



NO. 95-04-2062-C

RALPH ANTHONY NICKERSON et al.,

Plaintiffs,

vs.

MISSOURI PACIFIC RAILROAD
COMPANY, et al.

Defendants

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IN THE DISTRICT COURT OF

CAMERON COUNTY, TEXAS

197TH JUDICIAL DISTRICT

**DEFENDANT UNION PACIFIC RAILROAD COMPANY'S SUPPLEMENTAL
DESIGNATION OF WITNESSES AND EXHIBITS**

TO: Plaintiff Ernest Lissy, by and through his attorneys of record, Peter Kraus & Kimberly Schauck, Baron & Budd, The Centrum, 3102 Oaklawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

COMES NOW, Defendant Union Pacific Railroad Company and files this their Supplemental Designation of Witnesses and Exhibits pursuant to the Texas Rules of Civil Procedure.

WITNESSES

1. Dr. Frank Weir, 8131 Wycomb Drive, Houston, Texas 77070, (281) 893-4003. Dr. Weir is an industrial hygienist and toxicologist. He is expected to testify regarding the state of medical and industrial knowledge within the railroad industry and whether Defendant's efforts with regard to industrial hygiene were appropriate. Dr. Weir may also offer other related testimony.
2. Larry Liukonen, CIH, CSP, Technical Health & Safety Consultant, Inc., 3605 W. Pioneer Pkwy, Suite D, Arlington, Texas 76013, (817) 483-4097. Mr. Liukonen is a certified industrial hygienist. He may testify as to issues of causation, Defendant's compliance with any state, federal or local regulations or guidelines relating to permissible levels of exposure to asbestos at the time of the alleged exposure in the subject case. Mr. Liukonen may also offer other related testimony.
3. Horton Corwin Hinshaw, M.D. San Francisco, California. Dr. Hinshaw will be called to testify by video deposition previously provided In Re FELA as to Asbestos Litigation, 1984, as to the state-of-the-art

as reflected in his review of the medical literature and from his own personal experience. Plaintiff's counsel was in attendance at this deposition and had an opportunity to cross examine Dr. Hinshaw. Dr. Hinshaw, is in sufficiently poor health that he is unavailable to testify at trial. For the complete substance of Dr. Hinshaw's testimony, please see his video deposition.

4. Elliott Hinkes, M.D., 301 North Prairie, Suite 311, Englewood, California 90301, (301) 674-0050. Dr. Hinkes is an oncologist. He may testify as to issues pertaining to the cause of plaintiff's medical condition. Dr. Hinkes may also testify as to the state-of-the-art of medical literature relating to the potential health hazards of asbestos at all relevant times and, in particular, as the state of the art pertains to railroad employees. Dr. Hinkes is expected to testify that the medical and scientific information available to the railroad industry from the 1930s through the early 1980s was not sufficient to place the railroad industry on notice that any railroad workers were at any increased risk for contracting asbestos related diseases. Additionally, Dr. Hinkes will render testimony regarding the statistical probabilities of contracting various asbestos related diseases and cancers based upon epidemiological studies. Dr. Hinkes may also offer other related testimony.

5. J. Rush Bowers, CIH, 640 E. Wilmington Avenue, Salt Lake City, Utah 84106. Mr. Bowers is an industrial hygienist. He is expected to testify regarding issues of causation, Defendant's compliance with any state, federal or local regulations or guidelines relating to permissible levels of exposure to asbestos at the time of the alleged exposure in the subject case. Mr. Bowers may also offer other related testimony.

6. Russell Sherwin, M.D., Department of Pathology, USC School of Medicine, 2011 Zonal Avenue, HMR-201, Los Angeles, CA 90033. Dr. Sherwin, a pathologist, is expected to testify regarding the nature and etiology of Plaintiff's alleged cancer. Dr. Sherwin may also offer testimony regarding the etiology and disease process of numerous forms of cancer.

7. Clive Taylor, M.D., USC Clinical Laboratories, 2011 Zonal Avenue, HMR 201, Los Angeles, CA 90033. Dr. Taylor is a pathologist. He is expected to testify regarding his immunopathologic consultation. Dr. Taylor may also offer other related testimony.

8. Dr. Scott Donaldson
9. Dr. Robert Ross
10. Dr. Joseph Bates
11. Dr. George Delclos
12. Tim McCormick, M.D., Medical Director, Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebraska 68179. Dr. McCormick, Union Pacific's Medical Director, is expected to testify regarding medical procedures and policies of the Union Pacific Railroad. He is also expected to testify regarding compliance with all federal and state regulations regarding health. He may offer other related testimony.
13. Steve Kenyon, General Director-Safety, Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebraska 68179. Mr. Kenyon, Union Pacific's General Director-Safety, is expected to testify regarding safety procedures and accident/ injury prevention activities in the areas of industrial safety and health, public safety, injuries and occupational illness. He may offer other related testimony.
14. Phillip Cagle, M.D., Baylor College of Medicine, Department of Pathology, One Baylor Plaza, Room 220-B, Houston, TX 77030. Dr. Cagle is a pathologist. He is expected to testify regarding his immunopathologic consultation. Dr. Cagle may also offer other related testimony.
15. All persons identified previously by Defendant in Responses to Interrogatories, Responses to Requests for Production, and Responses to Admissions.
16. All witnesses listed by Plaintiff.
17. All witnesses deposed in this case.
18. All physicians who have examined or treated Plaintiff.
19. Any person employed by any of Plaintiff's treating physicians, any of the health care facilities at which plaintiff has been treated, or any other provider who has examined, interviewed, or otherwise taken a history from Plaintiff.
20. All witnesses listed by any defendant.

EXHIBITS

1. 11/1/71 report from F. L. Pundsack, Johns-Manville to William J. Harris, Jr., V. P. of AAR - Research & Test Dept. re: Wear Tests on COBRA Brake Shoes.
2. 12/1972 "Air Quality in Baltimore and Ohio Trans Descending the Altamont - Piedmont Grade in West Virginia", An investigation for the Federal Railroad Administration conducted by the FAA Aeronautical Center Industrial Hygiene Section, Oklahoma City, Oklahoma, By Robert Thompson.
3. 6/29/77 internal correspondence from E. J. Bulava of Manville to G. L. Swallow of Denver re: Cobra Brake Emissions Boston Subway System, conducted the week of 3/28/77 (MBTA - Massachusetts Bay Transit Authority).
4. 8/8/77 report entitled "Anchor Brake Shoes Asbestos Emissions", to R. H. Alber, Sales Manager, ANCHOR Brake Shoes from R. D. Fleck, Director, Research and Development, West Chicago, Illinois.
5. 1/30/78 letter from R. D. Fleck, Director Research and Development to R. H. Alber, Sales Manager, ANCHOR Brake Shoes re: study of lead and asbestos emissions from ANCHOR Brake Shoes at Granite City, Illinois at ASF on 9/2/76.
6. 3/2/78 internal correspondence from E. J. Bulava of Manville to G. L. Swallow of Denver re: Cobra Brake Emissions Supplemental Report conducted on the Boston Subway System.
7. July 1978; "Asbestos Emissions From Railroad Brake Shoes", by J. F. Quealy and J. M. Wandrisco, U.S. Steel Corporation, Research Laboratory, Monroeville, Pa., for U.S. DOT, Federal Railroad Administration; FRA Purchase Order 810-4361.
8. 11/26/79 letter from Donald J. Larsen to Larry R. Liukonen, Burlington Northern re: analysis results; Front of caboose 0.019 and 0.052 fibers/cc. In Caboose 0.13 and 0.19 and 0.052 fibers/cc. In Caboose 0.13 and 0.19 fibers/cc.
9. 11/30/79 letter from L. R. Liukonen, Industrial Hygienist, Personnel Department to R. L. Grinde re: test conducted on Union Pacific rock train with composition brake shoes from Blossburg to Helena on 10/22/79.

10. 9/4/80 letter from R. D. Fleck, Director of Research & Development, Griffin Wheel Company, Anchor Brake Shoe Plant, West Chicago, Illinois, to R. E. Duncan, General Supervisor Locomotive Maintenance, Southern Pacific Transportation Co. re: Composition of their high friction composition brake shoe.
11. Arnie E. Anderson, Asbestos Emissions from Anchor Tread Brake Shoes, A Review of 1987 Brake Tests, Sponsored by Amsted Industries and conducted at Granite City, Illinois on 6/15-16/87 and Pueblo, Colorado on 7/15-16/87; 12).
12. All documents produced to Defendants in this case.
13. All exhibits identified by Plaintiff, exclusive of exhibits generally identified by Plaintiff as "Railroad Exhibits."

Respectfully submitted,

PHELPS DUNBAR

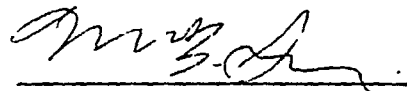
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Defendant Union Pacific Railroad Company's Supplemental Designation of Witnesses and Exhibits has been sent via Certified Mail to Plaintiffs counsel of record, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281 and via First Class Mail to all counsel of record this 6 day of Feb 1998.


Mark B. Schaffer