



NO. 97-16973

FRANCIS A. HILL, Individually and as
Personal Representative of the Heirs and
Estate of LUE J. PATTERSON, Deceased
Plaintiffs,

VS.

MISSOURI PACIFIC RAILROAD CO. d/b/a
UNION PACIFIC RAILROAD CO. (Individually
and as Successor-in-Interest to Texas & Pacific
Railroad)
Defendants.

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IN THE DISTRICT COURTS OF

HARRIS COUNTY, TEXAS

127TH JUDICIAL DISTRICT

**UNION PACIFIC RAILROAD COMPANY'S
OBJECTIONS AND RESPONSES TO PLAINTIFF'S SECOND SET OF INTERROGATORIES**

TO: Plaintiff Francis A. Hill, Individually and as Personal Representative of the Heirs and Estate of Lue J. Patterson, by and through her attorneys of record, Kimberly Castles, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

Pursuant to Rules 166b and 168 of the Texas Rules of Civil Procedure, Union Pacific Railroad Company (Improperly named as Missouri Pacific Railroad Co. d/b/a Union Pacific Railroad Co., Individually and as Successor-in-Interest to Texas & Pacific Railroad), Defendant herein, hereby submits its Objections and Responses to Plaintiff's Second Set of Interrogatories.

General Objections

1. Defendant objects to the Interrogatories to the extent that they request information protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine. Any information subject to any such privilege inadvertently provided by Defendant in response to the Interrogatories shall not constitute or be deemed to constitute a waiver of any such privilege.

2 Defendant objects to the Interrogatories to the extent that they request information that is
neither relevant nor likely to lead to the discovery of admissible evidence.

3 Defendant objects to the Interrogatories to the extent that they exceed the scope of permissible discovery under the Texas Rules of Civil Procedure.

4 Defendant objects to the Interrogatories to the extent that they purport to require Defendant to provide information that is available to Plaintiff where the burden of deriving or ascertaining such information is substantially the same as for Plaintiff as for Defendant.

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

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

INTERROGATORIES

INTERROGATORY NO. 1: At any time prior to 1980 did Defendant or anyone at the direction of Defendant conduct an investigation, survey or other process to identify the primary emission sources of airborne asbestos fibers and/or to assess and/or sample for the detection of, the quantity of, or threshold limit value of airborne asbestos fibers in relation to Defendant's railroad? If so, please identify with particularity the entity and/or persons conducting such investigation(s), survey(s), or test(s), the dates conducted and the results.

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

INTERROGATORY NO. 2: Did Defendant ever arrange for any labor agency, insurance company, government agency, inspectors or anyone from your company to go into any of Defendant's railway car(s) and/or engine(s) and/or locomotive(s) and/or roundhouses and/or shops to take dust level counts related to asbestos dust? If so, identify with particularity the party(ies) conducting such procedure(s), the dates conducted, the purpose of such procedure(s), and all results of such (s).

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

INTERROGATORY NO. 3: Did Defendant obtain facts, knowledge or information from any industry, insurance company, governmental agency, union, and/or any other entity regarding the potential health effects and/or health hazards created for persons exposed to airborne asbestos dust? If so, please list all sources of such information and the dates received.

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

INTERROGATORY NO. 4: List each person who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians (including those physicians who would have been responsible for conducting physicals, evaluations or screenings of Defendant's employees) and industrial hygienists, and the current address, telephone number and job title of each of those individuals who has had or may have had any knowledge regarding the hazards of airborne asbestos dust.

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

Subject to and without waiver of the foregoing objections, Ernest T. Rouse, 710 Hanley, St. Louis, MO 63105, was Medical Director for Missouri Pacific Railroad Company from approximately 1969 until approximately 1986.

Dennis Richling is Union Pacific Railroad Company's current medical director. He began at the railroad in 1986. His business address is 1416 Dodge, Omaha, Nebraska 68179. Dr. L.C. Bevilacqua was with the Union Pacific from 1978 to 1989. Dr. Bevilacqua lives in the Omaha area. Dr. R. D. Sellers was a contract physician with the Union Pacific

Railroad from approximately 1974 to 1978. It is believed that Dr. Sellers is in the Council Bluffs, Iowa area.

INTERROGATORY NO. 5: Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

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

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

INTERROGATORY NO. 6: Has Defendant at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of airborne asbestos? If so, state:

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

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, Defendant has been a member of the Association of American Railroads since 1934. Prior to 1934, Defendant was a member of the American Railway Association. Defendant does not currently have in its possession any records which indicate whether it had representatives at the Medical and Surgical Section of the Association of American Railroad for the years listed. Counsel for Defendant has obtained minutes of the proceedings of the Medical and Surgical Section of the American Railway Association and the American Association of Railroads for certain years through the course of other asbestos litigation. These records indicate that the following individual were in attendance at the following meetings. Defendant has no records which indicate that these individuals were employed by Defendant.

1921 P.F. Vasterling
1922 P.F. Vasterling, J. O. Graves, A. Isom, G. M. Snellings
1926 W.B. Burns, J. B. Caharton, W. P. Coyle, T.B.M. Craig, H.W. Cummings, J.N. Greene,
C.C. Hawke, S.C. Murray, E.B. Parsons, L.L. Purefoy, E.H. Skinner
1929 O.B. Zeinert
1930 O.B. Zeinert
1931 O.B. Zeinert
1932 O.B. Zeinert
1933 O.B. Zeinert
1934 O.B. Zeinert

1935 O.B. Zeinert
 1936 O.B. Zeinert
 1937 O.B. Zeinert, J.A. Lembeck, D.S. Long
 1939 O.B. Zeinert
 1940 O.B. Zeinert
 1941 O.B. Zeinert, A.J. Brown
 1946 O.B. Zeinert
 1947 O.B. Zeinert
 1949 O.B. Zeinert
 1950 O.B. Zeinert
 1951 O.B. Zeinert
 1952 J.A. Lembeck
 1953 J.A. Lembeck
 1955 J.A. Lembeck
 1956 J.A. Lembeck, G.W. Bale
 1957 J.A. Lembeck
 1958 J.A. Lembeck
 1965 J.M.L. Jensen

INTERROGATORY NO. 7: As to the disease asbestosis, state:

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

ANSWER:

Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant and does not reference any condition of which Plaintiff Decedent allegedly suffered. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, it is not known what year Defendant first became aware of this issue; however, as possibilities became more probable based on more concrete medical information, Defendant's awareness of these possibilities increased. To the best of our knowledge, it appears that the company was reasonably aware of these issues by approximately 1977.

INTERROGATORY NO. 8: As to the disease lung cancer, state:

- A. The date on which Defendant first learned that such disease was caused by inhalation of asbestos fibers;
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure;
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure;

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

ANSWER: See Defendant's Objections and Response to Interrogatory 32.

INTERROGATORY NO. 9: As to the disease mesothelioma, state:

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

ANSWER: See Defendant's Objections and Response to Interrogatory 32.

INTERROGATORY NO. 10: As to gastrointestinal cancer, laryngeal cancer, pharyngeal cancer and/or lymphatic cancer, state:

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

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

INTERROGATORY NO. 11: Did Defendant maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting;

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

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

INTERROGATORY NO. 12: Does Defendant intend to call a company representative as a witness at the trial of this case? If so, list:

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

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

INTERROGATORY NO. 13: Does Defendant have, or has it ever had, a Medical Department or Medical Section? If so, state:

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

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, see Defendant's response to Interrogatory No. 29.

INTERROGATORY NO. 14: Please state whether written warnings were placed at any locations adjacent to or near asbestos in place on Defendant's railroad(s), at anytime from 1930 to the present. If so, please describe with specificity such signs, including size, color, wording, etc. Additionally, please state the number of such signs that were installed and indicate the specific location of each such sign and the dates such sign was at that location.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it does not reference any time period during which Plaintiff Decedent was allegedly employed by Defendant nor is it limited to the job site or facilities on which Plaintiff Decedent was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, it is doubtful, even if

Plaintiff Decedent's dates of employment with Defendant are furnished that Defendant can respond to this Interrogatory with accuracy.

INTERROGATORY NO. 15: Does Defendant have, or has it ever had, a Safety Department? If so, state:

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

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to but without waiver of the foregoing objections, all Railroad Departments are conscious of safety issues.

INTERROGATORY NO. 16: Please state whether a medical monitoring program, medical examination program or other medical surveillance was provided to your employees and specifically to Plaintiff Decedent. If so, please indicate what records of such program, examination or surveillance concerning Plaintiff Decedent exist at this time, including but not limited to reports, x-rays and medical notes.

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

INTERROGATORY NO. 17: Please state whether Defendant has at any time provided safety equipment to the Plaintiff Decedent and/or the railroad workers of Defendant present at any time during Plaintiff Decedent's employment by Defendant for protection against the inhalation of airborne asbestos dust, including but not limited to masks, respirators, or other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, please indicate when such item was first provided, under what circumstances, and the name, address and telephone number of the person most knowledgeable concerning such provision.

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

INTERROGATORY NO. 18: Please state whether Defendant ever agreed by contract, agreement, negotiation, collective bargaining or otherwise, to provide masks to Plaintiff Decedent and other crew members and/or employees of Defendant working with or around asbestos products. If so, please state verbatim the specific agreement or contract and/or other document by which Defendant agreed to provide such masks. Include the date the agreement was entered into, the period of time covered by the agreement and the parties to the agreement.

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

INTERROGATORY NO. 19: Please state the precise State and/or Federal regulations, laws, statutes, or other authority pertaining to industrial hygiene or worker safety and health that governed, regulated controlled and/or were applicable to airborne asbestos exposure in your operations and/or in relation to Defendant's railroad.

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

INTERROGATORY NO. 20: Please describe each and every occasion during the past thirty years when any regulatory agency or other governing body inspected Defendant's railroad to ascertain whether health and safety regulations were being followed or adhered to, including the date of such inspection and/or meeting, the results, and whether a written report was produced.

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

INTERROGATORY NO. 21: Please state whether any asbestos-containing products in place or in use on Defendant's railroad, has been removed or abated at any time from 1965 to the present. If so, please answer the following:

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

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

INTERROGATORY NO. 22: As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant was first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

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

Additionally, investigation continues on this issue, and this answer will be supplemented as appropriate.

INTERROGATORY NO. 23: Please state whether and when Defendant received a copy of the Fleischer/Drinker Report published in 1945/1946.

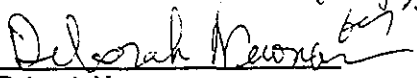
ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period during which Plaintiff Decedent was allegedly employed by Defendant. Subject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

INTERROGATORY NO. 24: Please describe all actions taken by Defendant to comply with the Boiler Inspection Act, previously 45 U.S.C. §23 during the past thirty-five (35) years, now designated at 49 U.S.C. §20701 et seq.

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

Respectfully submitted,

PHELPS DUNBAR

By 
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THOMPSON COBURN

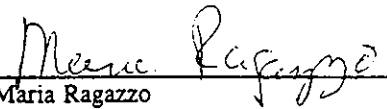
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*Signed by Permission

Attorneys for Defendant
Union Pacific Railroad Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Defendant Union Pacific Railroad Company's Objections and Responses to Plaintiff's Second Set of Interrogatories has been sent via Federal Express and Facsimile to Kimberly A. Castles, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281 and via First Class Mail to all parties of record on attached service list and this 30th day of June, 1997.



Maria Ragazzo

NO. 97-16973

FRANCIS A. HILL, Individually and as
Personal Representative of the Heirs and
Estate of LUE J. PATTERSON, Deceased
Plaintiffs,

vs.

MISSOURI PACIFIC RAILROAD CO. d/b/a
UNION PACIFIC RAILROAD CO. (Individually
and as Successor-in-Interest to Texas & Pacific
Railroad)
Defendants.

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IN THE DISTRICT COURTS OF

HARRIS COUNTY, TEXAS

127TH JUDICIAL DISTRICT

VERIFICATION

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS)

Comes now A.L. Schroeder, Manager of Discovery for Union Pacific Railroad Company, being first duly sworn on her oath, and states that she is authorized on behalf of Union Pacific Railroad Company to make the foregoing Objections and Responses to Plaintiff's Second Set of Interrogatories Directed to Defendant, and that while she does not have personal knowledge of all facts cited therein, the information has been collected and the answers made after a reasonable search of all available records and that she has read the foregoing Objections and Responses to Plaintiff's Second Set of Interrogatories, and that the information contained therein is true and accurate based on her best knowledge, information and belief. Therefore, the foregoing responses are verified on behalf of Defendant Union Pacific Railroad Company.

A. L. Schroeder
A. L. Schroeder

Subscribed and sworn to before me this 2nd day of June, 1997.

C. Coleman
Notary Public

My commission expires:

