

**PLAINTIFF'S
EXHIBIT**

RR-463c

NO. 93-07046

LOUIE WHITE, ET AL,
Plaintiffs,

vs.

KEENE CORPORATION, ET AL.,
Defendants.

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IN THE DISTRICT COURTS OF

TRAVIS COUNTY, TEXAS

147TH JUDICIAL DISTRICT

**UNION PACIFIC RAILROAD COMPANY'S FIRST SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO PLAINTIFF DECEDENT'S REQUEST FOR PRODUCTION**

TO: Plaintiff Decedent E. L. Lambright, by and through his attorneys of record, Kimberly Schauck, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

Pursuant to Rules 166b and 167 of the Texas Rules of Civil Procedure, Union Pacific Railroad Company, Successor-in-Interest to Missouri-Kansas-Texas Railroad Company (Improperly named as Missouri Pacific Railroad Co. Individually and d/b/a Union Pacific Railroad Co., Successor-in-Interest to Missouri-Kansas-Texas Railroad Co.), Defendant herein, hereby submits its Objections and Responses to Plaintiff's Request for Admissions.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 8: Please produce any and all documents related to the medical condition of Plaintiff Decedent 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: None known.

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: None known.

REQUEST FOR PRODUCTION NO. 19: (1) Please provide a curriculum vitae for each and every expert witnesses or expert 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: 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 because. It is not

limited to the time period in which Plaintiff was allegedly employed by Defendant. We are unaware of where and when Plaintiff was 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 and without waiver of the foregoing objections, please see Response to Request for Production No. 16. See previously provided curriculum vitae for: Dr. Frank Weir, Dr. Horton Hinshaw, Mr. Larry Liukonen, Dr. Elliot Hinkes, and Mr. Douglas Phillips in the Galvan (Plaintiff McFarland) case. Bates Nos. CV 000001 - CV 000048.

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: 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 time period in which Plaintiff Decedent was allegedly employed by Defendant nor limited to the jobsites and/or facilities on which Plaintiff Decedent was allegedly employed by Defendant. Subject to and without waiving the foregoing objection, Defendant has no documents responsive to this Request for Plaintiff's employment period with the railroad.

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: 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 Decedent was allegedly employed by Defendant nor limited to the job sites and/or facilities on which Plaintiff Decedent was allegedly employed by Defendant. Subject to and without waiving the foregoing objection, Defendant has no documents responsive to this Request for Plaintiff Decedent's employment period with the railroad.

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: See Objection and Response to Request for Production No. 19.

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 crew members.

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.

Respectfully submitted,

PHELPS DUNBAR

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Attorney for Defendant
Union Pacific Railroad Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Defendant Union Pacific Railroad Company's First Supplemental Objections and Responses to Plaintiff Decedent's Request for Production has been sent via Facsimile to Kimberly Schauck, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281, this 28 day of August, 1997 and via First Class Mail to all parties of record on attached service list, this 29 day of August, 1997.

D. Newman *MR for*
Deborah Newman