



NO. 95-11267-K

MERLYN W. ALLRED, ET AL.

Plaintiffs,

vs.

OWENS-CORNING FIBERGLAS
CORPORATION, ET AL.

Defendants.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

192ND JUDICIAL DISTRICT

**DEFENDANT MISSOURI PACIFIC RAILROAD COMPANY d/b/a
UNION PACIFIC RAILROAD COMPANY'S THIRD SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO PLAINTIFF'S INTERROGATORIES**

TO: Martin L. Frierson, Jr., Plaintiff, 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), Defendant herein, hereby submits its Third Supplemental Objections and Responses to Plaintiff's Interrogatories.

General Objections

1. Defendant 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 Defendant in response to the Interrogatories shall not constitute or be deemed to constitute a waiver of any such privilege.

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

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

5. Defendant objects to the Interrogatories 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 Interrogatories 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 objects to the Interrogatories to the extent that they require in excess of thirty (30) responses.

8. Defendant reserves the right to supplement or amend its responses as appropriate.

INTERROGATORIES

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.

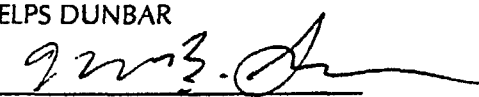
ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period in which Plaintiff was allegedly employed by Defendant nor limited to the job site or facilities on which Plaintiff was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, Defendant has not located any information which would indicate that Defendant entered into such an agreement during the years of Plaintiff's employment with Defendant or at any time in the 1940s.

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 was allegedly employed by Defendant. Further, the information requested is public record and equally available to Plaintiff and Defendant. Defendant states that it is and has been subject to various laws governing and regulating the railroad industry enacted and implemented by the United States government for many years, including the time period during which Plaintiff was allegedly employed by Defendant.

Respectfully submitted,

PHELPS DUNBAR

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 d/b/a Union Pacific Railroad Company's Third Supplemental Objections and Responses to Plaintiff's Interrogatories has been sent via First Class Mail to other parties of record on attached service list and via Facsimile and Certified Mail to Plaintiff's counsel of record, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281, this 23 day of February, 1998.



Mark B. Schaffer