

NO. 95-10756



GENEVA H. CAMERON; PAUL DEAN	)	IN THE COUNTY COURT
HARVILL; DWIGHT WILSON KNAPP;	)	
HOWARD BENNETT RITCHIE; and JAMES	)	
WILLIAM WREN;	)	
	)	
Plaintiffs.	)	
	)	
vs.	)	
	)	EL PASO COUNTY, TEXAS
OWENS-CORNING FIBERGLAS	)	
CORPORATION; ET	)	
	)	
Defendants.	)	COUNTY COURT TWO

**DEFENDANT ILLINOIS CENTRAL RAILROAD COMPANY'S RESPONSES AND
OBJECTIONS TO PLAINTIFFS' SECOND SET OF INTERROGATORIES SUBJECT
TO AND WITHOUT WAIVING SPECIAL APPEARANCE TO PRESENT MOTION
OBJECTING TO JURISDICTION**

TO: GENEVA H. CAMERON, by and through her 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 Responses and Objections to Plaintiffs' Second Set of Interrogatories, Subject to and Without Waiving Special Appearance to Present Motion Objecting to Jurisdiction.

Respectfully Submitted,

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ATTORNEYS FOR DEFENDANT
ILLINOIS CENTRAL RAILROAD COMPANY

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded via certified mail to counsel for plaintiffs on this 21st day of July, 1997, and made available to all other counsel of record.



John S. Howell

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.

INTERROGATORY NO. 1 At any time prior to 1980 did Defendant or anyone at the direction of Defendant conduct an investigation, survey or other process to identify the primary emission sources of airborne asbestos fibers and/or to assess and/or sample for the detection of, the quantity of, or threshold limit value of airborne asbestos fibers in relation to Defendant's railroad? If so, please identify with particularity the entity and/or persons conducting such investigation(s), survey(s) or test(s) the dates conducted and the results.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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 interrogatory 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.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 2

Did Defendant ever arrange for any labor agency, insurance company, government agency, inspectors or anyone from your company to go into any of Defendant's railway car(s) and/or engine(s) and/or locomotive(s) and/or roundhouses and/or shops to take dust level counts related to asbestos dust? If so, identify with particularity the party(ies) conducting such procedure(s), the dates conducted, the purpose of such procedure(s), and all results of such procedure(s).

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 3

Did Defendant obtain facts, knowledge or information from any industry, insurance company, governmental agency, union, and/or any other entity regarding the potential health effects and/or health hazards created for persons exposed to airborne asbestos dust? If so, please list all sources of such information and the dates received.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 4 List each person who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians (including those physicians who would have been responsible for conducting physicals, evaluations or screenings of Defendant's employees) and industrial hygienists, and the current address, telephone number and job title of each of those individuals who has had or may have had any knowledge regarding the hazards of airborne asbestos dust.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 5 Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- A. The name of each such publication;
- B. The date of publication and the names of the author and published (if any);
- C. The date received by Defendant;
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

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Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 6

Has Defendant at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of airborne asbestos? If so, state:

- A. The name and address of each such association or organization;
- B. The dates during which Defendant member;
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations;
- D. Whether any of those publications are still in your possession, and if so:
 - 1. A description of the publications, including the date;
 - 2. The current location of such publications;
 - 3. The custodian of such publications;
 - 4. The method or manner in which such publications are maintained.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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 interrogatory 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.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 7

As to the disease asbestosis, state:

- A. The date on which Defendant first learned that such disease was caused by inhalation of asbestos fibers;

- B. How Defendant became aware of the existence of the disease;
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease;
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form;
- F. Who is the custodian of such information;
- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers alone or in conjunction with second hand smoke.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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 interrogatory 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.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 8

As to the disease lung cancer, state:

- A. The date on which Defendant first learned that such disease was caused by inhalation of asbestos fibers;
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure;

- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure;
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form;
- F. Who is the custodian of such information;
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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 interrogatory 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.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 9 As to the disease mesothelioma, state:

- A. The date on which Defendant first learned such disease was caused by inhalation of asbestos fibers;
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers;
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos;

- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure;
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form;
- G. Who is the custodian of such information;
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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 interrogatory 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.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 10 As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer and/or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant first learned that such diseases were caused by inhalation of asbestos fibers by humans;
- B. What cancers has the Defendant become aware can be caused by exposure to asbestos fibers;
- C. The date on which Defendant first suspected other cancers were caused by asbestos inhalation;

- D. Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure;
- E. What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form;
- G. Who is the custodian of such information.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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 interrogatory 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.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 11 Did Defendant maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting;
- B. The general subject matter discussed at each meeting;
- C. Who was in attendance at each meeting;
- D. Where and by whom the written minutes are presently maintained;
- E. By whom the minutes were taken and put into final format;

- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 12 Does Defendant intend to call a company representative as a witness at the trial of this case? If so, list:

- A. The name, address, and job title of each company representative who may be called;
- B. A summary of the testimony expected to be given by each such witness;
- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiff(s) in that case.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product

privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 13 Does your company have, or has it ever had, a Medical Department or Medical Section? If so, state:

- A. the year such Medical Department or Section was established;
- B. Whether or not such Medical Department or Section has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department or Section year by year, beginning with the first year of its existence and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department or Section.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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 interrogatory 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.

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Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 14 Please state whether written warnings were placed at any locations adjacent to or near asbestos in place on Defendant's railroad(s), at anytime from 1930 to the present. If so, please describe with specificity such signs, including size, color, wording, etc. Additionally, please state the number of such signs that were installed and indicate the specific location of each such sign and the dates such sign was at that location.

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

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 15 Does your company have, or has it ever had, a Safety Department? If so, state:

- A. The year such Safety Department was established;
- B. Whether or not such Safety Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Safety Department year by year, beginning with the first year you had a Safety Director or Safety Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Safety Department.

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

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 16 Please state whether a medical monitoring program, medical examination program or other medical surveillance was provided to your employees and specifically to Plaintiff. If so, please indicate what records of such program, examination or surveillance concerning Plaintiff exist at this time, including but not limited to, reports, x-rays and medical notes.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 17 Please state whether Defendant has at any time provided safety equipment to the Plaintiff and/or the railroad workers of Defendant present at any time during Plaintiff's employment by Defendant for protection against the inhalation of airborne asbestos dust, including but not limited to masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, please indicate when such item was first provided, under what circumstances, and the name, address and telephone number of the person most knowledgeable concerning such provision.

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

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 18 Please state whether Defendant ever agreed by contract, agreement, negotiation, collective bargaining or otherwise, to provide masks to Plaintiff and other crew members and/or employees of Defendant working with or around asbestos products. If so, please state verbatim the specific agreement or contract and/or other document by which Defendant agreed to provide such masks. Include the date the agreement was entered into, the period of time covered by the agreement and the parties to the agreement.

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

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 19 Please state the precise state and/or federal regulations, laws, statutes, or other authority pertaining to industrial hygiene or worker safety and health that governed, regulated, controlled and/or were applicable to airborne asbestos exposure in your operations and/or in relation to Defendant's railroad.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party

communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 20 Please describe each and every occasion during the past thirty years when any regulatory agency or other governing body inspected Defendant's railroad to ascertain whether health and safety 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections.

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 21 Please state whether any asbestos-containing products in place or in use on Defendant's railroad, has been removed or abated at any time from 1965 to the present. If so, please answer the following:

- A. List each and every abatement company or other contractor involved with the removal of asbestos, including address and telephone number, dates of such removal, and whether a contract for such removal exists;
- B. Indicate the total amount in dollars spent by Defendant to abate or remove asbestos from the railroads;
- C. State whether any "removal plan" or organized written criteria or other document related to asbestos removal on the railroad(s) was ever prepared by Defendant;
- D. State whether corporate documents discussing or relating generally to the removal of asbestos are in existence and, if so, where they are maintained;
- E. State precise dates and locations when and where such removal or abatement took place for each railroad.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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.

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Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 22

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant was first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

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

Defendant further objects to this interrogatory 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 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 interrogatory 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.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 23

Please state whether and when Defendant received a copy of the Fleischer/Drinker Report published in 1945/1946.

ANSWER: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

Defendant further objects to this interrogatory 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 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 interrogatory 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.

Defendant further objects to this interrogatory for the reason that it is overly broad, burdensome, harassing and would require an unreasonable amount of time and expense on the part of Defendant to compile.

Defendant further objects to this interrogatory as requiring more than 30 answers, in violation of Tex. R. Civ. P. 168.

INTERROGATORY NO. 24 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: Subject to Defendant's special appearance and without waiving same, Defendant hereby incorporates its preliminary statement and general objections. Defendant further objects to answering this interrogatory for the reason that it is overly broad and because of its breadth seeks information and matters privileged pursuant to the mental impression and work product privilege, Tex. R. Civ. P. 166b(3)(a); consulting expert privilege, Tex. R. Civ. P. 166b(3)(b); the witness statement exemption, Tex. R. Civ. P. 166b(3)(c); the party communications privilege, Tex. R. Civ. P. 166b(3)(d); and the lawyer/client privilege, Tex. R. Civ. Evid. 503.

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