



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 FIFTH 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 Fifth 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
information is substantially the same as for Plaintiff as for Defendant.

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.

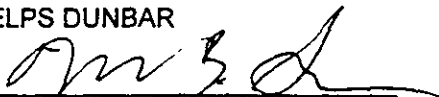
ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence because it is not limited to the time period during which Plaintiff was allegedly employed by Defendant nor is it limited to the job site or facilities on which Plaintiff was allegedly employed by Defendant.

INTERROGATORY NO. 43: 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. 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 nor is it limited to the job site or facilities on which Plaintiff was allegedly employed by Defendant. Moreover, this Interrogatory seeks information, if any exists, which is protected by the attorney-client privilege and the work product doctrine. Finally, this Interrogatory requires Defendant to make a legal conclusion in order to respond. Subject to but without waiver of these objections, Defendant has located no documents responsive to this Interrogatory for the years of Plaintiff's alleged employment from 1938-1946 or for Plaintiff's alleged work site. Defendant has acted to fulfill the requirements, rules, and guidelines established by the United States government to regulate railroads and locomotives. Those same requirements, rules and regulations are a matter of public record and are equally available to Plaintiff.

Respectfully submitted,

PHELPS DUNBAR

By 

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Company d/b/a Union Pacific Railroad Company

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 Fifth 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 14 day of April, 1998.


Mark B. Schaffer