



NO. 96-06238-A

CHARLIE BETHEL, et al.,	§	IN THE DISTRICT COURT
	§	
vs.	§	DALLAS COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLAS	§	
CORP., et al.	§	14TH JUDICIAL DISTRICT

**DEFENDANTS' ILLINOIS CENTRAL RAILROAD COMPANY'S
SUPPLEMENTAL RESPONSES AND OBJECTIONS
TO PLAINTIFFS' REQUEST FOR ADMISSIONS SUBJECT TO AND WITHOUT
WAIVING SPECIAL APPEARANCE
TO PRESENT MOTION OBJECTING TO JURISDICTION**

TO: CHARLIE BETHEL, by and through his counsel of record, Peter A. Kraus, Baron & Budd,
P.C., 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219-4281.

Pursuant to Rules 120a, 166b and 169 of the Texas Rules of Civil Procedure, Defendant
Illinois Central Railroad Company ("ICRC") hereby files its Supplemental Responses and
Objections to Plaintiffs' Request for Admission, Subject to and Without Waiving Special
Appearance to Present Motion Objecting to Jurisdiction.

Respectfully submitted,

By

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ATTORNEYS FOR DEFENDANTS ILLINOIS CENTRAL CORPORATION
and ILLINOIS CENTRAL RAILROAD COMPANY

I.

PRELIMINARY STATEMENT AND OBJECTIONS

Subject to and without waiving its current or any future special appearances, ICRC makes this preliminary statement and these objections:

ICRC currently has special appearance motions pending in various cases in Dallas County, Texas. Each of these cases involve numerous Plaintiffs who are residents of states other than Texas. Each and every objection, response or matter contained in these responses and answers is made strictly subject to and without waiving any pending special appearance motion. To the extent that ICRC is named and served as a party in future cases in Dallas County, these responses shall also be subject to and without waiving any future special appearance motions.

ICRC expressly objects to each and every discovery request to the extent that it seeks any information in those cases wherein a special appearance is pending for the reason that such discovery requests are not related to any special appearance motion or likely to lead to the discovery of evidence admissible in a special appearance hearing. ICRC does not own or control any railroad track in Texas.

ICRC will provide substantive responses to those requests related to jurisdictional issues as they relate to those Plaintiffs who have sued ICRC. However, ICRC objects to each and every discovery request and/or interrogatory to the extent that it is unrestricted as to subject, time and geography on the grounds that such requests/interrogatories are unreasonably burdensome and not reasonably related to the discovery of jurisdictional evidence related to such claims.

II.

GENERAL OBJECTIONS

1. ICRC objects to these requests in their entirety for the reason that such requests were not in the master set of discovery. Plaintiffs have neither sought nor obtained leave of court to serve this Defendant with discovery other than the master discovery previously approved by Dallas County. ICRC objects to this unilateral attempt by Plaintiffs to circumvent the procedures set forth by the Master Asbestos Judge in Dallas County. However, because Defendant has filed a Special Appearance contesting jurisdiction over it by this Texas Court, Defendant will provide substantive responses to those requests which are jurisdictional in nature.

2. ICRC further objects to each and every discovery request, interrogatory and request for admission to the extent that they require ICRC to search through all corporate documents on the ground that such requests are clearly overly board, unduly burdensome, exceptionally expensive, and not reasonably related to the discovery of evidence relevant to the claims of Plaintiffs claiming injury arising out of alleged exposure while employed by ICRC in Texas.

3. ICRC further objects to those requests as a whole, since they seek matters which are privileged under the Texas Rules of Civil Procedure and Texas Rules of Civil Evidence, including, but not limited to, information and matters precluded by the attorney/client privilege, attorney/work product exemption and the party communications privilege.

4. ICRC further objects to the definitions set forth at the beginning of Plaintiffs' requests as an improper attempt to give meanings to ordinary English words that are contrary to their accepted meanings and which render the requests ambiguous, overly broad and/or unduly burdensome to answer.

5. ICRC further objects to Plaintiffs' requests as vague since they are not limited to the time and location when and where Plaintiffs were allegedly employed by ICRC.

6. ICRC expressly incorporates each and every general objection and preliminary statement into its response to each interrogatory, subject to and without waiving its special appearance motion objecting to jurisdiction.

**SUPPLEMENTAL RESPONSES TO
REQUESTS FOR ADMISSIONS**

REQUEST FOR ADMISSION NO. 1: Admit or deny that asbestos-containing products were in general use aboard Defendant's railroad during the time period Plaintiff was employed by Defendant.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant admits that at some time during Mr. Bethel's employment with Gulf, Mobile and Ohio Railway Company and Illinois Central Railroad Company between 1947 and 1982, asbestos-containing products were used on Defendant's railroad.

REQUEST FOR ADMISSION NO. 2: Admit or deny that Defendant transported, ordered, purchased or otherwise acquired asbestos-containing products, asbestos-containing friction products, machinery requiring the use of asbestos or asbestos-containing products.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant admits Request for Admission No. 2 to the extent it is limited to some period of time between 1947 and

1982.

REQUEST FOR ADMISSION NO. 3: Admit or deny that Defendant used or implemented on Defendant's railroad, asbestos-containing products.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant admits Request for Admission No. 2 to the extent it is limited to some period of time between 1947 and 1982.

REQUESTS FOR ADMISSION NO. 4: Admit or deny that Defendant's cars, engines and/or locomotives which Plaintiff worked on or around were unreasonably dangerous and unfit because of the presence of and/or use of asbestos-containing products.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objection, Defendant denies Request for Admission No. 4.

REQUESTS FOR ADMISSION NO. 5: Admit or deny that Plaintiff was a railroad worker, as that term is generally understood, during his employment with Defendant.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, and its general understanding that a railroad worker is a person who works for a railroad company, Defendant admits Request for Admission No. 5.

REQUESTS FOR ADMISSION NO. 6: Admit or deny that Plaintiff, in the course and scope of his work as a railroad worker and/or employee of Defendant, worked on and/or around Defendant's railroad, railway cars, engines and/or locomotives, shops, roundhouses, and transfer sheds where asbestos, and asbestos containing products were present.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, and to the extent "or around" implies close proximity, Defendant denies Request for Admission No. 6.

REQUESTS FOR ADMISSION NO. 7: Admit or deny that Defendant was aware during the periods of time Plaintiff worked for Defendant that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

REQUESTS FOR ADMISSION NO. 8: Admit or deny that Plaintiff was employed by Defendant or by a predecessor-in-interest of Defendant.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant admits Request for Admission No. 8 with respect to Plaintiffs' employment with Gulf, Mobile & Ohio Railway Company from 1947 to 1972 and Illinois Central Railroad Company from 1972 to 1982.

REQUEST FOR ADMISSION NO. 9: Admit or deny that Plaintiff worked on and/or around Defendant's railroad in areas where asbestos-containing products were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant admits Request for Admission No. 9 to the extent it is limited to some time period between 1947 and 1982.

REQUEST FOR ADMISSION NO. 10: Admit or deny that Defendant did not distribute any literature or warnings of any kind to its employees during the period of time Plaintiff worked for Defendant regarding the potential health hazards to those who breathe airborne asbestos dust.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence

related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant denies Request for Admissions No. 10 and further states that it is not currently known what warnings Plaintiff may have been given or received between 1947 and 1982.

REQUEST FOR ADMISSION NO. 11: Admit or deny that asbestos-containing products were placed on or used in the conduct of Defendant's railroad during the time period Plaintiff was employed by Defendant including the following asbestos-containing products:

- | | |
|--|---------------------------|
| a. any asbestos-containing product and/or machinery requiring the use of asbestos or asbestos-containing products and/or materials | h. asbestos cement |
| b. asbestos tiles | i. asbestos block |
| c. asbestos millboard | j. asbestos packing |
| d. asbestos friction products | k. boilers |
| e. asbestos pipecovering | l. brake shoes |
| f. asbestos gaskets | m. brake linings |
| g. asbestos joint compound | n. clutch linings |
| | o. firebrick |
| | p. refractories/castables |
| | q. turbines |

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant admits some of the above products were placed on or used on the Gulf Mobile & Ohio Railway Company or Illinois Central Railroad Company at some time between 1947 and 1982.

REQUEST FOR ADMISSION NO. 12: Admit or deny that Defendant engaged in no abatement programs for the removal of asbestos at any time since 1965.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to

this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant denies Request for Admission No. 12.

REQUEST FOR ADMISSION NO. 13: Admit or deny that Defendant was aware of the presence of and/or use of asbestos-containing products at the Railroad during the time period Plaintiff was employed by Defendant.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant admits its Request for Admission No. 13 to the extent it is limited to some time period between 1947 and 1982.

REQUEST FOR ADMISSION NO. 14: Admit or deny that Defendant became aware of the potential health hazards of airborne asbestos during the time periods in which Plaintiff was employed by Defendant.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this request for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

REQUEST FOR ADMISSION NO. 15: Admit or deny that Defendant did not continuously provide face masks to railroad employees working with or around asbestos from 1945 to the present for the purpose of protecting these employees from inhaling asbestos.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Defendant further objects to this request for the reason that it does not limit itself to a reasonable time period as related to the issues in this case, and is, therefore, beyond the scope of permissible discovery.

Subject to and without waiving Defendant's previously filed objections, Defendant denies that it did not provide masks to its employees and refers Plaintiff to his own deposition testimony regarding same.

REQUEST FOR ADMISSION NO. 16: Admit or deny that during the time Plaintiff was employed by Defendant, it was foreseeable that asbestos-containing products on Defendant's railroad would or could be removed, stripped, replaced or repaired at some time after installation.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant admits Request for Admission No. 16 to the extent it is limited to some time period between 1947 and 1982.

REQUEST FOR ADMISSION NO. 17: Admit or deny that during the time Plaintiff was

employed by Defendant, Defendant failed to comply with the requirements of the Boiler Inspection Act, formerly 45 U.S.C. § 23; and restated at 49 U.S.C. § 20701 et seq.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant denies Request for Admission No. 17

REQUEST FOR ADMISSION NO. 18: Admit or deny that Plaintiff filed suit against Defendant within three (3) years of the date of discovering his asbestos-related condition or the existence of any asbestos-related causes of action.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant denies Plaintiff suffers any asbestos related health conditions, and, alternatively, denies Plaintiff filed his action within three years of suffering shortness of breath symptoms.

REQUEST FOR ADMISSION NO. 19: Admit or deny that Defendant is liable for Plaintiff's asbestos related illness.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence

related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant denies Plaintiff has an asbestos related illness and denies that it is liable to Plaintiff for any illness.

REQUEST FOR ADMISSION NO. 20: Admit or deny that Defendant knew or had reason to know that the asbestos was in use on its railroads since the 1930's.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant denies Request for Admission No.20, as the Gulf, Mobile & Ohio Railway Company, the entity which employed Plaintiff until 1972, did not exist in the 1930's. Defendant continues to object to knowledge of Illinois Central Railroad Company prior to 1972 as irrelevant.

REQUEST FOR ADMISSION NO. 21: Admit or deny that Defendant consciously decided not to warn its employees of the dangers of asbestos.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant denies Request for Admission No. 21.

REQUEST FOR ADMISSION NO. 22: Admit or deny that asbestos is still in use and/or in place on Defendant's railroad.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

REQUEST FOR ADMISSION NO. 23: Admit or deny that Defendant no longer uses asbestos on its railroad.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

REQUEST FOR ADMISSION NO. 24: Admit or deny that Defendant acquired knowledge, during the 1930's of the Alton Railroad's responses to the Illinois Occupational Diseases Act.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant denies Request for Admission No. 24, as the Gulf, Mobile & Ohio Railway Company, the entity which employed Plaintiff until 1972, did not exist in the 1930's. Defendant continues to object to knowledge of Illinois Central Railroad Company prior to 1972 as irrelevant.

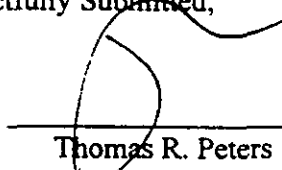
REQUEST FOR ADMISSION NO. 25: Admit or deny that Defendant was a member of the National Claims Registry which reported information regarding injury claims of railroad workers.

RESPONSE: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to this request in that it is vague, unclear and contains compound requests which render it impossible to ascertain how to respond accurately.

Defendant further objects to this request for the reason that it seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence related to the Defendant's jurisdictional contacts, if any, with the State of Texas and is, therefore, beyond the scope of permissible discovery while Defendant has a Special Appearance motion pending.

Subject to and without waiving Defendant's previously filed objections, Defendant is unaware of what the "National Claims Registry" is, and therefore, without further information, denies Request for Admission No. 25.

Respectfully Submitted,



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** ILLINOIS, MISSOURI AND CALIFORNIA

July 23, 1997

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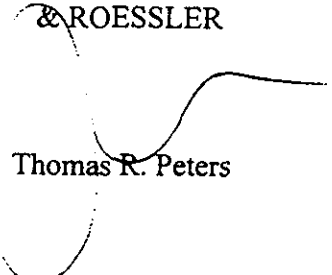
RE: Charlie Bethel, et al. v. Illinois Central Railroad Company, et al;

Dear Ms. Shauck:

Enclosed please find a signed Verification for Charles G. Garrett.

Yours very truly,

GUNDLACH, LEE, EGGMANN, BOYLE
& ROESSLER



Thomas R. Peters

TRP:lps
Enc.

CHARLIE BETHEL, et al.,

vs.

OWENS-CORNING FIBERGLAS
CORP., et al.

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IN THE DISTRICT COURT
DALLAS COUNTY, TEXAS
14TH JUDICIAL DISTRICT

VERIFICATION

BEFORE ME, the undersigned authority, on this day personally appeared CHARLES G. GARRETT, who after being sworn, stated upon his oath that he is the Risk Manager of Illinois Central Railroad Company and as such is authorized to verify these responses, and states that he has read and understands the foregoing Supplemental Responses to Plaintiff's Request for Admissions, and that all statements contained in these Responses are within his personal knowledge and true and correct.

ILLINOIS CENTRAL RAILROAD COMPANY

BY *Charles G. Garrett*
CHARLES G. GARRETT
Risk Manager

SUBSCRIBED AND SWORN TO BEFORE ME, this 22 day of July, 1997, to certify which witness may hand and seal of office.

T.M. Martin
Notary Public in and for the State of ~~TEXAS~~ TENNESSEE
Notary Expiration Date 5-1-2001

