

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 FIRST 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 First 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 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: State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all positions, titles, or jobs held while working for Defendant of each person who supplied any information used in answering these interrogatories.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, Arlene Schroeder, Manager of Discovery, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, Nebraska 68179.

INTERROGATORY NO. 2: State the full and proper business name and address of the Defendant. State whether or not you are a corporation. If so, state your corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas, maintained a registered agent in Texas, engaged in business in Texas or recruited or hired employees in Texas.

ANSWER: Defendant Union Pacific Railroad Company is a Utah Corporation licensed to do business in the State of Texas. Defendant's home office is in Omaha, Nebraska. It does business in Texas, maintains a registered agent in Texas, Norma Davenport, 808 Travis, Suite 620 Houston, Texas 77002 is authorized to accept service. Defendant engages in business and has employees in Texas.

INTERROGATORY NO. 3: With regard to each policy of liability insurance intended to provide coverage to Defendant, its agents and/or employees for the liability in connection with the allegations such as those delineated in Plaintiff Decedent's Original and Amended Petitions including, but not limited to, all primary and excess policies covering the Defendant for such liability, state the name and address of each carrier.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence.

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

ANSWER: Defendant anticipates that some of the Plaintiff Decedent's social habits may have contributed to his medical condition.

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

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

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

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, Defendant has no information responsive to this request.

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 Decedent's employment by Defendant.

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, this Interrogatory is not limited to the job sites and/or facilities at which Plaintiff Decedent was allegedly employed by Defendant.

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

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, this Interrogatory is not limited to the job sites and/or facilities at which Plaintiff Decedent was allegedly employed by Defendant.

INTERROGATORY NO. 9: If you have alleged in your answer that Plaintiff Decedent'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 Decedent's exposure to asbestos-containing products, please describe in detail such pre-existing or subsequent disease, injury or condition. For each alleged other injury, disease or condition, identify all evidence upon which you base this contention.

ANSWER: Objection. This Interrogatory is premature. Defendant will not know the answer until discovery is completed and/or more information is obtained or furnished.

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

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

ANSWER: To the extent the requested information is available to Defendant, the following individuals can be named; however, this is not a representation that each person is knowledgeable as to each interrogatory.

A-C. Discovery is continuing, Defendant will supplement.

D. Objection. This Interrogatory is overly broad and unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, this Interrogatory is outside the scope of knowledge of the persons identified.

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

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

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

- A. The subject matter on which the witness is expected to testify, specific as to each individual Plaintiff Decedent'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 Decedent'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 Decedent'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 Decedent'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 Decedent's case, separate and distinct from all other Plaintiffs within the group.
- E. Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph B above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, Defendant answers as follows:

- A. Experts have not been identified.
- B. Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objection, the expert's opinions and basis of opinion will be included in their reports. If experts prepare reports, Defendant will produce them.
- C. If experts prepare reports, Defendant will produce them.
- D. Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence.
- E. When experts are identified, a copy of their curriculum vitae will be provided under separate cover.

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

ANSWER: Objection- This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine. Further, Defendant's first notice of Plaintiff Decedent's claim was when he filed suit.

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

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

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

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, Defendant has been a member of the Association of American Railroads since 1934. Prior to 1934, Defendant was a member of the American Railway Association. Defendant does not currently have in its possession any records which indicate whether it had representatives at the Medical and Surgical Section of the Association of American Railroad for the years listed. Counsel for Defendant has obtained minutes of the Medical and Surgical Section from the Association of American Railroads. These records indicate that the following individuals were in attendance as representatives of Defendant at the following meetings. Defendant has no records which indicate that these individuals were employed by Defendant.

1921	P.F. Vasterling
1922	P.F. Vasterling, J. O. Graves, A. Isom, G. M. Snellings
1926	W.B. Burns, J. B. Caharton, W. P. Coyle, T.B.M. Craig, H.W. Cummings, J.N. Greene, C.C. Hawke, S.C. Murray, E.B. Parsons, L.L. Purefoy, E.H. Skinner
1929	O.B. Zeinert
1930	O.B. Zeinert
1931	O.B. Zeinert
1932	O.B. Zeinert
1933	O.B. Zeinert
1934	O.B. Zeinert
1935	O.B. Zeinert
1936	O.B. Zeinert
1937	O.B. Zeinert, J.A. Lembeck, D.S. Long

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

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

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

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant nor 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. 17: Before 1980, did Defendant receive notice that any individual who at any time was employed by any Railroad claimed injury as a result of exposure to asbestos? If so, state:

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

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant nor 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. 18: Has Defendant at any time published, distributed or displayed any printed material, including brochures, pamphlets, catalogs, warning signs or statements, packaging or other written material of any kind or character containing any warning concerning the possibility of injury resulting from the use of asbestos-containing products and/or exposure to airborne asbestos? If so, state:

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

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff 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 waiving the foregoing objection, Defendant has displayed and distributed brochures and warning signs concerning the use of asbestos-containing products.

INTERROGATORY NO. 19: Did Defendant install, replace, use, repair, assemble, transport or store, either as an original appurtenance of the railroad or placed in/on the railroad in conjunction with repairs or alterations to the railroad, any asbestos-containing products during the time Plaintiff Decedent 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 Decedent worked for Defendant;
- B. The particular type of asbestos-containing product(s);
- C. The trade or brand name of each of the asbestos-containing products;
- D. The years during which each named asbestos product was applied, stored, used, repaired, installed or transported either as an original appurtenance of the railroad or placed on/in the railroad in conjunction with repairs or alterations to the railroad(s); and
- E. The dates of any removal or abatement of such asbestos-containing products from Defendant's railroad(s).

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, Defendant does not maintain purchasing records known to cover the course of Plaintiff Decedent's employment. Purchase orders for non-stock items are retained for five years. For stock order materials, purchase orders are maintained for 3 years.

Based on information obtained in the course of other litigation, Defendant has the following information regarding the use of asbestos-containing products in the railroad industry:

- i. Asbestos-containing mittens - manufacturers include Sager Glove Company. These mittens were used for handling hot objects in the course of manufacture. Use of these products was discontinued in the early 1980s.
- ii. Asbestos tape - manufacturers include Amatex, Novatex, Jane's Brand 116, Anchor Rubber Company and Johns-Manville. This material was used to wrap steam and hot water pipes on steam locomotives and business cars. This material is not presently maintained in Defendant's store stock.

iii. Ground asbestos - manufacturers include Johns-Manville, Product 7M-13. This was used for post curing process for glued Vortex and Allegheny insulated joints. This product was discontinued November 14, 1978.

iv. Sealing and glazing compounds - The following sealing and glazing compounds were in use up until at least the mid 1980s and contained a small percentage of asbestos (usually less than 5%):

<u>Product</u>	<u>Manufacturer</u>
Duxseal Sealing Compound	- Johns-Manville
Chalking Glazing Compound	- Tremco Manufacturing Company
M242 Elastic Glazing Compound	- Pecora Chemical Company
Mastic	- Overall Paint Inc.
No. 1-723 Lt. Gray Anti-Skid	- Matcote Company, Inc.
Dayco Wood Filler	- Day, James B and Company
Wood Filler Paste	- Lawrence-McFadden Co.
Black Plastic Cement	- Johns-Manville
Medium Black Cement	- No-Ko-Rode
Heavy Black Cement No. 169	- Lucan

v. Asbestos-containing barriers in dynamic brakeshoes - manufacturers include General Electric, General Motors and Moseback. These barriers were insulation in dynamic brake grids on locomotives. This product was first used in approximately 1937 by General Motors.

vi. Firebox linings - manufacturers unknown. A product containing asbestos was used to line the bottom of fireboxes in steam locomotives. Steam locomotives have not been operated by Defendant since approximately 1955.

vii. Gaskets - Defendant is aware that some gasket material contained a small percentage of asbestos - Manufacturers include Garlock, Chesterton and Johns-Manville Company. These were used in the stack and base gaskets for steam generators. This was also used on some diesel locomotives. The use of asbestos-containing gaskets in diesel locomotives was discontinued by General Motors (Electro Motive Division ("EMD") and General Electric in approximately 1984.

viii. Asbestos heat shields - These were used in or around cabin stoves or cabooses and used in welding for heat protection. These were first used sometime before 1980. They were no longer placed in cabooses after 1984.

ix. Composition brake shoes - Suppliers for composition brake shoes have included Railroad Friction Products, Westinghouse, Griffin, Abex (predecessor to ABC Rail), Anchor Brake Shoes (predecessor to Standard Car, Truck/Anchor and Cobra). Defendant was advised that Griffin discontinued including asbestos as a component in October 1981, Abex in January 1977, Railroad Friction Products in 1980, Anchor Brake Shoe in 1981 and Cobra in August 1978.

x. Arc chutes and wire coverings - Manufacturers unknown. This material was used to contain contact of flashing when making or breaking contact on locomotives; provide protection covering for high voltage and high current wiring on locomotives. The material ceased to being used in locomotives sometime prior to 1983.

xi. Flexible trainline insulation - Manufacturer is Gustin-Bacon. This was used for insulating steam lines on passenger cars. The defendant discontinued purchase of the material on April 18, 1973.

xii. Lagging and Packing on steam locomotives - 85% Magnesia material was used as insulation on boilers on steam locomotives and for packing of steam joints. Possible supplies and manufacturers include Johns-Manville, Union Rubber and Asbestos, Fiberboard ("Pabco"), Owens Corning Fiberglass and Owens Illinois and Philip Carey and

Garlock. Use of this material would have ceased when Defendant ceased operating steam locomotives in approximately 1955.

In addition, defendant is aware that asbestos millboard was purchased from Insulating and Materials Company, 1020 Central Industrial Drive, St. Louis, Missouri 63110. Asbestos paper was purchased from General Gasket Company, 2322 South Seventh Street, St. Louis, Missouri 63104. Asbestos gloves were purchased from Midwest Safety Equipment, P.O. Box 277, St. Louis, Missouri 63301. Eighteen inch asbestos welding sleeves were purchased from Sager Glove Company, 4030 Nashville Avenue, Chicago, Illinois 60634

INTERROGATORY NO. 20: Did any entities or persons at Defendant's direction, whether direct or indirect, including but not limited to contractors and subcontractors install, replace, use, repair, assemble, transport or store, either as an original appurtenance of the railroad or placed in/on the railroad in conjunction with repairs or alterations to the railroad, any asbestos-containing products during the time Plaintiff Decedent 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 Decedent worked for Defendant;
- B. The particular type of asbestos-containing product(s);
- C. The trade or brand name of each of the asbestos-containing products;
- D. The years during which each named asbestos product was applied, stored, used, repaired, installed or transported either as an original appurtenance of the railroad or placed on/in the railroad in conjunction with repairs or alterations to the railroad(s); and
- E. The dates of any removal or abatement of such asbestos-containing products, from Defendant's railroad(s).

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

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

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

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

INTERROGATORY NO. 22: Has Defendant or any other entity at the direction of Defendant, contracted with another entity for the acquisition, ordering, purchasing, supplying or distributing of asbestos-containing products, at any time prior to or during the time Plaintiff Decedent 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 Decedent was employed by Defendant;
- B. The particular type of asbestos-containing products acquired;
- C. The trade or brand name of each of those asbestos-containing products ordered, purchased, supplied or distributed;
- D. The years such asbestos-containing products were acquired, ordered, purchased, supplied or distributed by Defendant;

E. The dates of any removal or abatement of asbestos-containing products.

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad and unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, Defendant is unable to respond to this Interrogatory because, after a thorough search of its records, Defendant has not been able to locate any information which would indicate when, or if, Plaintiff Decedent was employed by Defendant.

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

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

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

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

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

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

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

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, Defendant is unable to respond to this Interrogatory because, after a thorough search of its records, Defendant has not been able to locate any information which would indicate when, or if, Plaintiff Decedent was employed by Defendant.

Respectfully submitted,

PHELPS DUNBAR

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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 First 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 30 day of June, 1997.

Maria Ragazzo
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 First 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 Defendant's First 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. J. Coleman
Notary Public

My commission expires:

