



NO. 93-07046

LOUIE WHITE, ET AL,
Plaintiffs,

vs.

KEENE CORPORATION, ET AL,
Defendants.

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IN THE DISTRICT COURT OF ⁹⁷APR 28 AM 10:17

TRAVIS COUNTY, TEXAS

147TH JUDICIAL DISTRICT

**UNION PACIFIC RAILROAD COMPANY'S
OBJECTIONS AND RESPONSES TO PLAINTIFF DECEDENT'S REQUEST FOR PRODUCTION**

TO: Plaintiff Decedent E. L. Lambright, by and through his attorneys of record, Kimberly Castles, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

Pursuant to Rules 166b and 167 of the Texas Rules of Civil Procedure, Union Pacific Railroad Company, Defendant herein, hereby submits its Objections and Responses to Plaintiff Decedent's Request for Production.

GENERAL OBJECTIONS

1. Defendant objects to the Requests to the extent that they request documents 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 Requests shall not constitute or be deemed to constitute a waiver of any such privilege.

2. Defendant objects to the Requests to the extent that they request documents that are neither relevant nor likely to lead to the discovery of admissible evidence.

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

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

5. Defendant objects to the Requests to the extent that they purport to require Defendant to provide documents pertaining to any time period other than the relevant time period during which Plaintiff Decedent was allegedly employed by Defendant.

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

7. This request is duplicitous. All documents responsive to the following requests have been previously produced in *John F. Antons vs. Owens-Corning Fiberglas Corporation, et. al.*; Cause No. 95-04-02145-C; In the 341st Judicial District of Webb County. To avoid unnecessary expense, copies of the actual documents produced in the *Antons* case are not included herewith however, reference to Bates numbers is provided.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce any and all documents, (memoranda and/or other writings, including but not limited to books, pamphlets, or other written materials of any kind or character) in your possession, custody or control which would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please see attached Bates Nos. MPM 000052, MPM 000053, MPM 000072, MPM 000201 - 000204, MPM 001146 - 001197, MPM 001230 - 001427, MPM 001547, MPM 001636 - 001640, MPM 001781 - 001823, HO 000208 - HO 000383, HO 000820 - HO 001066, HO 001107 - HO 001130, HO 001199 - HO 001228, OM 013273 - OM 013274, OM 013275, OM 013276 - OM 013288, OM 013299 - OM 013318, OM 013361 - OM 013384, OM 013446 - OM 013449, OM 013463 - OM 013471, OM 013474 - OM 013475, OM 013967 - OM 013970, OM 014602, OM 014746 - OM 014748, OM 014750 - OM 014752, OM 014772 - OM 014773, OM 014815, OM 014957 - OM 014958, OM 015160 - OM 015162, OM 015164 - OM 015167, OM 015170, OM 015173, OM 015176, OM 015206, OM 015211, OM 015224 - OM 015246, OM 015275 - OM 015286, OM 015289, OM 014534 - OM 014537, HOP 000782 - HOP 000789, HOP 000836, HOP 000843, HOP 000848 - HOP 000862, HOP 000864 - HOP 000871, OM 002472 - OM 013269, OM 013270 - OM 013270A, OM 013315, OM 013316 - OM 013323, OM 013325 - OM 013326, OM 013327 - OM 013328, OM 013329 - OM 013332, and OM 013335 - OM 013336.

REQUEST FOR PRODUCTION NO. 2: Produce any and all documents, (memoranda and/or other writings) in your possession, custody or control that in any way related to the hazards of asbestos and/or airborne asbestos.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please see Response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 3: Produce any and all documents in your possession, custody or control which were disseminated or published by any person, trade association or organization of any type and that contain information relating to the hazards of asbestos and/or airborne asbestos.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objection, please see Response to Request for Production No. 1, and Bates Nos. MPM 002517, HO 000384 - HO 000426, HO 001067 - HO 001077, HO 001229, OM 002147 - OM 002471, OM 013270 OM 013270A, OM 013316 - OM 013323, and OM 013333 - OM 013334.

REQUEST FOR PRODUCTION NO. 4: Produce any and all safety meeting minutes or other documents, memoranda and/or writings that refer to the dangers of asbestos and/or safety measures to be taken by crew members or workers or employees in the vicinity of asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products and/or materials on Defendant's railroad.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please see Response to Request for Production No. 1 and Bates Nos. 3284, MPM 001198 - MPM 001214, MPM 001428 - MPM 001545, OM 000759 - OM 001099, OM 013337 - OM 013409, and OM 013430 - OM 013434.

REQUEST FOR PRODUCTION NO. 5: Produce any and all contracts, memoranda, and/or other writings that in any way reflect arrangements made for the removal of asbestos and/or the installation of asbestos-containing products [on] Defendant's railroad(s).

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please see Response to Request for Production No. 1 and Bates Nos. 3284, MPM 001198 - MPM 001214, MPM 001428 - MPM 001545, OM 000759 - OM 001099, OM 013337 - OM 013409, and OM 013430 - OM 013434.

REQUEST FOR PRODUCTION NO. 6: Produce any and all documents that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos on Defendant's railroad(s).

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please see Response to Request for Production No. 1 and Bates Nos. 3284, MPM 001198 - MPM 001214, MPM 001428 - MPM 001545, OM 000759 - OM 001099, OM 013337 - OM 013409, and OM 013430 - OM 013434.

REQUEST FOR PRODUCTION NO. 7: Produce any and all documents that discuss or relate in any way to removal of asbestos from any Defendant's railroad(s).

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please see Response to Request for Production No. 1 and Bates Nos. 3284, MPM 001198 - MPM 001214, MPM 001428 - MPM 001545, OM 000759 - OM 001099, OM 013337 - OM 013409, and OM 013430 - OM 013434.

REQUEST FOR PRODUCTION NO. 8: Please produce any and all documents related to the medical condition of Plaintiff Decedent at any time during his employment with Defendant. This request specifically includes, but is expressly not limited to, any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, including annual physical forms.

RESPONSE: Responsive documents, if any, are being forwarded under separate cover.

REQUEST FOR PRODUCTION NO. 9: Produce any and all documents that indicate and/or refer to in any way a decision and/or discourse related to ceasing the use of asbestos-containing products on Defendant's railroad(s).

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please see Response to Request for Production No. 5.

REQUEST FOR PRODUCTION NO. 10: Produce any and all specifications, blue prints, documents, memoranda and/or other writings that reflect and/or demonstrate in the form of a map and/or chart the location and dimensions of all car(s) and/or engine(s), locomotives, roundhouses and/or shops upon which and in the vicinity of which Plaintiff Decedent worked and specifically including, but not limited to, the location and/or placement, repair, installation and/or use of asbestos-containing products at any time within the last thirty-five (35) years on the railroad(s).

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, Defendant cannot answer this request because it has no knowledge of where Plaintiff Decedent worked for Defendant.

REQUEST FOR PRODUCTION NO. 11: Produce any photographs of asbestos products in place or asbestos products being used, fabricated and/or utilized on Defendant's railroad(s).

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the location or time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine.

REQUEST FOR PRODUCTION NO. 12: Produce any actual warning signs or photographs of warning signs or other statements in place at any time relating to asbestos-containing products [in place] at any time during the last thirty-five years (35) years on Defendant's railroad(s).

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the location or time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please see Bates Nos. HO 000429 - HO 000729, HO 001078 - HO 001106, OM 001116 - OM 001918, OM 013271 - OM 013314, OM 013324, OM 013335 - OM 013336, and OM 013410 - OM 013429.

REQUEST FOR PRODUCTION NO. 13: Produce any documents which indicate in any way that individuals claimed injury to their lungs as a result of exposure to asbestos on any of Defendant's railroad(s).

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant nor limited to the job sites and/or facilities on which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please see attached Bates Nos. HO 000764 - HO 000819 and MPM 000169 - MPM 000192.

REQUEST FOR PRODUCTION NO. 14: Produce any documents, minutes or other notes or records from any meetings at which the hazards and/or potential hazards of asbestos were discussed by officers, agents, and/or employees of Defendant.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please also see Response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 15: Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the purchase of asbestos-containing products for use on Defendants' railroad(s).

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, please see Response to Request for Production No. 5.

REQUEST FOR PRODUCTION NO. 16: Produce any and all documents reflecting in any way any inspections by labor inspectors, insurance company inspectors or anyone from Defendant's company or hired by Defendant where asbestos-containing products were being used or installed and that included the taking or measure of "dust counts." This request specifically includes any and all of Defendant's railroad(s) and railway car(s) and/or engine(s) and/or locomotive(s) and/or roundhouse(s) or shops during the last thirty-five (35 years).

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please see Bates Nos. MPM 001198 - MPM 001214, MPM 001428 - MPM 001545, OM 000759 - OM 001099, OM 013337 - OM 013409, and OM 013430 - OM 013434.

REQUEST FOR PRODUCTION NO. 17: In the event that Defendant performed or had performed any dust level counts with respect to asbestos dust on any of its railroads, produce any documents that in any way reflect or discuss the results of such studies or counts and actions, or potential actions, if any, taken as a result of such counts or studies.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. We are unaware of where and when Plaintiff Decedent was employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, please see Response to Request for Production No. 16.

REQUEST FOR PRODUCTION NO. 18: Please provide all documents referred to in answering Plaintiff Decedent's interrogatories propounded to the Defendant, identifying with specificity which documents were used to answer which interrogatories.

RESPONSE: All documents produced herewith are deemed to be responsive.

REQUEST FOR PRODUCTION NO. 19: (1) Please provide a curriculum vitae for each and every expert witnesses or expert or expert that the Defendant has retained or employed and cannot unequivocally state will not be a witness on its behalf at trial; and (2) with respect to any and all expert witness(es) identified in subpart (1), please provide any and all documents or tangible things including, but not limited to, all tangible reports,

drawings, charts, exhibits, physical models, compilations of data, factual observations, tests, calculations, photographs, diagrams, sketches, movies, videotapes and tape recordings, opinions, supporting data and other documents and/or things reviewed and/or relied upon by him or her in formulating his or her opinions and conclusions on this case, including all learned treatises (texts, articles, studies, monographs, etc.) and consultant expert work product which forms the basis, in whole or in part, of the witness(es)' opinions or which he or she believes substantiates or corroborates his or her conclusions regarding this lawsuit.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. We are unaware of where and when Plaintiff Decedent was employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing objections, Defendant will provide under separate cover the curriculum vitae of experts when they are named.

REQUEST FOR PRODUCTION NO. 20: As to all such potential legal entities who are not now a party to this lawsuit, but who may be responsible for the incident in question, please provide:

- A. All documents tending to establish such liability; and,
- B. A list of all tangible items or things that may be reviewed tending to establish such liability, along with their location and the identity of the person to contact to view such tangible things.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine.

REQUEST FOR PRODUCTION NO. 21: Provide a copy of each policy of liability insurance intended to provide coverage to the Defendant, its agents and/or employees for liability on the date in question for allegations such as those delineated in Plaintiff Decedent's Original Complaint (and all amended complaints thereafter) including, but not limited to, all primary and excess policies covering the Defendant on the date in question, indicating the name and address of each carrier.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 22: Provide a copy of all invoices, purchase orders, agreements, contracts, correspondences, telefaxes, telexes, and/or documents of any type passing between this Defendant and any other entity regarding the acquisition, ordering, purchasing, supplying, removal or distribution of asbestos-containing products by Defendant during the time period Plaintiff Decedent was employed by Defendant.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, Defendant has no knowledge of when or where Plaintiff Decedent was employed by Defendant. Subject to and without waiver of the foregoing objections, please see Response to Request for Production No. 5.

REQUEST FOR PRODUCTION NO. 23: Provide a copy of all documents from which your present net worth may be ascertained.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 24: Provide a copy of all photographs, diagrams, videotapes, slides and/or movie film of Defendant's railroad(s), owned or operated by Defendant including, but specifically not limited to

the engine room, boiler room, common areas, living quarters, railroads, roundhouses, shops, locomotives, or transport cars.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant nor limited to the jobsites and/or facilities on which Plaintiff Decedent was allegedly employed by Defendant.

REQUEST FOR PRODUCTION NO. 25: Provide a copy of all medical records obtained by the Defendant relating to the Plaintiff Decedent.

RESPONSE: Objection. This Request seeks information that is available to Plaintiff Decedent where the burden of deriving or ascertaining such information is substantially the same for Plaintiff Decedent as for Defendant. Subject to and without waiver of the foregoing objections, Defendant will produce any documents in its possession pertaining to Plaintiff Decedent was medical condition under separate cover.

REQUEST FOR PRODUCTION NO. 26: Provide a copy of all documents including but not limited to invoices, purchase orders, agreements and contracts involving Defendant as a result of the transport, use, installation, repair, replacement, removal and/or applying of asbestos-containing products on the railroad.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Subject to and without waiver of the foregoing objections, please see Response to Request for Production No. 5.

REQUEST FOR PRODUCTION NO. 27: Provide a copy of all documents regarding safety, safety training and/or safety meetings provided to or for the benefit of Plaintiff Decedent and other railroad workers to asbestos or asbestos-containing products on the railroad. Include any documents given out at such safety meetings and copies of the minutes of or notes from all safety meetings held for the benefit of the employees or crew members that worked on the railroad in the last thirty-five (35) years.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant nor limited to the jobsites and/or facilities on which Plaintiff Decedent was allegedly employed by Defendant. Finally, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine.

REQUEST FOR PRODUCTION NO. 28: Provide a copy of all Defendant's safety and policy manuals regarding the use of or exposure to asbestos-containing products from 1930 to the present.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited in time. Further, Defendant has no knowledge of when and where Plaintiff Decedent was employed by Defendant.

REQUEST FOR PRODUCTION NO. 29: Provide a copy of all personnel files maintained by Defendant or any agent of Defendant concerning the Plaintiff Decedent including but not limited to all earnings files, administrative files, and any files concerning any physical examination conducted by the Defendant or for the benefit of the Defendant regarding Plaintiff Decedent either for hiring purposes, screening purposes or otherwise.

RESPONSE: Plaintiff Decedent's personnel file was not retained in accordance with Defendant's retention policy.

REQUEST FOR PRODUCTION NO. 30: Provide a copy of all reports, investigations, transcripts, memoranda, correspondence and/or documents of any type you received from, or sent to any city, county, state, or federal

entity, including but not limited to the EPA, NIOSH, NIEHS or OSHA regarding either the potential health hazards or dangers associated with exposure to asbestos-containing products or airborne asbestos, and/or regarding any surveys, testing or other actions taken to determine the presence of and concentration of airborne asbestos on such of Defendant's railroad(s).

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome, unlimited in time and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Further, Defendant has no knowledge of when and where Plaintiff Decedent was employed by Defendant.

REQUEST FOR PRODUCTION NO. 31: Provide a copy of all safety inspection or site inspection records referencing in any way asbestos or asbestos-containing products used on Defendant's railroad(s).

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. It is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Further, Defendant has no knowledge of where Plaintiff Decedent was employed by Defendant.

REQUEST FOR PRODUCTION NO. 32: Provide a copy of all Defendant's safety inspection policies and procedures in effect during the time Plaintiff Decedent was employed by Defendant regarding the handling of, application, use or exposure to asbestos-containing products.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. It is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant. Further, Defendant has no knowledge of where Plaintiff Decedent was employed by Defendant.

REQUEST FOR PRODUCTION NO. 33: Provide a copy of any and all photographs or video recordings, sketches, drawings, or pictures in Defendant's custody or control or that of your attorney, or of any agent or representative of you or your attorney, whether made as part of the reports of experts or made by you, your attorney, or persons acting as your agents or representatives, and pertaining to any of Defendant's railroad(s), including, but not limited to locomotives, engine rooms, boiler rooms, railyards, roundhouses, shops and common areas, concerning any asbestos-containing products in those areas. Request is hereby made for one print of each photograph or video recording produced in response to this request.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. It is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant nor limited to the job sites and/or facilities on which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine.

REQUEST FOR PRODUCTION NO. 34: Produce a copy of any reports prepared by any person you plan to call as an expert witness at the time of trial which pertain to the incident made the basis of this suit, specifically including all factual observations and opinions of consulting experts, if such consulting expert's opinion forms the basis of any opinions, theories, or conclusions reached by any testifying experts, and any accompanying photographs, drawings, charts, models, video recordings or other visual aids to such reports. If any expert has not prepared a written report, or if the information mentioned above has not been compiled into report form, then request is hereby made that each expert make a written report containing all said information and that each report be produced for inspection and copying.

RESPONSE: Defendant will forward any reports prepared by any persons that Defendant plans to use an expert witness when, and if, said reports are prepared.

REQUEST FOR PRODUCTION NO. 35: Any and all documents prepared by, delivered to, or in the possession of any person you plan to call as an expert witness at the time of the trial, or who won't be called as a witness but whose work product forms a basis in whole or in part of an expert who will be called to testify, which related to any fact or matter that is the subject of or related to the subject of this suit.

RESPONSE: There are no documents at this time responsive to this request.

REQUEST FOR PRODUCTION NO. 36: All witness statements or other documents generated or obtained in any investigations into the asbestos exposure made the basis of this lawsuit whether signed or unsigned. If you contend any such document is privileged, please identify specifically each document withheld, along with the specific privilege asserted.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine.

REQUEST FOR PRODUCTION NO. 37: Any models, visual aids, experiments, documents or other writings or any items of demonstrative evidence prepared or preserved by you, your attorney, your experts, or any other person acting on your behalf that will or may be used in the trial of this lawsuit.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine.

REQUEST FOR PRODUCTION NO. 38: Please provide curriculum vitae for all expert witnesses that Defendant intends to consult or call as witnesses at the trial of this case.

RESPONSE: Objection. This request is vague, ambiguous, and beyond the scope of discovery. Subject to and without waiver of the foregoing, Defendant will produce the curriculum vitae of testify experts under separate cover.

REQUEST FOR PRODUCTION NO. 39: Copies of all depositions of any person previously employed by you specifically including, but not limited to Defendant or Defendant's employees, representatives, or agents, taken in connection with any alleged asbestos exposure at Defendant's railroad(s).

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 40: Provide a copy of each and every document (including all reports, memos, photographs, statements and any material collected or acquired of any investigation, and all correspondence between Defendant and Defendant's insurer, and any notes or any other documents regarding testing, examinations, inspections, or opinions related in any way to asbestos or any other communication from any individual or entity to Defendant, Defendant's insurer or any agent or representative of Defendant or Defendant's insurer concerning this incident or any injuries or disabilities allegedly resulting therefrom) in Defendant's possession or control, or that of Defendant's insurer, health insurer, disability insurer, liability insurer, or other insurer, relating to Defendant's claim or the investigation of this incident by Defendant, Defendant's insurer, or any individual or entity engaged for such a purpose.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine.

REQUEST FOR PRODUCTION NO. 41: Provide a copy of all accident, injury or illness reports concerning the Plaintiff Decedent prepared by and/or for Plaintiff Decedent's employer(s) and/or agents in the general course of business.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, Defendant has not been able to locate any documents responsive to this request. Defendant will produce said documents if they are located.

REQUEST FOR PRODUCTION NO. 42: Provide copies of any and all safety standards, regulations, rules or codes pertaining in any way to asbestos or inhalation of toxic fumes or substances, whether promulgated by government or private industry, or Plaintiff Decedent's employer from 1930 to the present.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period during which Plaintiff Decedent was allegedly employed by Defendant.

REQUEST FOR PRODUCTION NO. 43: Provide a copy of any and all contracts and/or agreements of any kind (if oral, reduce the agreement to writing) made by Defendant to supply masks and/or other safety equipment to the Plaintiff Decedent or any other employees or railroad workers.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period in which Plaintiff Decedent was allegedly employed by Defendant nor limited to the job sites and/or facilities on which Plaintiff Decedent was allegedly employed by Defendant.

REQUEST FOR PRODUCTION NO. 44: Provide copies of any and all documentation evidencing Defendant's compliance with the Boiler Inspection Act, formerly U.S.C. §20701, during the last thirty-five (35) years.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, it is not limited to the time period during which Plaintiff Decedent was allegedly employed by Defendant. Moreover, this Request requires Defendant to make a legal conclusion in order to respond to it. Finally, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine.

REQUEST FOR PRODUCTION NO. 45: Provide copies of any and all documentation which in any way relates to the transport by Defendant's railroad(s) of asbestos-containing products.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine.

REQUEST FOR PRODUCTION NO. 46: Provide a copy of all documents, reports and other materials identified in Answer to Interrogatory No. 12.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine. Subject to and without waiver of the foregoing, if experts prepare reports, Defendant will produce same.

REQUEST FOR PRODUCTION NO. 47: Please produce any and all x-rays, MRIs, CT-scans, videotapes, or other electronically or technologically created representations, depictions, picturizations, imaging or imagery collected by Defendant in the course of discovery.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Moreover, this Request seeks documents, if any exist, which are protected by the attorney-client privilege and the work product doctrine.

REQUEST FOR PRODUCTION NO. 48: Provide copies of any and all documentation relating to a National Claims Registry and/or any other entity, group, organization or membership which catalogued, reported upon or collected information relating to claims of work related injuries by railroad workers.

RESPONSE: Objection. This Request is vague, ambiguous, overly broad, unduly burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Further, this Request seeks documents which may be obtained by Plaintiff Decedent, Defendant does not have a superior right to the requested documents.

Respectfully submitted,

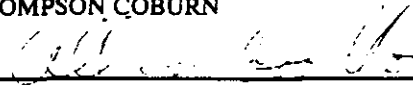
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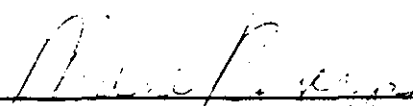

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Defendant Union Pacific Railroad Company's Objections and Responses to Plaintiff Decedent's Request for Production has been sent via Federal Express and Facsimile to Kimberly A. Castles, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281 and via First Class Mail to all parties of record on attached service list, this 22 day of April, 1997.


Maria Ragazzo