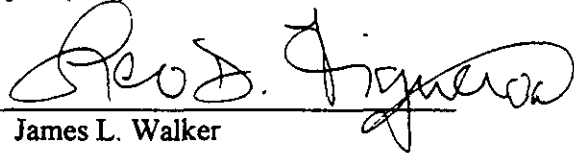
Defendants object to this request on the following grounds: the request is overly broad; the request is unlimited in terms of geographic scope; the request is vague; the request is ambiguous; the request seeks information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence; the overly broad nature of the request is such that it would be unduly burdensome and prohibitively expensive to gather the information necessary to respond to this request; and, the request exceeds the scope of discovery permitted by Rule 166b of the Texas Rules of Civil Procedure.

Defendants further object to this interrogatory on the grounds that it exceeds the number of interrogatories permitted by Rule 168 of the Texas Rules of Civil Procedure.

Respectfully submitted,

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By: _____


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ATTORNEYS FOR DEFENDANT, NORFOLK AND
SOUTHERN RAILWAY COMPANY AND NORFOLK
SOUTHERN CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served by certified mail, return receipt requested, to Mr. Peter A. Kraus / Kimberly A. Castles, Baron & Budd, The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas 75219, on this the 25th day of August, 1997.

All defense counsel may request a copy of this document.


LEO D. FIGUEROA

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