IN THE CIRCUIT COURT
OF THE EIGHTH JUDICIAL CIRCUIT
CASS COUNTY, ILLINOIS

ROSE SPEARS, AS SPECIAL ADMINISTRATOR FOR WILLIAM SPEARS, DECEASED,	§	
Plaintiff,	§	NO. 92-L-3
V.	§	
A.P. GREEN, ET AL.,	§	
Defendants	§	

PLAINTIFF'S FIRST REQUEST TO PRODUCE

COMES NOW, Plaintiff, Rose Spears, by and through counsel of record, and pursuant to Illinois Supreme Court Rule 214 directs the Defendant, Borg Warner Corporation, and their attorneys, Suzanne Schmitz, Hinshaw, Culbertson, et al., 521 W. Main Street, Suite 300, P.O. Box 509, Belleville, Illinois 62222, to produce the following for inspection, copying, reproduction and photographing at the offices of Baron & Budd, Dallas, Texas, within twenty-eight (28) days of the date of this request, the following documents, objects or tangible things.

1. For each asbestos-containing brake lining, clutch, and automotive friction product that you have mined, manufactured, sold, marketed, or distributed, please provide the following:

(a) Photograph or reproduction of photograph of the packaging in which it was sold;

(b) Photograph or reproduction of photograph of any warning that was on each package;

(c) Photograph or reproduction of relabeling that you put on products (asbestos-containing brake linings, clutches and automotive friction products) made or manufactured which you relabeled;

(d) Copies of relabeling done by other companies that



you sold your products (asbestos-containing brake linings, clutches and automotive friction products) to;

(e) Any and all written memoranda, specifications, blueprints or written materials of any kind or character relating to their design and preparation.

2. Any and all drafts, writings, memoranda, and/or other documents regarding any testing performed on any asbestos-containing product, mined, manufactured, sold, marketed and/or distributed by this Defendant which were performed prior to the date that Defendant released their asbestos-containing brake linings, clutches and automotive friction products for sale or distribution into the stream of commerce.

3. Any and all drafts, writings, memoranda, and/or other documents regarding any testing performed on any asbestos-containing products, mined, manufactured, sold, marketed and/or distributed by this Defendant which were performed after Defendant released their asbestos-containing brake linings, clutches, and automotive friction products for sale or distribution into the stream of commerce.

4. Any and all drafts, writings, memoranda, and/or other documents regarding any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos containing products, manufactured, sold, mined, distributed and/or relabelled for distribution by this Defendant and/or its predecessor.

5. Any and all drafts, writings, memoranda, and/or other documents regarding any tests conducted in the field performed by

or at the direction of this Defendant and/or its predecessor where Defendant's asbestos-containing brake linings, clutches and automotive friction products were applied, removed or used to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, and workers removing and/or tearing out asbestos-containing products, and/or workers in the vicinity thereof.

6. Any and all drafts, writings, memoranda, and/or other documents regarding any tests conducted with regard to the quantity, quality, and/or threshold limit value of asbestos dust, fibers or particles to which applicators or consumers of this Defendant's asbestos-containing products, including asbestos-containing brake linings, clutches and automotive friction products, were exposed while working with and/or around those products.

7. Any and all drafts, writings, memoranda, and/or other documents regarding any warnings, cautions, caveats or directions concerning the possible health effects of this Defendants asbestos-containing products, including asbestos-containing brake linings, clutches and automotive friction products, upon a person.

8. Any and all drafts, writings, memoranda, and/or other documents prepared by this Defendant, and/or its predecessors which purports to instruct the consumer as to how their asbestos-containing products, including its asbestos-containing brake linings, clutches and automotive friction products, should be maintained and/or used.

9. Any and all drafts, writings, memoranda, and/or other

documents reflecting statements, including any of those of Plaintiff, regarding this litigation.

10. Any and all drafts, writings, memoranda,and/or other documents generated by or made for Defendant which alludes to, mentions or refers to any tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

11. A copy of each study which Defendant made or had cause to be made that sought to determine whether their asbestos-containing products would be hazardous to people.

12. A list of each workers' compensation claim filed against Defendant by any person prior to 1970 alleging that he or she contracted an asbestos-related disease.

13. A list of all companies which may have marketed and/or distributed and/or sold any of Defendant's asbestos-containing brake linings, clutches and/or automotive friction products to Beardstown, Illinois, between 1953 and 1984.

14. Copies of all invoices and work orders for purchases by distributors, marketers or sellers who may have marketed, sold or distributed Defendant's asbestos containing brake linings, clutches and automotive friction products to Beardstown, Illinois, between 1953 and 1984.

15. Copies of all invoices and work orders reflecting your sales to distributors or suppliers of your asbestos-containing brake linings, clutches and automotive friction products in Illinois and, in particular, in the distribution area surrounding and including Beardstown, Illinois.

16. A list of the names and addresses of Defendant's

distributors in Illinois and, in particular, in the Beardstown, Illinois area from 1953-1984.

17. A list of Defendant's representatives, employees, or other agents who called upon distributors whose territories included Beardstown, Illinois from 1953-1984.

18. A copy of any rebranding agreement which Defendant had with any seller or purchaser of its asbestos-containing brake linings, clutches and automotive friction products.

19. A copy of any written memoranda, specifications, blueprints or other written materials of any kind or character relating to the design and preparation of the asbestos-containing products listed in your Response to Interrogatory Number 5 of Plaintiff's First Set of Interrogatories.

20. A copy of all tests conducted on the products listed in Response to Interrogatory Number 5 of Plaintiff's First Set of Interrogatories to determine potential health hazards involved in the use of the materials and/or products.

21. A copy of all tests conducted by Defendant regarding its asbestos-containing brake linings, clutches and automotive friction products to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, workers removing and/or tearing out your asbestos-containing brake linings, clutches and automotive friction products and/or workers in the vicinity thereof.

22. Please provide a list of physicians, industrial hygienist, and other employees, including their names and addresses, who were employed, retained or otherwise engaged by

Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

23. Please provide a list of the scientific or medical periodicals to which Defendant, its medical department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1940 and 1980.

24. Please provide a copy of the tests, if any, which Defendant ever made with regard to the quantity, quality or threshold limit values of asbestos dust fibers or particulars to which applicators or consumers of your asbestos-containing brake linings, clutches and automotive friction products were exposed while using your products.

25. Please provide a list of each trade, organization or association to which you belonged composed of other manufacturers, miners, distributors and/or sellers of asbestos-containing products including asbestos-containing brake linings, clutches and automotive friction products.

26. As to each product listed in Response to Interrogatory Number 5 of Plaintiff's First Set of Interrogatories, please provide any brochures, pamphlets, packages or other written materials of any kind or character that contained warnings, cautions, caveats or directions concerning the possible health effects of the products on a person.

27. For each product listed in Response to Interrogatory Number 5 of Plaintiff's First Set of Interrogatories, please provide copies of all sales materials prepared by Defendant or its agents or distributors for purposes of marketing and/or advertising

those products.

28. With respect to each product listed in Response to Interrogatory Number 5 of Plaintiff's First Set of Interrogatories, please provide copies of any written material of any kind or character prepared by Defendant or any of Defendant's subsidiary companies or their agents or distributors indicating how the products listed could be used or maintained by the ultimate user.

29. Please provide a list of all cases where Defendant has been sued (including juridiction and cause number) prior to 1984 that any person was claiming injury as a result of using Defendant's asbestos-containing brake linings, clutches and automotive friction products.

30. Please provide copies of all reports prepared by your Rule 220 witnesses.

31. Produce each document prepared by any expert witness which you may call at the time of trial.

32. Please provide an affidavit stating whether the production of each and every item above is complete in accordance with this request. This request is made pursuant to Rule 214.

RESPECTFULLY SUBMITTED,

BARON & BUDD, P.C.
The Centrum
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219
(214) 521-3605

BY: _____
STEVEN D. WOLENS

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing First Request to Produce has been federal expressed to Suzanne Schmitz, Hinshaw, Culbertson, et al, 521 W. Main St., Suite 300, P.O. Box 509, Belleville, Illinois 62222 on this the ____ day of June, 1992.

STEVEN D. WOLENS

AFFIDAVIT

STATE OF _____ §
§
COUNTY OF _____ §

_____ states that he/she is an officer or agent of the Defendant upon whom First Request to Produce were served and that said production is complete to the best of his/her knowledge.

_____
SIGNATURE OF OFFICER OR AGENT

_____
PRINTED NAME

SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 1992.

_____
Notary Public, in and for the
State of _____

My Commission Expires:

_____