

NO. 95-10756



GENEVA H. CAMERON; PAUL DEAN	)	IN THE COUNTY COURT
HARVILL; DWIGHT WILSON KNAPP;	)	
HOWARD BENNETT RITCHIE; and JAMES	)	
WILLIAM WREN;	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	EL PASO COUNTY, TEXAS
OWENS-CORNING FIBERGLAS	)	
CORPORATION; ET	)	
	)	
Defendants.	)	COUNTY COURT TWO

**DEFENDANT ILLINOIS CENTRAL RAILROAD COMPANY'S RESPONSES AND
OBJECTIONS TO PLAINTIFFS' REQUESTS FOR PRODUCTION SUBJECT TO AND
WITHOUT WAIVING SPECIAL APPEARANCE TO PRESENT MOTION OBJECTING
TO JURISDICTION**

TO: GENEVA H. CAMERON, by and through her counsel of record, Peter A. Kraus, Baron & Budd, P.C., 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219-4281.

Pursuant to Rules 120a, 166b and 169 of the Texas Rules of Civil Procedure, Defendant Illinois Central Railroad Company ("ICRC") hereby files its Responses and Objections to Plaintiffs' Request for Production, Subject to and Without Waiving Special Appearance to Present Motion Objecting to Jurisdiction.

Respectfully Submitted,

John S. Howell
Kemp, Smith, Duncan & Hammond, P.C.
2000 Norwest Plaza
El Paso, TX 79901-1441
Telephone: (915) 533-4424
Fax: (915) 546-5360

Thomas R. Peters
Mark R. Kurz
GUNDLACH, LEE, EGGMANN, BOYLE
& ROESSLER
5000 West Main Street, P.O. Box 23560
Belleville, IL 62226-0560
Telephone: (618) 277-9000
Fax: (618) 277-4594

ATTORNEYS FOR DEFENDANT
ILLINOIS CENTRAL RAILROAD COMPANY

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded via certified mail to counsel for plaintiffs on this 21st day of July, 1997, and made available to all other counsel of record.

John S. Howell
John S. Howell

I.
PRELIMINARY STATEMENT AND OBJECTIONS

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

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

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

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

II.

GENERAL OBJECTIONS

1. ICRC objects to these requests in their entirety for the reason that such requests were not in the master set of discovery. Plaintiffs have neither sought nor obtained leave of court to serve this Defendant with discovery other than the master discovery previously approved by Dallas County. ICRC objects to this unilateral attempt by Plaintiffs to circumvent the procedures set forth by the Master Asbestos Judge in Dallas County. However, because Defendant has filed a Special Appearance contesting jurisdiction over it by this Texas Court, Defendant will provide substantive responses to those requests which are jurisdictional in nature.

2. ICRC further objects to each and every discovery request, interrogatory and request for admission to the extent that they require ICRC to search through all corporate documents on the ground that such requests are clearly overly board, unduly burdensome, exceptionally expensive, and not reasonably related to the discovery of evidence relevant to the claims of Plaintiffs claiming injury arising out of alleged exposure while employed by ICRC in Texas.

3. ICRC further objects to those requests as a whole, since they seek matters which are privileged under the Texas Rules of Civil Procedure and Texas Rules of Civil Evidence, including, but not limited to, information and matters precluded by the attorney/client privilege, attorney/work product exemption and the party communications privilege.

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

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

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

RESPONSES TO
REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce any and all documents (memoranda and/or other writings, including but not limited to books, pamphlets, or other written materials of any kind or character) in your possession, custody or control which would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

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

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

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

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

REQUEST FOR PRODUCTION NO. 2: Produce any and all documents (memoranda and/or other writings) in your possession, custody or control that in any way related to the hazards of asbestos and/or airborne asbestos.

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

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

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

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

REQUEST FOR PRODUCTION NO. 3: Produce any and all documents in your possession, custody or control which were disseminated or published by any person, trade association or organization of any type and that contain information relating to the hazards of asbestos and/or airborne asbestos.

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

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

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

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

REQUEST FOR PRODUCTION NO. 4: Produce any and all safety meeting minutes or other documents, memoranda and/or writings that refer to the dangers of asbestos and/or safety measures to be taken by crew members or workers or employees in the vicinity of asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products and/or materials on Defendant's railroad.

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

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

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

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

REQUEST FOR PRODUCTION NO. 5: Produce any and all contracts, memoranda, and/or other writings that in any way reflect arrangements made for the removal of asbestos and/or the installation of asbestos-containing products [on] Defendant's railroad(s).

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

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is,

therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

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

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

REQUEST FOR PRODUCTION NO. 6: Produce any and all documents that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos on Defendant's railroad(s).

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

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

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

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

REQUEST FOR PRODUCTION NO. 7: Produce any and all documents that discuss or relate in any way to removal of asbestos from any Defendant's railroad(s).

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

to answering this request for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

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

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

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

REQUEST FOR PRODUCTION NO. 8: Produce any and all documents related to the medical condition of Plaintiff at any time during his employment with Defendant. This request specifically includes, but is expressly not limited to, any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, including annual physical forms.

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

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

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

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

REQUEST FOR PRODUCTION NO. 9: Produce any and all documents that indicate and/or refer to in any way a decision and/or discourse related to ceasing the use of asbestos-containing products on Defendant's railroad(s).

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

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

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

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

REQUEST FOR PRODUCTION NO. 10: Produce any and all specifications, blue prints, documents, memoranda and/or other writings that reflect and/or demonstrate in the form of a map and/or chart the location and dimensions of all car(s) and/or engine(s), locomotives, roundhouses and/or shops upon which and in the vicinity of which Plaintiff worked and specifically including, but not limited to, the location and/or placement, repair, installation and/or use of asbestos-containing products at any time within the last thirty-five (35) years on the railroad(s).

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

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

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

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

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

REQUEST FOR PRODUCTION NO. 11: Produce any photographs of asbestos products in place or asbestos products being used, fabricated and/or utilized on Defendant's railroad(s).

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

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

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

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

REQUEST FOR PRODUCTION NO. 12: Produce any actual warning signs or photographs of warning signs or other statements in place at any time relating to asbestos-containing products [in place] at any time during the last thirty-five (35) years on Defendant's railroad(s).

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

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

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

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

REQUEST FOR PRODUCTION NO. 13: Produce any documents which indicate in any way that individuals claimed injury to their lungs as a result of exposure to asbestos on any of Defendant's railroad(s).

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

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

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

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

REQUEST FOR PRODUCTION NO. 14: Produce any documents, minutes or other notes or records from any meetings at which the hazards and/or potential hazards of asbestos were discussed by officers, agents, and/or employees of Defendant.

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

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

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

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

REQUEST FOR PRODUCTION NO. 15: Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the purchase of asbestos-containing products for use on Defendant's railroad(s).

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

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

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

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

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

REQUEST FOR PRODUCTION NO. 16: Produce any and all documents reflecting in any way any inspections by labor inspectors, insurance company inspectors or anyone from Defendant's company or hired by Defendant where asbestos-containing products were being used or installed and that included the taking or measure of "dust counts." This request specifically includes any and all of Defendant's railroad(s) and railway car(s) and/or engine(s) and/or locomotive(s) and/or roundhouse(s) or shops during the last thirty-five (35) years.

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

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

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

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

REQUEST FOR PRODUCTION NO. 17: In the event that Defendant performed or had performed any dust level counts with respect to asbestos dust on any of its railroads, produce any documents that in any way reflect or discuss the results of such studies or counts and actions, or potential actions, if any, taken as a result of such counts or studies.

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

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

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

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

REQUEST FOR PRODUCTION NO. 18: Please provide all documents referred to in answering Plaintiff's interrogatories propounded to the Defendant, identifying with specificity which documents were used to answer which interrogatories.

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

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

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

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

However, to the extent that responsive, non-privileged documents related to jurisdictional issues were so used, they will be made available for inspection and copying at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 19: (1) Please provide a curriculum vitae for each and every expert witness or expert that the Defendant has retained or employed and cannot unequivocally state will not be a witness on its behalf at trial; and (2) with respect to any and all expert witness(es) identified in subpart (1), please provide any and all documents or tangible things including, but not limited to, all tangible reports, drawings, charts, exhibits, physical models, compilations of data, factual observations, tests, calculations, photographs, diagrams, sketches, movies, videotapes and tape recordings, opinions, supporting data and other documents and/or things reviewed and/or relied upon by him or her in formulating his or her opinions and conclusions on this case, including all learned treatises (texts, articles, studies, monographs, etc.) and consultant expert work product which forms the basis, in whole or in part, of the witness(es)' opinions or which he or she believes substantiates or corroborates his or her conclusions regarding this lawsuit.

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

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

REQUEST FOR PRODUCTION NO. 20: As to all such potential legal entities who are not now a party to this lawsuit, but who may be responsible for the incident in question, please provide:

- A. All documents tending to establish such liability; and,
- B. A list of all tangible items or things that may be reviewed tending to establish such liability, along with their location and the identity of the person to contact to view such tangible things.

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

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

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

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

REQUEST FOR PRODUCTION NO. 21: Provide a copy of each policy of liability insurance intended to provide coverage to the Defendant, its agents and/or employees for liability on the date in question for allegations such as those delineated in Plaintiff's Original Complaint (and all amended complaints thereafter) including, but not limited to, all primary and excess policies covering the Defendant on the date in question, indicating the name and address of each carrier.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's

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

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

REQUEST FOR PRODUCTION NO. 22: Provide a copy of all invoices, purchase orders, agreements, contracts, correspondences, telefaxes, and/or documents of any type passing between this Defendant and any other entity regarding the acquisition, ordering, purchasing, supplying, removal or distribution of asbestos-containing products by Defendant during the time period Plaintiff was employed by Defendant.

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

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

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

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

REQUEST FOR PRODUCTION NO. 23: Provide a copy of all documents from which your present net worth may be ascertained.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this request for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product

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

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

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

REQUEST FOR PRODUCTION NO. 24: Provide a copy of all photographs, diagrams, videotapes, slides and/or movie film of Defendant's railroad(s), owned or operated by Defendant including, but specifically not limited to the engine room, boiler room, common areas, living quarters, railroads, roundhouses, shops, locomotives, or transport cars.

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

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

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

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

REQUEST FOR PRODUCTION NO. 25: Provide a copy of all medical records obtained by the Defendant relating to the Plaintiff.

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

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

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

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

REQUEST FOR PRODUCTION NO. 26: Provide a copy of all documents including but not limited to invoices, purchase orders, agreements and contracts involving Defendant as a result of the transport, use, installation, repair, replacement, removal and/or applying of asbestos-containing products on the railroad.

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

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

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

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

REQUEST FOR PRODUCTION NO. 27: Provide a copy of all documents regarding safety, safety training and/or safety meetings provided to or for the benefit of Plaintiff and other railroad workers to asbestos or asbestos-containing products on the railroad. Include any documents given out at such safety meetings and copies of the minutes of or notes from all safety meetings held for the benefit of the employees or crew members that worked on the railroad in the last thirty-five (35) years.

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

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

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

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

REQUEST FOR PRODUCTION NO. 28: Provide a copy of all Defendant's safety and policy manuals regarding the use of or exposure to asbestos-containing products from 1930 to the present.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this request for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product

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

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

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

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

REQUEST FOR PRODUCTION NO. 29: Provide a copy of all personnel files maintained by Defendant and/or any agent of Defendant concerning the Plaintiff including but not limited to all earnings files, administrative files, and any files concerning any physical examination conducted by the Defendant or for the benefit of the Defendant regarding Plaintiff either for hiring purposes, screening purposes or otherwise.

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

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

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

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

REQUEST FOR PRODUCTION NO. 30: Provide a copy of all reports, investigations, transcripts, memoranda, correspondence and/or documents of any type you received from, or sent to any city, county, state, or federal entity, including but not limited to the EPA, NIOSH, NIEHS or OSHA regarding either the potential health hazards or dangers associated with exposure to asbestos-containing products or airborne asbestos, and/or regarding any surveys, testing or other actions taken to determine the presence of and concentration of airborne asbestos on such of Defendant's railroad(s).

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

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

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

REQUEST FOR PRODUCTION NO. 31: Provide a copy of all safety inspection or site inspection records referencing in any way asbestos or asbestos-containing products used on Defendant's railroad(s).

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

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

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

REQUEST FOR PRODUCTION NO. 32: Provide a copy of all Defendant's safety inspection policies and procedures in effect during the time Plaintiff was employed by Defendant regarding the handling of, application, use or exposure to asbestos-containing products.

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

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

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

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

REQUEST FOR PRODUCTION NO. 33: Provide a copy of any and all photographs or video recordings, sketches, drawings, or pictures in Defendant's custody or control or that of your attorney, or of any agent or representative of you or your attorney, whether made as part of the reports of experts or made by you, your attorney, or persons acting as your agents or representatives, and pertaining to any of Defendant's railroad(s), including, but not limited to, locomotives, engine rooms, boiler rooms, railyards, roundhouses, shops and common areas, concerning any asbestos-

containing products in those areas. Request is hereby made for one print of each photograph or video recording produced in response to this request.

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

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

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

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

REQUEST FOR PRODUCTION NO. 34: Produce a copy of any reports prepared by any person you plan to call as an expert witness at the time of trial which pertain to the incident made the basis of this suit, specifically including all factual observations and opinions of consulting experts, if such consulting expert's opinion forms the basis of any opinions, theories, or conclusions reached by any testifying experts, and any accompanying photographs, drawings, charts, models, video recordings or other visual aids to such reports. If any expert has not prepared a written report, or if the information mentioned above has not been compiled into report form, then request is hereby made that each expert make a written report containing all said information and that each report be produced for inspection and copying.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this request to the extent that it seeks to require Defendant to create document(s) not yet in existence.

REQUEST FOR PRODUCTION NO. 35: Any and all documents prepared by, delivered to, or in the possession of any person you plan to call as an expert witness at the time of the trial, or who won't be called as a witness but whose work product forms a basis in whole or in part of an expert who will be called to testify, which related to any fact or matter that is the subject of or related to the subject of this suit.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

REQUEST FOR PRODUCTION NO. 36: All witness statements or other documents generated or obtained in any investigations into the asbestos exposure made the basis of this lawsuit whether signed or unsigned. If you contend any such document is privileged, please identify specifically each document withheld, along with the specific privilege asserted.

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

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

REQUEST FOR PRODUCTION NO. 37: Any models, visual aids, experiments, documents or other writings or any items of demonstrative evidence prepared or preserved by you, your attorney, your experts, or any other person acting on your behalf that will or may be used in the trial of this lawsuit.

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

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

REQUEST FOR PRODUCTION NO. 38: Please provide curriculum vitae for all expert witnesses that Defendant intends to consult or call as witnesses at the trial of this case.

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

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

REQUEST FOR PRODUCTION NO. 39: Copies of all depositions of any person previously employed by you specifically including, but not limited to Defendant or Defendant's employees, representatives, or agents, taken in connection with any alleged asbestos exposure at Defendant's railroad(s).

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

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

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

REQUEST FOR PRODUCTION NO. 40: Provide a copy of each and every document (including all reports, memos, photographs, statements and any material collected or acquired of any investigation, and all correspondence between Defendant and Defendant's insurer, and any reports, notes or any other documents regarding testing, examinations, inspections, or opinions related in any way to asbestos or any other communication from any individual or entity to Defendant, Defendant's insurer or any agent or representative of Defendant or Defendant's insurer concerning this incident or any injuries or disabilities allegedly resulting therefrom) in Defendant's possession or control, or that of Defendant's insurer, health insurer, disability insurer, liability insurer, or other insurer, relating to Defendant's claim or the investigation of this incident by Defendant, Defendant's insurer, or any individual or entity engaged for such a purpose.

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

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

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

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

REQUEST FOR PRODUCTION NO. 41: Provide a copy of all accident, injury or illness reports concerning the Plaintiff prepared by and/or for Plaintiffs' employer(s) and/or agents in the general course of business.

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

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

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

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

REQUEST FOR PRODUCTION NO. 42: Provide copies of any and all safety standards, regulations, rules or codes pertaining in any way to asbestos or inhalation of toxic fumes or substances, whether promulgated by government or private industry, or Plaintiff's employer from 1930 to the present.

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

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to Defendant's jurisdictional contacts, if any, with the State of Texas and is,

therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

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

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

REQUEST FOR PRODUCTION NO. 43: Provide a copy of any and all contracts and/or agreements of any kind (if oral, reduce the agreement to writing) made by Defendant to supply masks and/or other safety equipment to the Plaintiff or any other employees or railroad workers.

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

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

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

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

However, to the extent that responsive, non-privileged documents related to jurisdictional issues were so used, they will be made available for inspection and copying at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 44: Provide copies of any and all documentation evidencing Defendant's compliance with the Boiler Inspection Act, formerly U.S.C. § 20701, during the last thirty-five (35) years.

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

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

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

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

REQUEST FOR PRODUCTION NO. 45: Provide copies of any and all documentation which in any way relates to the transport by Defendant's railroad(s) of asbestos-containing products.

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

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

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

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

REQUEST FOR PRODUCTION NO. 46: Provide a copy of all documents, reports and other material identified in Answer to Request No. 12.

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

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

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

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

REQUEST FOR PRODUCTION NO. 47: Please produce any and all x-rays, MRIs, CT-scans, videotapes, or other electronically or technologically created representations, depictions, picturizations, imaging or imagery collected by Defendant in the course of discovery.

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

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

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

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

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

REQUEST FOR PRODUCTION NO 48. Provide copies of any and all documentation relating to a National Claims Registry and/or other entity, group, organization or membership which catalogued, reported upon or collected information relating to claims of work related injuries by railroad workers.

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

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

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

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