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IN THE ASBESTOS CLAIMS COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION,

Consolidated Cases

Cause No. AC 17-0694

*Tracie R. Barnes; Kenneth Braaten as
Personal Representative for the Estate of
Rhonda R. Braaten, deceased; and Gerrie A.
Flores,*

Lincoln County Cause No. DV-16-111

**DEFENDANT BNSF DISCOVERY
RESPONSES TO PLAINTIFFS'
DISCOVERY REQUESTS**

Defendants BNSF Railway Company (“BNSF” or “Defendant”) hereby submits the following responses to Plaintiff’s Discovery Requests to BNSF Railway Company (the “Discovery Requests”) pursuant to Rules 26, 33, and 34 of the Montana Rules of Civil Procedure.

GENERAL OBJECTIONS

1. BNSF’s responses to the Discovery Requests are made without waiving: (a) the right to object to the competence, relevance, materiality, or admissibility as evidence of any documents or other information, or the subject matter thereof, in any aspect of this or any other action, arbitration, proceeding or investigation; (b) the right to object on any grounds to the use of any documents or other information, or the subject matter thereof, in any aspect of this or any other

upon which they were asked to consult, and a summary of their findings, opinions, and conclusions.

ANSWER:

In addition to the General Objections, BNSF objects to this Discovery Request as premature. BNSF further objects to this interrogatory to the extent it purports to seek disclosure of the identities of consulting (i.e., non-testifying) experts. Subject to and without waiving the foregoing objections, and pursuant to Montana Rules of Civil Procedure 33(d), please see the documents provided in response to Interrogatory No. 7 for the individuals that performed air and soil sampling on behalf of BNSF in Lincoln County, Montana. This list includes, but is not limited to, John Harris, Mark Mitchell, Dave Welch, and Roger Renshaw—who were all employed by EMR. Discovery is ongoing and, additional facts may be learned over time. BNSF therefore reserves the right to supplement its response as appropriate, once additional information is received.

INTERROGATORY NO. 10: Please identify all persons that have knowledge that is generally relevant in all Plaintiffs' cases, including with respect to any of the allegations contained in the Plaintiffs' most current complaints, or knowledge pertaining to any of the defenses set forth in BNSF's Answers. Such identification should include the name, address, and job title or position of the person, the subject matter of the knowledge, and relevant facts within the person's knowledge.

ANSWER: BNSF has preliminarily identified the following individuals:

- 1. Richard L. Cook**
Environmental Management Resources, Inc.
1310 Wakarusa, Suite A
Lawrence, KS 66049
- 2. Don Cleveland,**
2500 Lou Menk Drive
Fort Worth, Texas 76131
(817) 352-2330
- 3. Dan McCaskill**
BNSF Manager Industrial Hygiene
Fort Worth, TX
(current address unknown)

- 4. Mel Burda**
Former BNSF Director of Environmental Operations
Fort Worth, Texas
(current address unknown)
- 5. John Swing**
Former Great Northern/Burlington Northern Station Agent, Libby, MT
(current address unknown)
- 6. Jim Shea,**
Former BN Industrial Hygienist
(current address unknown)
- 7. Joel Archer**
Former BN Industrial Hygienist
(current address unknown)
- 8. Larry Luikonen, Former BN Industrial Hygienist**
5990 Scandia Lane
Burleson, Texas 76028
(817) 453-0382
- 9. Tracy Bramlett**
Former BN Industrial Hygienist
(current address unknown)
- 10. Dennis Bullock**
BNSF Railway Company,
2500 Lou Menk Drive,
Fort Worth, TX 76131
1-800-795-2673
- 11. Lance Vallone**
BNSF Safety Manager
Billings, MT
(current address unknown)
- 12. Robert E. Werner**
BNSF Environment Engineer
(current address unknown)
- 13. L.E. Hoskins**
Former Director of Freight Claims
BNSF
(current address unknown)

Discovery is ongoing and, additional facts may be learned over time. BNSF therefore reserves the right to supplement its response.