

No. D-153,109

VERNON T. GOODALE, ET AL,
Plaintiffs,

VS.

OWENS-CORNING FIBERGLAS
CORPORATION, ET AL,
Defendants.

§ IN THE DISTRICT COURT OF
§
§
§ JEFFERSON COUNTY, T E X A S
§
§
§ 136TH JUDICIAL DISTRICT

**DEFENDANT SOUTHERN PACIFIC TRANSPORTATION COMPANY'S
ANSWERS AND OBJECTIONS TO PLAINTIFF HERMAN D. MARTELL'S
FIRST SET OF INTERROGATORIES**

TO: Plaintiff Herman D. Martell 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.

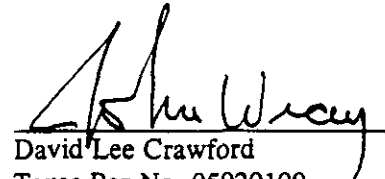
COMES NOW Southern Pacific Transportation Company, one of the Defendants in the above styled and numbered cause, and in accordance with the Texas Rules of Civil Procedure files this its Answers and Objections to Plaintiff Herman D. Martell's First Set of Interrogatories.

DATED: November 17, 1997

Respectfully submitted,

PHELPS DUNBAR, L.L.P.

By:


David Lee Crawford
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**ATTORNEYS FOR DEFENDANT SOUTHERN
PACIFIC TRANSPORTATION COMPANY**

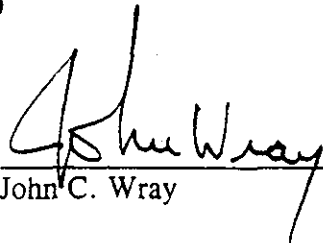
Defendant Southern Pacific's
Answers and Objections to Plaintiff's Interrogatories

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 17th day of November, 1997, a true and correct copy of Defendant Southern Pacific Transportation Company's Answers and Objections to Plaintiff Herman D. Martell's First Set of Interrogatories was served on all known counsel of record in accordance with the Texas Rules of Civil Procedure.

Mr. Peter Kraus
Ms. Kimberly Castles
Baron & Budd, P.C.
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219
Telephone: (214) 521-3605
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All known defense counsel of record.
(Jefferson County Service List)
(w/out enclosures; available upon request)



John C. Wray

VERIFICATION

STATE OF NEBRASKA §
 §
COUNTY OF DOUGLAS §

Comes now A. L. Schroeder, Manager of Discovery for Union Pacific Railroad Company, being first duly sworn on her oath, and states that she is authorized on behalf of Southern Pacific Transportation Company to make the foregoing First Supplemental Responses and Objections to Plaintiff Herman D. Martell's Second Set of Interrogatories, and that while she does not have personal knowledge of all facts cited therein, the information has been collected and the answers made after a reasonable search of all available records and that she has read the foregoing First Supplemental Responses and Objections to Plaintiff Herman D. Martell's Second Set of Interrogatories, and that the information contained therein is true and accurate based on her best knowledge, information and belief. Therefore, the foregoing responses are verified on behalf of Defendant Southern Pacific Transportation Company.


A. L. Schroeder

Subscribed and sworn to before me this 14th day of November, 1997.


Notary Public

My commission expires:



**ANSWERS AND OBJECTIONS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

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:

Objection. Southern Pacific objects to this interrogatory as overly broad and unduly burdensome. Subject to and without waiving the foregoing objection, Southern Pacific has previously collected much of the responsive information in connection with other litigation. Information specific to this case has been provided by:

Arlene Schroeder
Claims Manager
Union Pacific Railroad Company
1416 Dodge Street
Omaha, Nebraska

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:

Defendant purchased numerous insurance policies during the years Plaintiff contends he was employed by Defendant. These policies provided coverage above deductible or self-insured retained amounts of such size that for all practical purposes, Defendant has been self-insured. Further, Defendant's insurers have denied that these policies provide coverage for the potential liability asserted in this suit. At the time these policies were purchased, defendant had no reason to anticipate that these or similar claims would be later made.

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, if any, of Plaintiff Herman D. Martell. Southern Pacific is therefore unable to provide any information 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 locations at which Plaintiff did not allegedly work 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 alleged 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 Plaintiffs 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 locations at which Plaintiff did not allegedly work 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 alleged 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:

Discovery is continuing. Defendant will supplement its answer to this interrogatory if additional information becomes available. However, at this time Defendant is able to list the following persons as having knowledge of relevant facts:

Plaintiff Herman D. Martell.

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:

Objection. Southern Pacific objects to this interrogatory as overly broad and unduly burdensome in that it seeks information beyond the scope of discovery as permitted by the

Texas Rules of Civil Procedure. Subject to and without waiving the foregoing, Defendant will supplement its answer to this interrogatory when and if additional information becomes available. Defendant lists the following persons as experts at this time:

Vance Strange, M.D.

H. Corwin Hinshaw, M.D.

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:

Objection. Southern Pacific objects to this interrogatory as being overly broad, unduly burdensome, and not limited to the period of Plaintiff Herman D. Martell's alleged employment. Defendant is unable to locate any internal information indicating that it was ever 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, although Southern Pacific is currently a member of the AAR, Southern Pacific is unable to locate any records indicating which year it became a member of the referenced organization. Likewise, Southern Pacific is unable to locate any internal information regarding who, if anyone, attended the referenced meetings as a representative of Southern Pacific during the period of Plaintiff Herman D. Martell's alleged employment.

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 alleged 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 locations at which Plaintiff did not allegedly work. 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;
- 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 alleged 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 locations at which Plaintiff did not allegedly work. 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 alleged 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 locations at which Plaintiff did not allegedly work. 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 1940s, have required use of respirators under certain conditions.

Southern Pacific is unable to locate any documents indicating that asbestos specific warnings were issued to employees during the period of Plaintiff Herman D. Martell's alleged employment. Indeed, it is unlikely that such asbestos specific warnings would be issued in light of the scientific, medical and other knowledge available to Southern Pacific during the period of Plaintiff Herman D. Martell's alleged employment. See answer to Interrogatory No. 3 of Plaintiff's Second Set of Interrogatories.

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:

Southern Pacific objects to this interrogatory as overly broad, unduly burdensome, and not limited as to time or location. Furthermore, Southern Pacific objects in that use of the term "railroad" is ambiguous.

Subject to and without waiving the foregoing objection, the following list encompasses some, but perhaps not all, of the products which it believes may have contained asbestos:

1. Anchor Packing; to include but not limited to: asbestos packing, No. 862 and 863; plastic-model asbestos jacket no. 804; plastic wire insulated asbestos jacket 809; high temperature wire insulated asbestos packing 807; Teflon/blue asbestos sheet no. 1189; twisted asbestos valve packing no. 314; braided asbestos valve packing no. 319; asbestos metallic square packing no. 805M; asbestos folded hand hole gaskets no. 600; W.I. asbestos tape no. 600; W.I. asbestos retorque packing; braided white asbestos with Teflon and light oil no. 1162-S; square plaited asbestos with Teflon and light oil no. 1109; course braided black asbestos with Teflon and light oil no. 1161; square white asbestos and Teflon no. 1108; cross-braided white asbestos with Teflon no. 1162; square plaited blue asbestos and Teflon no. 1109; cross braided white asbestos with moly and Teflon no. 1164; red W.I. asbestos sheet packing no. 406; asbestos listing tapes no. 1580; white twisted asbestos rope no. 1502; blue asbestos rope no. 1550; braided asbestos tubing (no wire) no. 1506; square plaid asbestos packing with no graphite no. 909; square plaited asbestos with graphite no. 317; cross braided asbestos with graphite no. 1300; cross braided asbestos with graphite no. 317W; and white asbestos semi-metal and Teflon no. 1107.
2. Johns Mannville packing no. 392; BGG packing BGG-193, 666-222, 165, CT-1, CT-2; asbestos jacket VG3, plastic wire insulation asbestos jacket no. 325, teflon/white asbestos sheet 607, gaskets 116 W.I., asbestos gasket tape no. 120, W.I. asbestos retorque packing 128, red and black W.I. asbestos sheet packing 101, asbestos cloth A-1225, asbestos lifting tape 1061, white twisted asbestos rope 4184-4916, braided asbestos rope 566-702, blue rope 4194, twisted asbestos wick 4195; asbestos core 285; cross-braided asbestos with graphite CGI-255, pipe insulation, lagging (85% magnesium), cobra brake shoes of various sizes to include both locomotive and car brake shoes.

3. Unarco Industries, Inc.: Unarco Insutape insulation; pipe covering, super Insutape pipe covering, Unarco asbestos heating retention bags, metallic asbestos cloth, unibestos pipe insulation, unibestos insulation block, unibestos insulation felt, asbestos textile, wovenstone, insta-braided asbestos, asbestos cloth, asbestos rope, unibestos sheet, high-pressure packing, fibrous glass insulation and acoustical products, custom tailored high temperature insulation, Unarco metal mesh insulation blankets, Unarco fibrous glass insulation blankets, Unarco combination asbestos glass cloth, asbestos cloth, asbestos seals, Unarco calcium silicate insulating blocks, Unarco calcium silicate pipe insulation, Unarco mineral wool, Unarco insulating cement, Unarco asbestos heat retention bags, Unarcoboard, Unarco U200, and various types of gaskets.
4. 48 Insulation: super 48 cement; quick set cement and N-1200 block.
5. John Crane Hide: asbestos containing packing and gaskets material various sizes and shapes to include but not limited to: twisted asbestos valve stem packing no. 814, braided asbestos valve stem packing 815; asbestos gasket tape 878, red and white W.I. asbestos sheet packing 222, white twisted asbestos rope no. 881, and twisted asbestos cord no. 880.
6. Garlock: various gaskets for steam diesel locomotives as well as sheet gasket material and various sizes of asbestos packing.
7. Westinghouse: air compressor gaskets for steam injection air pumps, asbestos containing brake shoes (cobra shoes) for diesel locomotives and freight cars.

The majority of asbestos containing products purchased and used by the answering Defendant were purchased during the steam locomotive era. Steam locomotives began to be phased out as early as the late 1940s. Most steam locomotives were phased out in the early 1950s.

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 locations at which Plaintiff did not allegedly work. 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 locations at which Plaintiff did not allegedly work. 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 locations at

which Plaintiff did not allegedly work. 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 locations at which Plaintiff did not allegedly work. 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 alleged 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 locations at which Plaintiff did not allegedly work. 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 locations at which Plaintiff did not allegedly work. Subject to and without waiving the foregoing objection, Defendant is unable to locate any responsive information after a reasonable inquiry. Defendant will supplement if additional information becomes available.