



No. 96-06239-A

JOSEPH LEE DENNIS, ET AL,
Plaintiffs,

VS.

OWENS-CORNING FIBERGLAS
CORPORATION, ET AL,
Defendants.

§ IN THE DISTRICT COURT OF
 §
 §
 § DALLAS COUNTY, T E X A S
 §
 §
 §
 § 14TH JUDICIAL DISTRICT

**DEFENDANT SOUTHERN PACIFIC TRANSPORTATION COMPANY'S
 ANSWERS AND OBJECTIONS TO PLAINTIFF BENNIE DUNBAR'S
INTERROGATORIES**

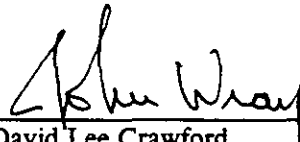
TO: Plaintiff Bennie Leon Dunbar by and through his attorneys of record, Peter Kraus and Kimberly Castles, Baron & Budd, P.C., The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

COMES NOW Southern Pacific Transportation Company, one of the Defendants in the above styled and numbered cause, and in accordance with the Texas Rules of Civil Procedure files this its Answers and Objections to Plaintiff Bennie Dunbar's Interrogatories.

DATED: March 10, 1997

Respectfully submitted,

PHELPS DUNBAR, L.L.P.

By: 

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**ATTORNEYS FOR DEFENDANT SOUTHERN
 PACIFIC TRANSPORTATION COMPANY**

Defendant Southern Pacific's
 Answers and Objections to Plaintiff's Interrogatories

PD5:64449.1

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of March, 1997, a true and correct copy of Defendant Southern Pacific Transportation Company's Responses and Objections to Plaintiff Bennie Dunbar's Request for Production was served on all known counsel of record via first class mail, certified, return receipt requested.

PLAINTIFFS

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Defendant Southern Pacific's
Responses and Objections to Plaintiff's Request for Production

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ILLINOIS CENTRAL CORPORATION

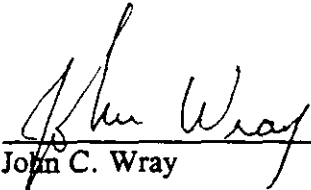
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John C. Wray

PLAINTIFF'S INTERROGATORIES TO DEFENDANT

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:

Southern Pacific has previously collected much of the responsive information in connection with other litigation. Information specific to this case has been provided by:

Larry Engbrock
Director of Crossing Traffic
Union Pacific Railroad Company
24125 Aldine-Westfield Road
Spring, Texas 77373

Prior to the recent reorganization of the railroad, Mr. Engbrock was a Senior Claims Representative for Southern Pacific Transportation Company.

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:

The full and proper name of Defendant is *Southern Pacific Transportation Company*. Defendant is a wholly owned subsidiary of the Union Pacific Corporation. Defendant's registered agent for service of process within the State of Texas is:

Norma Davenport
Registered Agent
Southern Pacific Transportation Company
808 Travis, Suite 620
Houston, Texas

This address is also Defendant's principal office in the State of Texas. Defendant maintains a registered agent in Texas, engages in business in Texas, and recruits and hires employees in Texas.

INTERROGATORY NO. 3:

With regard to each policy of liability insurance intended to provide coverage to Defendant, its agents and/or employees for the liability in connection with 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:

None. Defendant is self-insured.

INTERROGATORY NO. 4:

State whether you contend that the Plaintiff has done anything or failed to do anything that constitutes contributory negligence. If so, please state the basis of your contention and what evidence exists to support that contention.

ANSWER:

Defendant contends that certain acts and omissions of Plaintiff did constitute contributory negligence. At this point, discovery is continuing such that it is impossible for Defendant to state the non-privileged information which supports this contention. Defendant will supplement its answer to this interrogatory if additional information becomes available.

INTERROGATORY NO. 5:

State whether you contend that the Plaintiff has done or failed to do anything that constitutes a failure to mitigate damages. If so, please describe the basis of your contention and what evidence exists to support that contention.

ANSWER:

Defendant contends that certain acts and omissions of Plaintiff did constitute a failure to mitigate damages. At this point, discovery is continuing such that it is impossible for Defendant to state the non-privileged information which supports this contention. Defendant will supplement its answer to this interrogatory if additional information becomes available.

INTERROGATORY NO. 6:

List each and every place of work and job assignment of the Plaintiff which he held during his employment with Defendant and describe in detail the duties involved in each of the job assignments.

ANSWER:

Although personnel records are now retained on a permanent basis, prior to 1972, personnel records were retained for 5 years. As a result, Southern Pacific no longer retains the personnel, wage, or medical records of Plaintiff Bennie Leon Dunbar. Based upon Railroad Retirement Board (RRB) records, Plaintiff was employed by the Texas & New Orleans Railroad Company from March until July of 1951. Other than RRB records, Defendant is unable to locate any records which provide information that is responsive to this interrogatory.

INTERROGATORY NO. 7:

Describe in detail how asbestos containing products were used by railroad workers on Defendant's railroad(s) during the period of Plaintiff's employment by Defendant.

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, Defendant is unable to locate any documents containing responsive information for the period and location of Plaintiff's employment.

INTERROGATORY NO. 8:

Describe in detail where asbestos containing products were used by railroad workers on Defendant's railroad(s) during the period of Plaintiff's employment by Defendant.

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, Defendant is unable to locate any documents containing responsive information for the period and location of Plaintiff's employment.

INTERROGATORY NO. 9:

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 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:

Defendant contends 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 Plaintiff's alleged exposure to asbestos-containing products. At this point, discovery is continuing such that it is impossible for Defendant to state the non-privileged information which supports this contention. Defendant will supplement its answer to this interrogatory if additional information becomes available.

INTERROGATORY NO. 10:

Please state the name of each and every person having knowledge of facts relevant to this action including most recent address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant's agents, including, but not limited to:

- A. Identification of asbestos-containing products or type of products to which Plaintiff was exposed or facts disputing the identification of these products;
- B. Plaintiff's damages, injuries and/or facts disputing Plaintiff's damages and/or injuries; and

- C. The negligence of any person or entity other than Defendant which Defendant contends was a cause of Plaintiff's injuries and/or damages.
- D. Each of Defendant's defenses enumerated in Defendant's last filed answer.

ANSWER:

Due to the fact that Plaintiff was employed by Defendant over 45 years ago, the number persons with knowledge of relevant facts is limited. Defendant will supplement its answer to this interrogatory if additional becomes available. However, at this time Defendant is able to list the following persons as having knowledge of relevant facts:

Plaintiff Bennie Dunbar
P.O. Box 1238
Ganado, Texas 77962

Mary Kathleen Dunbar, wife of Bennie Dunbar
P.O. Box 1238
Ganado, Texas 77962

INTERROGATORY NO. 11:

Please identify documents or things, including x-rays, MRI's, CT-scans or other materials, which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

Defendant responds that discovery and trial preparation are continuing. Defendant will supplement its answer to this interrogatory if additional information becomes available.

INTERROGATORY NO. 12:

Identify all names and addresses of all individuals Defendant may call as an expert witness(es) at trial, and for each individual, please state:

- A. The subject matter on which the witness is expected to testify, specific as to each individual Plaintiff's case, the substance of the facts and opinions to which the witness intends to testify on the Defendant's behalf and a summary of the grounds for each opinion, specific as to each individual Plaintiff's case;

- B. All factual observations, test results, supporting data, learned treatise (books, general articles, texts or other publications) and opinions which the witness has generated, been provided, intends to use, and/or may use to support his/her opinions and conclusions relative to the case whereupon which the witness has or will base his/her testimony in this matter, specific as to each individual Plaintiff's case. The identity, address and job classification of each consulting expert whose opinions or data have been referred to and/or relied upon by the expert witness, and the complete title and author of each learned treatise referred to and/or relied upon by the witness for information and/or corroborating his/her opinions regarding the subject matter of this lawsuit.
- C. Whether any person identified in subparagraph B above has provided a report or other documentation to you, and if so, identify each such document or report, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiff's within the group.
- D. Identify all documents or other materials, including but not limited to x-rays, pathology, CT-scans, you have provided to each person identified in response to subparagraph B above, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiff's within the group.
- E. Describe in detail the education and work history of, and identify any books, treaties, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph B above. Alternatively, in lieu of said response, attach a copy a resume or curriculum vitae and a list of publications to your answers.

ANSWER:

See Defendant's Designation of Expert Witnesses which was filed with the Court and served upon Plaintiff on February 14, 1997. Defendant will supplement its answer to this interrogatory when and if additional information becomes available.

INTERROGATORY NO. 13:

Identify all persons, entities, agencies or others, whether governmental (state or federal) or private, who participated in any investigation of the claims made the basis of this lawsuit.

ANSWER:

Objection. Defendant objects to this interrogatory to the extent that it inquires into information that may be privileged by the attorney/client, work product, and party communication privileges.

INTERROGATORY NO. 14:

Please state whether Defendant or any successor or predecessor was ever a member of the Railroad Claims Registry, and if so, please state the years Defendant was a member, the years of attendance at and involvement in the Railroad Claims Registry Meetings; the name, job classification, address and telephone number of each and every agent and/or representative and/or employee of Defendant attending each and every Railroad Claims Registry Meeting and the year that agent and/or representative and/or employee of Defendant attended the meeting; and the location of the Railroad Claims Registry Meeting for each year attended by Defendant.

ANSWER:

Defendant is not currently, nor ever has been, a member of this organization.

INTERROGATORY NO. 15:

Please state whether Defendant or any successor or predecessor ever attended or sent an agent on its behalf to any of the Association of American Railroads and American Railway Association meetings from 1930 to the present, and if so, please state the years of attendance; the location of the meeting; the name, address, job classification and telephone number of each and every agent and/or employee and/or representative of Defendant attending each and every Association of American Railroads and American Railway Association meeting and the exact year of attendance.

ANSWER:

Objection. Defendant objects to providing any information for the time periods before and after Plaintiff's employment because such information is irrelevant. Subject to and without waiving the foregoing objection, Defendant has been a member of the AAR since 1921. Dr. W.W. Washburn, Southern Pacific's Chief Surgeon, attended the meeting of the Medical and Surgical Section of the AAR in 1951.

INTERROGATORY NO. 16:

Before 1980, did Defendant receive notice that any individual who at any time was employed by the Defendant claimed injury as a result of exposure to asbestos? If so, state:

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

ANSWER:

Objection. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges.

INTERROGATORY NO. 17:

Before 1980, did Defendant receive notice that any individual who at any time was employed by and Railroad claimed injury as a result of exposure to asbestos? If so, state:

- A. The name and address of each claimant;
- B. The date of notice of each claim;
- C. A description of the claim;

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- 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 judgement.
- H. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

Objection. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges.

INTERROGATORY NO. 18:

Has Defendant at any time published, distributed or displayed any printed material, including brochures, pamphlets, catalogs, warning signs or statements, packaging or other written material of any kind or character containing any warning concerning the possibility of injury resulting from the use of asbestos-containing products and/or exposure to airborne asbestos? If so, state:

- A. The exact wording of each warning statement and a description of the material upon which the warning was printed;
- B. The method(s) used to distribute the materials to persons likely to use the asbestos-containing products or likely to be exposed to airborne asbestos;
- C. The date each warning was first issued or distributed;

- D. The name, address, and job title of each person responsible for having drafted or issued the warning statements and/or written materials.
- E. The current location of any such printed material and the custodian thereof;
- F. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER:

Objection. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to time or location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, all Southern Pacific employees have been subject to safety rules which, since the 1930s, have required use of respirators under certain conditions. However, records regarding specific use of respirators have only been retained since 1982. Furthermore, records of safety meetings are only retained for one year. As a result, Defendant is unable to locate any records which contain responsive information.

INTERROGATORY NO. 19:

Did Defendant install, replace, use, repair, assemble, transport or store, either as an original appurtenance of the railroad or place in/on the railroad in conjunction with repairs or alterations to the railroad, any asbestos-containing products during the time Plaintiff worked for Defendant? If so, identify:

- A. By name and number each of Defendant's railroad(s), whether operating or in railyards, upon which the asbestos-containing product(s) were installed, repaired, used, stored or transported during the time Plaintiff worked for Defendant;
- B. The particular type of asbestos-containing products(s);
- C. The trade or brand name of each of the asbestos-containing products;

- D. The years during which each named asbestos product was applied, stored, used, repaired, installed or transported either as an original appurtenance of the railroad or placed on/in the railroad in conjunction with repairs or alterations to the railroad(s); and
- E. The dates of any removal or abatement of such asbestos-containing products, from Defendant's railroad(s).

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding Southern Pacific work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, Southern Pacific responds that it has been unable to locate any records which contain responsive information for the location and period of Plaintiff's employment.

INTERROGATORY NO. 20:

Did any entities or persons at Defendant's direction, whether direct or indirect, including but not limited to contractors and subcontractors install, replace, use, repair, assemble, transport or store, either as an original appurtenance of the railroad or placed in/on the railroad in conjunction with repairs or alterations to the railroad, any asbestos-containing products during the time Plaintiff worked for Defendant? If so, identify:

- A. By name and number each of Defendant's railroad(s), whether operating or in railyards, upon which the asbestos-containing product(s) were installed, repaired, used, stored or transported during the time Plaintiff worked for Defendant;
- B. The particular type of asbestos-containing product(s);
- C. The trade or brand name of each of the asbestos-containing products;
- D. The years during which each named asbestos product was applied, stored, used, repaired, installed or transported either as an original appurtenance of the railroad or place on/in the railroad in conjunction with repairs or alterations to the railroad(s); and
- E. The dates of any removal or abatement of such asbestos-containing products, from Defendant's railroad(s).

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding Southern Pacific work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, see answer to Interrogatory No. 19.

INTERROGATORY NO. 21:

If the answer to any portion of the preceding interrogatory is in the affirmative and/or if any asbestos-containing products are identified in response to such interrogatory, state the following as to each identified product:

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

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding Southern Pacific work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, Defendant responds that it is unable to locate any records which contain responsive information.

INTERROGATORY NO. 22:

Has Defendant or any other entity at the direction of Defendant, contracted with another entity for the acquisition, ordering, purchasing, supplying or distributing of asbestos-containing

products, at any time prior to or during the time Plaintiff was employed by Defendant. If so, identify:

- A. Each of Defendant's railroad components by name and number for which the asbestos-containing products were ordered, purchased, supplied or distributed during the time Plaintiff was employed by Defendant.
- B. The particular type of asbestos-containing products acquired;
- C. The trade or brand name of each of those asbestos-containing products ordered, purchased, supplied or distributed;
- D. The years such asbestos-containing products were acquired, ordered, purchased, supplied or distributed by Defendant;
- E. The dates of any removal or abatement of asbestos-containing products.

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding Southern Pacific work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, see answer to Interrogatory No. 19.

INTERROGATORY NO. 23:

If your answer to any portion of the preceding interrogatory is in the affirmative, or if any asbestos-containing products, are identified in response to that interrogatory, state the following as to each product:

- A. The name(s) of the company(ies), entity(ies), manufacturer(s) from which the asbestos-containing products were acquired, ordered, purchased, supplied or distributed;
- B. The date(s) each asbestos-containing product was ordered, purchased, supplied or distributed;
- C. A description of the physical appearance of each of the named asbestos-containing product;

- D. A detailed description of the uses of the named asbestos-containing products;
- E. Identify last year that Defendant ordered, purchased, supplied or distributed each identified asbestos-containing product.

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding Southern Pacific work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, see answer to Interrogatory No. 19.

INTERROGATORY NO. 24:

State whether Defendant maintained from 1950 through the present copies of invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature relating to the purchase or acquisition of asbestos-containing products. If so, state:

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

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to time or location. Furthermore, Defendant objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time periods before and/or after Plaintiff's employment with Southern Pacific. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, Defendant responds that records of purchases of all types of products without regard to asbestos content, if any, are retained for three years. As a result, Defendant is unable to locate any records evidencing the purchase of asbestos-containing products.

INTERROGATORY NO. 25:

Identify all persons, including name, address and telephone number, who provided and/or conducted or were responsible for conducting any type of safety training, during the time Plaintiff was employed by Defendant.

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence in that it seeks information for work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, Defendant is unable to locate any responsive information given that Plaintiff's employment with Defendant was for a very brief period over 45 years ago.

INTERROGATORY NO. 26:

At any time prior to 1980 did Defendant or anyone at the direction of Defendant 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 in relation to Defendant's railroad? If so, please identify with particularity the entity and/or persons conducting such investigation(s), survey(s) or test(s), the dates conducted and the results.

ANSWER:

Objection. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to time or location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, Defendant is unable to locate any documents containing responsive information for the period and location of Plaintiff's employment.

INTERROGATORY NO. 27:

Did Defendant ever arrange for any labor agency, insurance company, government agency, inspectors or anyone from your company to go into any of Defendant's railway car(s) and/or engine(s) and/or locomotive(s) and/or roundhouses and/or shops to take dust level counts related to asbestos dust? If so, identify with particularity the party(ies) conducting such procedure(s), the dates conducted, the purpose of such procedure(s), the dates conducted, the purpose of such procedure(s), and all results of such procedure(s).

ANSWER:

Objection. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to time or location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, Defendant is unable to locate any documents containing responsive information for the period and location of Plaintiff's employment.

INTERROGATORY NO. 28:

Did Defendant 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. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to time or location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also,

Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, Defendant responds that the state-of-the-art knowledge concerning the potential hazards to health from exposure to asbestos containing products has progressed over the years up to the present time. The first study of railroad employees and the associated risks to them was published in approximately 1983. Over the period of time covered by the literature, Southern Pacific has become aware that exposure to excessive amounts of airborne asbestos fibers can be a health hazard. Plaintiff was employed well prior to this time.

INTERROGATORY NO. 29:

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 employee's) 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. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, Southern Pacific's chief surgeon during the period of Plaintiff's employment was Dr. W.W. Washburn.

INTERROGATORY NO. 30:

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. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, Defendant responds that the state-of-the-art knowledge concerning the potential hazards to health from exposure to asbestos containing products has progressed over the years up to the present time. The first study of railroad employees and the associated risks to them was published in approximately 1983. Over the period of time covered by the literature, Southern Pacific has become aware that exposure to excessive amounts of airborne asbestos fibers can be a health hazard. Plaintiff was employed well prior to this time.

INTERROGATORY NO. 31:

Has Defendant 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 if each such association or organization;
- B. The dates during which Defendant member;
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations;

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 publication;
3. The custodian of such publications;
4. The method or manner in which such publications are maintained.

ANSWER:

Objection. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, see answer to Interrogatory No. 15.

INTERROGATORY NO. 32:

As to the disease asbestosis, state:

- A. The date on which Defendant 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. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, see answer to Interrogatory No. 15.

INTERROGATORY NO. 33:

As to the disease lung cancer, state:

- A. The date in which Defendant 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. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, see answer to Interrogatory No. 15.

INTERROGATORY NO. 34:

As to the disease mesothelioma, state:

- A. The date on which Defendant first learned such disease as 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. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, see answer to Interrogatory No. 15.

INTERROGATORY NO. 35:

As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer and/or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant first learned that such diseases were caused by inhalation of asbestos fibers by humans;
- B. What cancers has the Defendant 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. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, see answer to Interrogatory No. 15.

INTERROGATORY NO. 36:

Did Defendant 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 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. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to time. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, Defendant objects to this interrogatory to the extent that it may inquire into

information that is protected by the attorney/client, attorney work product, and party communication privileges.

INTERROGATORY NO. 37:

Does Defendant intend to call a company representative as a witness at the trial 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) in that case.

ANSWER:

Yes. See Defendant's Designation of Expert Witnesses which was filed with the court and served upon Plaintiff on February 14, 1997. Defendant will supplement its answer to this interrogatory when and if additional information becomes available.

INTERROGATORY NO. 38:

Does Defendant have, or has it ever had, a Medical Department or Medical Section? If so, state:

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

ANSWER:

See answer to Interrogatory No. 29.

INTERROGATORY NO. 39:

Please state whether written warnings were placed at any locations adjacent to or near asbestos in place on Defendant's railroad(s), at anytime from 1930 to present. If so, please describe with specificity such signs, including size, color, wording, etc. Additionally, please state the number of such signs that ere installed and indicate the specific location of each such sign and the dates such sign was at that location.

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, Defendant objects to this interrogatory to the extent that it inquires into information that may be privileged by the attorney/client, work product, and party communication privileges. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, Defendant answers as follows: Southern Pacific's employees were subject to work rules which, since the 1930s, required employees to use respirators in certain conditions. Defendant is unable to locate any information regarding asbestos warnings during the time period or location of Plaintiff's employment.

INTERROGATORY NO. 40:

Does Defendant have, or has it 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. Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Also, Southern Pacific objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Subject to and without waiving the foregoing objection, Southern Pacific has been unable to locate any records which contain responsive information for the location and period of Plaintiff's employment.

INTERROGATORY NO. 41:

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. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, Defendant is unable to locate any records related to the medical monitoring and/or medical examination programs, if any, that may have been provided to employees during the period of Plaintiff's employment.

INTERROGATORY NO. 42:

Please state whether Defendant has at any time provided safety equipment to the Plaintiff and/or the railroad workers of Defendant present at any time during Plaintiff's employment 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, and the name, address and telephone number of the person most knowledgeable concerning provision.

ANSWER:

Objection. This interrogatory is overly broad, unduly burdensome, and unlimited as to location. It is so overly broad and general that it subjects Defendant to undue burden and unnecessary expense in its defense of this matter. It seeks information which is not material or relevant to this litigation and which is not reasonably calculated to lead to the discovery of relevant or admissible evidence, in that it inquires into work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without waiving the foregoing objection, Defendant answers as follows: Yes. Southern Pacific employees were provided with safety equipment to protect them from the hazards of airborne dust. Southern Pacific's employees were subject to work rules which, since the 1930s, required employees to use respirators in certain conditions.

INTERROGATORY NO. 43:

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 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. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Subject to and without

waiving the foregoing objection, Defendant is continuing to conduct a diligent and reasonable search of its records and will supplement its answer to this interrogatory if additional information becomes available.

INTERROGATORY NO. 44:

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 in relation to Defendant's railroad.

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad and unduly burdensome. This information is a matter of public record and is therefore equally accessible to plaintiff.

INTERROGATORY NO. 45:

Please describe each and every occasion during the past thirty years when any regulatory agency or other governing body inspected Defendant's railroad to ascertain 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. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Defendant also objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges. Furthermore, Defendant objects to providing any information which is a matter of public record and is therefore equally accessible to plaintiff.

INTERROGATORY NO. 46:

Please state whether any asbestos-containing products in place or in use on Defendant's railroad, 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.
- C. State whether any "removal plan" or organized written criteria or other document related to asbestos removal on the railroad(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 railroad.

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Defendant also objects to providing any information which may be protected by the attorney/client, attorney work product, and party communication privileges.

INTERROGATORY NO. 47:

As to either the threshold limit values or maximum allowable concentrations of both asbestos and dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

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- A. The year in which Defendant was 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. Defendant objects to this interrogatory as overly broad, and unduly burdensome. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Subject to and without waiving the foregoing objection, Defendant is continuing to conduct a diligent and reasonable search of its records and will supplement its answer to this interrogatory if additional information becomes available.

INTERROGATORY NO. 48:

Please state whether and when Defendant received a copy of the Fleischer/Drinker Report published in 1945/1946.

ANSWER:

Objection. Defendant objects to this interrogatory as overly broad, and unduly burdensome. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Subject to and without waiving the foregoing objection, see answer to Interrogatory No. 28. Defendant is continuing to conduct a diligent and reasonable search of its records and will supplement its answer to this interrogatory if additional information becomes available.

INTERROGATORY NO. 49:

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. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited as to location. Furthermore, Southern Pacific objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information for the time period prior to, and after, Plaintiff's employment with Southern Pacific. Plaintiff was employed by Southern Pacific from March through July of 1951. Furthermore, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence because it seeks information regarding work locations at which Plaintiff did not perform his duties as a Southern Pacific employee. Furthermore, this interrogatory is ambiguous in that Plaintiff has not specified the manner in which Defendant may or may not have complied with the Boiler Inspection Act.