

JUL.25.96* 30507

PLAINTIFF'S
EXHIBIT

RR-94

NO. 95-011033

WANDA BIGGS TAYLOR, etc.,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	HARRIS COUNTY, TEXAS
vs.	§	
	§	
MISSOURI PACIFIC RAILROAD	§	
COMPANY d/b/a UNION PACIFIC	§	
RAILROAD COMPANY	§	
	§	
Defendants.	§	192ND JUDICIAL DISTRICT

DEFENDANT'S OBJECTIONS AND RESPONSES
TO PLAINTIFF'S INTERROGATORIES

TO: WANDA BIGGS TAYLOR, Individually and as Personal
Representative of the Heirs and Estate of James M. Taylor,
Deceased, by and through his attorneys of record, 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, Defendant Missouri Pacific Railroad Company
d/b/a Union Pacific Railroad Company (named as successor to Texas
and Pacific Railway) ("Missouri Pacific"), Defendant herein,
hereby submits its objections and responses to Plaintiff's
Interrogatories.

General Objections

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

2. Missouri Pacific 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. Missouri Pacific objects to the Interrogatories to the extent that they exceed the scope of permissible discovery under the Texas Rules of Civil Procedure.

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

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

6. Missouri Pacific 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.

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: 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. 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'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 has done anything or failed to do anything that constitutes contributory negligence and/or 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 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. Finally, this Interrogatory

requires Missouri Pacific to make a legal conclusion in order to respond to it.

INTERROGATORY NO. 5.: List each and every place of work and job assignment of the Plaintiff which he held during his employment with you 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.

INTERROGATORY NO. 6.: Describe in detail your knowledge of the nature of other work performed in your railroad or railroad shops during the period of Plaintiff's employment, where insulation and asbestos-containing products were installed, removed or used by railroad workers working in the vicinity of the Plaintiff.

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.

INTERROGATORY NO. 7.: If you have alleged in your answer that someone else's conduct or some other condition or event was the "sole proximate cause" or was "contributing proximate cause" of the alleged injuries made the basis of this lawsuit, please describe in detail the identity of such other person, entity, corporation, event, or condition and identify all evidence upon which you base this contention.

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. Finally, this Interrogatory requires Missouri Pacific to make a legal conclusion in order to respond to it.

INTERROGATORY NO. 8.: If you have alleged in your answer that Plaintiff'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'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 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. Finally, this Interrogatory requires Missouri Pacific to make a legal conclusion in order to respond to it.

INTERROGATORY NO. 9.: Please state the name, most recent address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to this case involving, but not limited to:

- A. Identification of asbestos-containing products or type of products to which Plaintiff was exposed or facts disputing the identification of these products;
- B. Plaintiff's damages, injuries and/or facts disputing Plaintiff's alleged damages and/or injuries;
- C. The negligence of any person or entity other than Defendant which Defendant contends was a cause of Plaintiff's alleged injuries and/or damages;
- D. Please identify documents 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. Finally, this Interrogatory requires Missouri Pacific to make a legal conclusion in order to respond to it.

INTERROGATORY NO. 10.: 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 in which the witness is expected to testify, 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;
- 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. The identity and address 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.

- ANSWER:
- A. Dr. Frank Weir, Houston, Texas. Dr. Weir is an industrial hygienist and toxicologist. Dr. Weir will testify regarding whether Plaintiff's exposure to asbestos was in excess of acceptable levels in the industry at the time of decedent's employment. He will testify regarding the state of medical knowledge within the railroad industry and whether Union Pacific's efforts with regard to industrial hygiene were appropriate. Defendant reserves the right to identify further experts at a later date.
 - B. Defendant will supply at a later date in accordance with Texas Rules of Civil Procedure.

In addition, Defendant Missouri Pacific reserves the right to supplement its response to Interrogatory No. 10 at a later date and in accordance with any rulings by the Court.

INTERROGATORY NO. 11.: 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.

INTERROGATORY NO. 12.: Before 1980, did Defendant or any predecessor or subsidiary company of Defendant receive notice that any individual or individuals claimed injury(ies) 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's decedent was allegedly employed by Missouri Pacific nor limited to the jobsite or facilities on which Plaintiff's decedent was allegedly employed by Missouri Pacific. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 13.: Has Defendant or any of its predecessor or subsidiary companies 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 machinery requiring the use of asbestos-containing products and/or exposure to airborne asbestos resulting from the use of asbestos-containing products by others? 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's decedent was allegedly employed by Missouri Pacific nor limited to the jobsite or facilities on which Plaintiff's decedent was allegedly employed by Missouri Pacific.

INTERROGATORY NO. 14.: Did Defendant, its agents and/or employees, borrowed servants or any other entity or person at the direction of the Defendant install, repair, replace, use, prepare for use, assemble, store and/or apply, either as an original appurtenance of the railroad or placed in/on the railroad in conjunction with repairs, alterations or fabrications to the railroad, any asbestos-containing products or machinery requiring the use of asbestos or asbestos-containing products during the time Plaintiff worked for Defendant and on such of Defendant's railroad or railway car(s) and/or engine(s), as previously defined, upon which Plaintiff worked including but specifically not limited to the following types of products: boilers, asbestos cement, pipe, pipecovering, gaskets, flat and corrugated siding, millboard, cements and fillers, insulated paper, firebrick, insulating materials, spray on fireproofing compounds, clothing, thermal, electrical and acoustical insulating materials, flooring, motor casings, insulating tapes, friction products, brake shoes, brake linings, clutch linings, wire and cable? If so, identify:

- A. By name and number each of Defendant's railroad(s), whether operating or in railyards, upon which Plaintiff worked and upon which the asbestos-containing product(s), friction products and/or machinery requiring the use of asbestos or asbestos-containing products were installed, repaired, replaced, used, prepared for use, assembled, stored or applied during the time Plaintiff worked for Defendant;
- B. The particular type of asbestos-containing product(s), friction products and/or machinery requiring the use of asbestos or asbestos-containing products present on said railroads;
- C. The trade or brand name of each of the asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products installed, repaired, replaced or applied upon the railroad(s) and/or railway car(s) and/or engine(s) in question;

- D. The years during which each named asbestos product was applied, assembled, stored, used, prepared for use or installed either as an original appurtenance of the railroad or railway car(s) and/or engine(s) or placed on/in the railroad or railway car(s) and/or engine(s) in conjunction with repairs, alterations or fabrications to the railroad(s) and/or railway car(s) and/or engine(s); and
- E. The dates of any removal or abatement of such asbestos-containing products, friction products and/or machinery requiring the use of asbestos-containing products from the railroad(s) and/or railway car(s) and/or engine(s) in question.

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.

INTERROGATORY NO. 15.: If the answer to the preceding interrogatory is in the affirmative or if any asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products are identified in response to such interrogatory, state the following as to each identified product:

- A. The name(s) of the company(ies), entity(ies) or other persons, whether crew members, builders, subcontractors, employees, borrowed servants or others installing, repairing, replacing, using, preparing for use, assembling or applying each asbestos-containing product, friction product and/or machinery requiring the use of asbestos or asbestos-containing products on such of Defendant's railroad(s) and/or railway car(s) and/or engine(s) upon which and in the vicinity of which Plaintiff worked;
- B. A description of the physical appearance of each of the named asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products identified;
- C. A detailed description of the intended uses of the named asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products identified;
- D. A detailed description of the location upon each of Defendant's railway car(s) and/or engine(s) in question where such asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products were installed, repaired, replaced or applied;

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.

INTERROGATORY NO. 16.: Has Defendant its agents and/or employees or any other entity at the direction of Defendant, including any of its predecessor or subsidiary companies, engaged in or contracted with another entity for the acquisition, ordering, purchasing, supplying or distributing of asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products any time prior to or during the time Plaintiff was employed by Defendant for use on or in such of Defendant's railroad(s) and/or railway car(s) and/or engine(s) upon which Plaintiff worked including but specifically not limited to: boilers, asbestos cement pipe, pipecovering, gaskets, flat and corrugated siding, millboard, cements and fillers, insulated paper, firebrick, insulating materials, spray on fireproofing compounds, clothing, thermal, electrical and acoustical insulating materials, flooring, motor casings, insulating tapes, wire, cable, brake shoes, brake linings, and clutch linings? If so, identify:

- A. Each of Defendant's railway car(s) and/or engine(s) by name and number upon which Plaintiff worked for which the asbestos-containing products, friction products and/or machinery identified were ordered, purchased, supplied or distributed during the time Plaintiff was employed by Defendant;
- B. The particular type of asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products acquired;
- C. The trade or brand name of each of those asbestos-containing products, friction products and/or machinery requiring the use of asbestos or 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 such asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products from the railway car(s) and/or engine(s) and/or locomotives in question.

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.

INTERROGATORY NO. 17.: If your answer to the preceding interrogatory is in the affirmative, or if any asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products are identified in response to such interrogatory, state the following as to each product so identified for each of the railway car(s) and/or engine(s) and/or locomotives identified:

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

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.

INTERROGATORY NO. 18.: State whether you or any of your predecessors and/or subsidiaries maintain, from 1960 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, friction products and/or machinery requiring the use 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, i.e., by railway car and/or engine name and/or locomotive name, by railroad track line, by product type, etc.

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

INTERROGATORY NO. 19.: Identify all persons, including name, address and telephone number, who provided and/or conducted or were responsible for conducting any type of safety training, during the time Plaintiff was employed by Defendant, to Plaintiff and the crew, employees or borrowed servants working upon Defendant's railroad, railway car(s) and/or engine(s) and/or locomotive(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.

INTERROGATORY NO. 20.: At any time prior to 1980 did Defendant or any of its agents, employees or anyone at the direction of Defendant, Defendant's agent or employees ever conduct an investigation, survey or other process to identify the primary emission sources of airborne asbestos fibers and/or to assess and/or sample for the detection of, the quantity of, or threshold limit value of airborne asbestos fibers aboard such of Defendant's railway car(s) and/or engine(s) and/or locomotive(s) upon which Plaintiff worked? If so, please identify with particularity the entity conducting such investigation(s), survey(s) or test(s), the dates conducted and the results of the same.

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's decedent was allegedly employed by Missouri Pacific nor is it limited to the jobsite or facilities on which Plaintiff's decedent was allegedly employed by Missouri Pacific. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 21.: Did Defendant or any subsidiaries or predecessor(s) ever arrange for any labor agency, insurance company, government agency, inspectors or anyone from your company to go on to any of Defendant's railway car(s) and/or engine(s) and/or locomotive(s) in question where asbestos-containing products were used or present to make or take dust level counts related to asbestos dust? If so, identify with particularity the party(ies) conducting such procedure, the dates conducted, the purpose of such procedure, and all results of such procedure.

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's decedent was allegedly employed by Missouri Pacific nor is it limited to the jobsite or facilities on which Plaintiff's decedent was allegedly employed by Missouri Pacific. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 22.: Did Defendant or any predecessor or subsidiary obtain facts, knowledge or information from any industry, insurance company, governmental agency, union, and/or any other entity regarding the potential health effects and/or health hazards created for persons exposed to airborne asbestos dust? If so, please list all sources of such information and the dates received.

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

INTERROGATORY NO. 23.: List each person who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians (including those physicians who would have been responsible for conducting physicals, evaluations or screenings of Defendant's employees) and industrial hygienists, and the current address, telephone number and job title of each of those individuals who has had or may have had any knowledge regarding the hazards of airborne asbestos dust.

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

discovery of admissible evidence because it does not reference any time period during which Plaintiff's decedent was allegedly employed by Missouri Pacific.

INTERROGATORY NO. 24.: Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

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

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

INTERROGATORY NO. 25.: Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of airborne asbestos? If so, state:

- A. The name and address of each such association or organization;
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members;
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations related in any way to the hazards of asbestos;
- D. Whether any of those publications are still in your possession, and if so:
 - 1. A description of the publications, including the date;
 - 2. The current location of such publications;
 - 3. The custodian of such publications;

4. The method or manner in which such publications are maintained.

ANSWER: Objection. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff's decedent was allegedly employed by Missouri Pacific.

INTERROGATORY NO. 26.: As to the disease asbestosis, state:

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

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

INTERROGATORY NO. 27.: As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers;

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

ANSWER: 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's decedent was allegedly employed by Missouri Pacific and does not reference any condition of which Plaintiff's decedent allegedly suffers. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 28.: As to the disease mesothelioma, state:

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

- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form;
- G. Who is the custodian of such information;
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER: 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's decedent was allegedly employed by Missouri Pacific and does not reference any condition of which Plaintiff's decedent allegedly suffers. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 29.: As to gastrointestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

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

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

INTERROGATORY NO. 30.: Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

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

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

INTERROGATORY NO. 31.: Does Defendant intend to call a company representative as a witnesses at the trial of any of this case? If so, list:

- A. The name, address, and job title of each company representative who may be called;
- B. A summary of the testimony expected to be given by each such witness;

- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiff's decedents in that case.

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

INTERROGATORY NO. 32.: Does your company have, or has it ever had, or have your predecessors or subsidiaries ever had, a Medical Department? If so, state:

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

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

INTERROGATORY NO. 33.: Please state whether written warnings were placed at any locations adjacent to or near asbestos in place on railroads, railway car(s) and/or engine(s) and/or locomotives owned or operated by Defendant at anytime from 1965 to the present. If so, please describe with specificity such signs, including size, color, wording, etc. Additionally, please state the number of such signs that were installed and indicate the specific location of each such sign and the dates such sign was at that location.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it does not reference any

time period during which Plaintiff's decedent was allegedly employed by Missouri Pacific nor is it limited to the jobsite or facilities on which Plaintiff's decedent was allegedly employed by Missouri Pacific.

INTERROGATORY NO. 34.: Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Safety Department? If so, state:

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

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

INTERROGATORY NO. 35.: Please state whether a medical monitoring program, medical examination program or other medical surveillance was provided to your employees and specifically to Plaintiff. If so, please indicate what records of such program, examination or surveillance concerning Plaintiff exist at this time, including but not limited to reports, x-rays and medical notes.

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

INTERROGATORY NO. 36.: Please state whether Defendant has at any time provided safety equipment to the Plaintiff and/or the crew members or employees of Defendant present at any time on the railroad, railway car(s) and/or engine(s) and/or locomotives in question during the time Plaintiff was employed by Defendant for protection against the inhalation of airborne asbestos dust, including but not limited to; masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, please indicate when such item was first provided, under what circumstances provided, and the name,

address and telephone number of the person most knowledgeable concerning such provision.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the jobsite and facilities on which Plaintiff's decedent was allegedly employed by Missouri Pacific.

INTERROGATORY NO. 37.: Please state whether Defendant ever agreed by contract, agreement, negotiation, collective bargaining or otherwise, to provide masks to Plaintiff and other crew members and/or employees of Defendant working with or around asbestos dust, asbestos products, friction products and/or machinery calling for the use of asbestos or asbestos containing products. If so, please state verbatim the specific agreement or contract and/or other document by which Defendant agreed to provide such masks. Include the date the agreement was entered into, the period of time covered by the agreement and the parties to the agreement.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff's decedent was allegedly employed by Missouri Pacific nor limited to the jobsite or facilities on which Plaintiff's decedent was allegedly employed by Missouri Pacific.

INTERROGATORY NO. 38.: Please state the precise State and/or Federal regulations, laws, statutes, or other authority pertaining to industrial hygiene or worker safety and health that governed, regulated controlled and/or were applicable to airborne asbestos exposure in your operations and/or aboard your railroad, railway car(s) and/or engine(s) and/or locomotives during the past thirty years.

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

INTERROGATORY NO. 39.: Please describe each and every occasion during the past thirty years when any regulatory agency or other governing body inspected Defendant's railroad, railway car(s) and/or engine(s) and/or locomotives in question for the purpose of ascertaining whether health and safety regulations were being followed or adhered to, including the date of such inspection and/or meeting, the results, and whether a written report was produced.

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

INTERROGATORY NO. 40.: Please state whether any asbestos-containing products in place or in use on the railroad, railway car(s) and/or engine(s) and/or locomotives owned or operated by Defendant has been removed or abated at any time from 1965 to the present. If so, please answer the following:

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

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

INTERROGATORY NO. 41.: As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

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

INTERROGATORY NO. 42.: Please state whether and when Defendant received a copy of the Fleischer/Drinker Report published in 1945/1946.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it does not reference any time period during which Plaintiff's decedent was allegedly employed by Missouri Pacific.

INTERROGATORY NO. 43.: Please describe all actions taken by Defendant to comply with the Boiler Inspection Act, previously 45 U.S.C. §23 during the past thirty-five (35) years, now designated at 49 U.S.C. §20701 et seq.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period during which Plaintiff's decedent was allegedly employed by Missouri Pacific nor is it limited to the jobsite or facilities on which Plaintiff's decedent was allegedly employed by Missouri Pacific. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine. Finally, this Interrogatory requires

Missouri Pacific to make a legal conclusion in order to respond to it.

Respectfully submitted,

Thompson Coburn

By


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Defendant Missouri Pacific Railroad Company's Objections and Responses to Plaintiff's Interrogatories has been mailed first class, postage prepaid to Kimberly A. Castles, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281, this 22nd day of July, 1996.



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