

5. Defendant objects to the Requests to the extent that they purport to require Defendant to provide information pertaining to any time period other than the relevant time period which Plaintiff was allegedly employed by Defendant.
6. Defendant objects to the Requests to the extent that they purport to allege Plaintiff was employed by Missouri Pacific Railroad Company as opposed to Union Pacific Railroad Company.
7. Defendant reserves the right to supplement or amend its responses as appropriate.; and
8. This request is duplicitous. All documents responsive to the following requests have been previously produced in the *Antons* case. To avoid unnecessary expense, copies of the actual documents produced in the *Antons* case are not included herewith however, reference to Bates numbers is provided.

REQUESTS FOR PRODUCTION

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

RESPONSE:

Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the 1947-1952 time period in which Plaintiff was allegedly employed by Defendant nor limited to the jobsites and/or facilities on which Plaintiff was allegedly employed by Defendant. Subject to these objections, Defendant will make documents responsive to this Request available for inspection and copying at a time and place of mutual agreement.

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, friction products and/or machinery requiring the use of asbestos or asbestos-containing products, friction products and/or materials from 1965 to the present.

RESPONSE:

Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it does not request any documents for the time period during which plaintiff allegedly worked for Defendant. Subject to these objections, Defendant has previously produced all safety rules located for the years 1942-1962 as part of earlier production in this case. Plaintiff has designated this as Plaintiff Exhibit RR 201.

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, NIOSH or OSHA regarding either the potential health hazards or dangers associated with exposure to asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products and/or materials or airborne asbestos, or regarding any surveys, testing or other actions taken to determine the presence of and concentration of airborne asbestos on such of Defendant's railroads, railway car(s) and/or engine(s) and/or locomotives upon which and in the vicinity of which Plaintiff worked.

RESPONSE:

Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the 1947-1952 time period in which Plaintiff was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to but without waiver of these objections, Defendant has located no documents responsive to this Request for the time period of 1900-1952 for the Plaintiff's place of employment with Defendant.

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, friction products and/or machinery requiring the use of asbestos or asbestos-containing products and/or materials placed on or used on such of Defendant's railroads, railway car(s) and/or engine(s) upon which and in the vicinity of which Plaintiff worked.

RESPONSE:

Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. It is not limited to the 1947-1952 time period in which Plaintiff was allegedly employed by Defendant. Subject to but without waiver of these objections, Defendant has located no documents responsive to this Request for the years of plaintiff's alleged employment.

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, railway car(s) and/or engine(s), and/or locomotives, engine rooms, boiler rooms, railyards, roundhouses, shops and/or common areas, concerning any asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products and/or materials contained within those areas. Request is hereby made for one print of each photograph or video recording produced in response to this request.

RESPONSE:

Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. It is not limited to the time period in which Plaintiff was allegedly employed by Defendant nor limited to the job sites and/or facilities on which Plaintiff was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to these objections, Defendant will make documents responsive to this Request available for inspection and copying at a mutually agreed time and place.

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:

Objection. This Request 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 Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. To be produced consistent with the Texas Rules of Civil Procedure.

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:

Objection. This request is vague, ambiguous and impossible for Defendant to answer as to Defendant's intent. Moreover, see response to Interrogatory No. 10 and prior production responses in previous cases. Previously produced in the Allred case.

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 aboard and/or in the vicinity of any of Defendant's railroad, railway car(s) and/or engine(s) and/or locomotives.

RESPONSE:

Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. All documents responsive to this Request was previously produced in the Nickerson case.

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:

Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Additionally, this request demands documents outside the 1947-1952 time period during which plaintiff was allegedly employed by Defendant. Subject to but without waiver of these objections, Defendant has located no documents responsive to this Request for the years of plaintiff's alleged employment.

Respectfully submitted,

PHELPS DUNBAR, L.L.P.

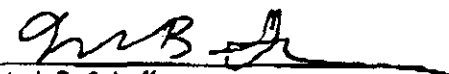
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Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Defendant Missouri Pacific Railroad Company d/b/a Union Pacific Railroad Company's Third Supplemental Objections and Responses to Plaintiff's Requests for Production has been sent via First Class Mail to other parties of record on attached service list and via Certified Mail to Plaintiff's attorneys of record, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281, this 7 day of April, 1998.


Mark B. Schaffer