

Court: Court of Common Pleas - Cuyahoga County (Asbestos)

Case ID: CV-073958

Docket Number: 47143

Person Filing: Matthew O'Connell

Firm: Reminger & Reminger

Party: Chrysler Corporation

Party Designation: Defendant

Category: Notice of Service of Response to Request for Production

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Title: RESPONSES AND OBJECTIONS TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO DEFENDANT DAIMLERCHRYSLER CORPORATION IN THE LARRY RHOTON CASE.

File Type: Document

Additional Docket Numbers: [CV-434065:50];

PLAINTIFF'S EXHIBIT

CHR-356

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

LENNY DALE RHOTON, SR. and
BARBARA J. RHOTON,

Plaintiffs,

-vs-

A-BEST PRODUCTS COMPANY, ET AL.,:

Defendants.

CASE NO. 434065

(JUDGE HARRY A. HANNA)

DEFENDANT DAIMLERCHRYSLER CORPORATION'S
OBJECTIONS AND RESPONSES TO PLAINTIFF'S
REQUEST FOR PRODUCTION OF DOCUMENTS

NOW COMES DaimlerChrysler Corporation formerly known as Chrysler Corporation, one of the Defendants in the above-styled and numbered cause (hereinafter "Chrysler" or "Defendant"), and makes the following Objections and Responses to Plaintiffs' First Set of Request for Production of Documents to Defendant DaimlerChrysler Corporation in accordance with the Ohio Rules of Civil Procedure.

I.

OBJECTIONS

These responses are based upon facts known or believed by Chrysler at the time of answering these requests for production. Much of the information requested dates back many years and is difficult or impossible to reconstruct or retrieve. These discovery responses are made pursuant to a reasonable and due diligent investigation and search for the information requested. Chrysler reserves the right to amend these responses if new or additional information becomes available to it.

Chrysler further objects to the definitions and instructions prepared by Plaintiffs' counsel in that they are overly broad, vague, ambiguous, and are not reasonably limited in scope or time. Plaintiffs' definitions and instructions are overly burdensome, overreaching, and sought merely for purposes of harassment and, as such, Chrysler objects to all those definitions contained within Plaintiffs' discovery to the extent they and Plaintiffs' instructions are inconsistent with the normal and customary usage of words pursuant to the Ohio

Civil Rules. Chrysler further objects to Plaintiffs' definitions and instructions to the extent they seek to expand the duty to object and seek intrusion into the attorney-client privilege, work product privilege, witness statement privilege, other federal and state law privileges, party communications privilege and consulting expert privilege contained in Ohio Civil Rules. Materials to be produced will be produced according to the provisions of the Ohio Civil Rules, and Chrysler objects to Plaintiffs' instructions to the contrary. Chrysler further objects to Plaintiffs' instructions with regard to claimed objections since these instructions are not required by, nor are consistent with, the Ohio Civil Rules and Chrysler will comply with the Ohio Civil Rules with regard to its objections and supplementation.

II.

Chrysler further objects to Plaintiffs' request for production as a whole to the extent that there is no definition for the term "asbestos." Plaintiffs' counsel apparently seeks to utilize the generic term rather than specify the actual substance complained about with regard to Chrysler. Chrysler's vehicles at times utilized a specific type of asbestos, chrysolite, in its friction products and to the extent that the requests for production are directed to a generic use of the term "asbestos," Chrysler objects to that term as being intentionally non-specific/global, overly broad, vague and ambiguous. Such information using this generic term is otherwise irrelevant, overly broad, vague and ambiguous as well as being outside the scope of permissible discovery and seeking information privileged from discovery under the attorney work product and attorney-client privilege. To the extent the responses are made with regard to these requests for production, Chrysler will respond with regard to the term "asbestos" referring to the chrysolite material utilized by Chrysler.

Because "predecessor" and "subsidiary" are not defined or specifically identified, it is unclear about which entities Plaintiffs are inquiring. To provide such information would require a nationwide search unlimited by time, location, or type of information, and is thus over broad and unduly burdensome.

III.

Those objections set forth herein are hereby applied to all responses set forth in each specific request for production as if fully set forth in each particular request for production.

IV.

To the extent that discoverable items are produced to Plaintiff, any production for copying and inspection of such items will be made at the offices of Reminger & Reminger, 113 St. Clair Avenue, NE, Cleveland, Ohio, at a mutually agreeable time between the parties pursuant to the Ohio Civil Rules.

V.

These answers to the requests for production do not apply to American Motors Corporation.

Subject to those objections set forth and without waiving same, Chrysler responds as follows:

REQUEST FOR PRODUCTION NO. 1:

Please produce a true and correct copy of each photograph or picture of each asbestos-containing product that Defendant has ever mined, manufactured, sold, marketed, installed, and/or distributed.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in a relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products, and Chrysler's response to this request is limited to those products. Chrysler does not maintain documentary or photographic copies of each asbestos-containing friction product it has ever manufactured, sold, marketed or distributed.

REQUEST FOR PRODUCTION NO. 2:

Please produce a true and correct copy of each document which reflects sales of those asbestos-containing products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, attached hereto.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in a relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. ~~Subject to and without waiving any such objection, Chrysler is aware of no documents responsive to this request.~~

REQUEST FOR PRODUCTION NO. 3:

Please produce a true and correct copy of each document which reflects sales of Defendant's asbestos-containing products to companies that may have distributed, packaged, labeled, and/or sold Defendant's asbestos-containing products.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in a relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. Subject to and without waiving any such objection, Chrysler is aware of no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 4:

Please produce a true and correct copy of each record and/or contract which reflects the sales of Defendant's asbestos-containing products to any of the job sites listed on Exhibit A, attached hereto.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in time or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. Subject to and without waiving any such objection, ~~Chrysler is aware of no documents responsive to this request.~~

REQUEST FOR PRODUCTION NO. 5:

Please produce a true and correct copy of each record and/or contract which reflects the sales of Defendant's asbestos-containing products to distributors and marketers who may have called on any of the job sites listed on Exhibit A, attached hereto.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in time or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. Subject to and without waiving any such objection, ~~Chrysler is aware of no documents responsive to this request.~~

REQUEST FOR PRODUCTION NO. 6:

Please produce a true and correct copy of each contract and/or work order that reflects contracts for Defendant to have asbestos-containing products installed or removed at any of the job sites listed on Exhibit A, attached hereto.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in time or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. Subject to and without waiving any such objection, Chrysler is aware of no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 7:

Please produce a true and correct copy of each work order and contract that reflects contract business between Defendant and any of the job sites listed on Exhibit A, attached hereto, for the application of asbestos-containing products.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in time or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. Subject to and without waiving any such objection, Chrysler is aware of no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 8:

Please produce a true and correct copy of each document relating to the design and preparation of the asbestos-containing products listed in Defendant's answer to Interrogatory No. 5.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in time or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being

overly broad. Defendant further objects to this request on the basis that the requested materials are either proprietary or trade secret in nature and are thus undiscoverable. ~~Subject to and without waiving any such objection, to the extent documents responsive to this request exist, they will be produced at a mutually agreeable time and place.~~

REQUEST FOR PRODUCTION NO. 9:

For each product listed in response to Interrogatory No. 5, please produce a copy of all tests that were conducted to determine any potential health hazards involved in its use or exposure (this Request for Production relates to Plaintiffs' Interrogatory No. 18 previously propounded to Defendant in this litigation).

RESPONSE: Chrysler understands that Plaintiffs alleged exposure to asbestos contained in automotive friction products, and therefore, Chrysler's answer to this request is limited to those products. ~~To the extent documents responsive to this request exist, they will be produced.~~

REQUEST FOR PRODUCTION NO. 10:

Please produce a true and correct copy of all documents relating to the testing of any product which Defendant listed in response to Interrogatory No. 5 (this Request for Production relates to Plaintiffs' Interrogatory No. 19 previously propounded to Defendant in this litigation).

RESPONSE:

See response and objection to Request No. 9.

REQUEST FOR PRODUCTION NO. 11:

Please produce a true and correct copy of all tests which Defendant conducted and/or has in its possession to determine potential health hazards involved in the use of or exposure to asbestos products listed in response to Interrogatory No. 5 (this Request for Production relates to Plaintiffs' Interrogatory No. 21 previously propounded to Defendant in this litigation).

RESPONSE:

See response and objection to Request No. 9.

REQUEST FOR PRODUCTION NO. 12:

Please produce a true and correct copy of all studies which Defendant conducted or caused to be conducted concerning the effects of the inhalation of asbestos dust and/or fibers in workers or other persons using, working with and/or around, installing and/or applying any of the asbestos products mined, manufactured, sold, distributed, marketed, installed and/or relabelled for distribution by Defendant or Defendant's predecessor (this Request for Production relates to Plaintiffs' Interrogatory No. 22 previously propounded to Defendant in this litigation).

RESPONSE:

Chrysler understands that Plaintiffs alleged exposure to asbestos contained in automotive friction products, and therefore, Chrysler's answer to this request is limited to those products. ~~Chrysler is aware of no studies other than the ones identified in Request No. 9.~~

REQUEST FOR PRODUCTION NO. 13:

Please produce a true and correct copy of all documents relating to any studies made or caused to be made by Defendant, to determine whether the asbestos-containing products mined, manufactured, sold, marketed, installed or distributed by Defendant or Defendant's predecessor would be hazardous to people (this Request for Production relates to Plaintiffs' Interrogatory No. 23 previously propounded to Defendant in this litigation).

RESPONSE:

Chrysler objects that this request is irrelevant as it sets forth a test which is not the best for product safety under any legal standard. Without waiving these objections, every product or material can have some risk or hazard associated with its use. Responding further, see response and objections to Request No. 12.

REQUEST FOR PRODUCTION NO. 14:

Please produce a true and correct copy of all tests in the field which Defendant conducted or caused to be conducted to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees or other workers removing and/or tearing out asbestos-containing products (this Request for Production relates to Plaintiffs' Interrogatory No. 24 previously propounded to Defendant in this litigation).

RESPONSE:

See response and objection to Request No. 9.

REQUEST FOR PRODUCTION NO. 15:

Please produce a true and correct copy of each test which Defendant conducted or caused to be conducted regarding the quantity, quality, or threshold limit value of asbestos dust, fibers, and/or particles to which workers were exposed while using, working with and/or around, installing and/or applying Defendant's asbestos-containing products (this Request for Production relates to Plaintiffs' Interrogatory No. 31 previously propounded to Defendant in this litigation).

RESPONSE:

See response and objection to Request No. 9.

REQUEST FOR PRODUCTION NO. 16:

For each product listed in response to Interrogatory No. 5, please produce a true and correct copy of all promotional or sales material including, but not limited to, brochures, pamphlets, catalogs, packaging, or other written materials of any kind or character.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in a relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would

be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. Subject to said objections and without waiving same, to the extent documents responsive to this request exist, they will be produced at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 17:

Please produce a true and correct copy of all warnings, cautions, caveats or directions concerning the possible health effects of the products listed in response to Interrogatory No. 5 (this Request for Production relates to Plaintiffs' Interrogatory No. 41 previously propounded to Defendant).

RESPONSE:

See answer to Interrogatory No. 41.

REQUEST FOR PRODUCTION NO. 18:

Please produce a true and correct copy of all written materials prepared by Defendant or Defendant's predecessors or any of Defendant's subsidiaries indicating how the products listed in response to Interrogatory No. 5 should be used or maintained by the ultimate user (this Request for Production relates to Plaintiffs' Interrogatory No. 43 previously propounded to Defendant).

RESPONSE:

See response and objection to Request No. 17.

REQUEST FOR PRODUCTION NO. 19:

Please produce a true and correct copy of all notices received by Defendant prior to 1968 that any person was claiming injury or had sustained an abnormal x-ray reading as a result of using asbestos-containing products mined, manufactured, sold, marketed, installed, or distributed by Defendant (this Request for Production relates to Plaintiffs' Interrogatory No. 48 previously propounded to Defendant).

RESPONSE:

Chrysler understands that Plaintiffs alleged exposure to asbestos contained in automotive friction products, and therefore, Chrysler's answer to this request is limited to those products. The information sought in this request is irrelevant and immaterial for the reasons that whether or not claims have been filed has no relevance to the end user of Chrysler's product. Chrysler does not organize claims filed against it by injuries claimed. Therefore, it would be extremely burdensome, onerous and harassing to compel Chrysler to review every single claim ever filed.

REQUEST FOR PRODUCTION NO. 20:

Please produce a true and correct copy of statements from all people with knowledge of relevant facts to this lawsuit.

RESPONSE:

Objection. Attorney work product and attorney-client privilege

REQUEST FOR PRODUCTION NO. 21:

Please produce a true and correct copy of all documents which mention, allude or refer to tests performed on breathing devices to prevent the inhalation of asbestos dust and/or fibers (this Request for Production relates to Plaintiffs' Interrogatory No. 52 previously propounded to Defendant).

RESPONSE:

Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products and Chrysler's response to this request is limited to those products. ~~Chrysler is aware of no documents responsive to this request..~~

REQUEST FOR PRODUCTION NO. 22:

Please produce a true and correct copy of all reports by experts that Defendant may call upon at the trial of this case (this Request for Production relates to Plaintiffs' Interrogatory No. 53 previously propounded to Defendant).

RESPONSE:

Objection. Expert witness reports will be provided in the time and manner as directed by order of the Trial Court.

REQUEST FOR PRODUCTION NO. 23:

Please produce a true and correct copy of all policies of insurance under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE:

~~No documents exist responsive to this request.~~

REQUEST FOR PRODUCTION NO. 24:

Please produce a true and correct copy of all notices received by Defendant prior to 1968 that any person was claiming an injury or had sustained an abnormal x-ray reading as a result of using asbestos-containing products, regardless of the manufacturer or seller of the products.

RESPONSE:

~~See response and objection to Request No. 19.~~

REQUEST FOR PRODUCTION NO. 25:

Please produce a true and correct copy of all documents, correspondence or communications pertaining to all marketing, sales, negotiations, delivery or distribution of all of your asbestos-containing or industrial insulation products to all Defendants to this lawsuit other than the answering Defendant.

RESPONSE:

~~Chrysler is aware of no documents responsive to this Request.~~

REQUEST FOR PRODUCTION NO. 26:

Please produce a true and correct copy of all documents memorializing or referring, relating or pertaining to communications or correspondence among and/or between your officers, director, agents, representatives, employees or consultants and any employer, purchaser or user of your asbestos-containing products, its officers, directors, agents, representatives, employees or consultants which in any way relates, refers or pertains to asbestos, asbestos-containing products, pneumoconiosis, asbestos-related illness, injury or disease, dust or workplace health or safety.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in time or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. ~~Because this request is so overly broad, no specific search can be conducted in response to same without great expenses and, thus, it has not been determined whether responsive documents exist which may be withheld pursuant to the privileges identified herein.~~

REQUEST FOR PRODUCTION NO. 27:

Please produce a true and correct copy of all annual reports of Defendant to employees or stock holders for the years 1960 through 1969 and for the past five years.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in time or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. Without waiver of this objection, this Defendant states that the materials requested are in the public domain.

REQUEST FOR PRODUCTION NO. 28:

Please produce the originals or true and correct copies of all safety or health manuals, pamphlets or brochures issued by Defendant between 1930 and the present and any documents relating to whom said manuals were issued.

RESPONSE:

See response and objections to Request No. 17.

REQUEST FOR PRODUCTION NO. 29:

Please produce a true and correct copy of all safe workplace practices manuals, pamphlets or brochures issued by Defendant from 1900 through the present.

RESPONSE:

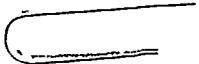
Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. See also, response and objection to Request No. 17.

REQUEST FOR PRODUCTION NO. 30:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Industrial Health Foundation or the Industrial Hygiene Foundation in the custody, possession or control of Defendant.

RESPONSE:

Chrysler understands that Plaintiffs alleged exposure to asbestos contained in automotive friction products, and therefore, Chrysler's answer to this request is limited to those products. Chrysler has had and does have books and other written material that relate to asbestos. Chrysler cannot provide the information requested for every book, report, pamphlet or other document it has ever had regarding asbestos. Chrysler has numerous facilities throughout the United States and it is not possible to retrieve and identify every document related to this subject. Chrysler does not have a centralized library or library system that would contain documents responsive to this request. Chrysler was generally aware of and received documents available to the professional community, including its industrial hygiene professionals, regarding asbestos and the potential hazards associated with excessive exposure to asbestos.



REQUEST FOR PRODUCTION NO. 31:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Trudeau Institute and Saranac Lake Laboratory in the custody, possession or control of Defendant.

RESPONSE:

See response and objection to Request No. 30.

REQUEST FOR PRODUCTION NO. 32:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Quebec Asbestos Mining Association (QAMA) in the custody, possession or control of Defendant.

RESPONSE:

See response and objection to Request No. 30.

REQUEST FOR PRODUCTION NO. 33:

Please produce a true and correct copy of all documents referring, relating or pertaining to the National Insulation Manufacturers Association (NIMA) in the custody, possession or control of Defendant.

RESPONSE:

See response and objection to Request No. 30.

REQUEST FOR PRODUCTION NO. 34:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Thermal Insulation Manufacturers Association (TIMA) in the custody, possession or control of Defendant.

RESPONSE:

See response and objection to Request No. 30.

REQUEST FOR PRODUCTION NO. 35:

Please produce a true and correct copy of all documents relating to any conferences, symposia, or meetings attended by any of your officers, physicians, agents, servants, employees or consultants which in any way considered, discussed, reviewed or made recommendations concerning asbestos-related illness, injury or disease; pneumoconiosis; occupational lung disease; dust; industrial hygiene; and/or worker or workplace health or safety.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. Subject to said objections and without waiving same, Chrysler understands that Plaintiffs alleged exposure to asbestos contained in automotive friction products, and therefore, Chrysler's answer to this request is limited to those products. Throughout the years Chrysler, its employees, or both, have attended numerous conferences, meetings, symposia. Chrysler cannot provide the information requested for every conference, meeting or symposia it has attended. Chrysler does not have a centralized library or library system that would contain documents responsive to this request. Chrysler was generally aware of and received documents available to the professional community, including its industrial hygiene professionals, regarding asbestos and the potential hazards associated with excessive exposure to asbestos.

REQUEST FOR PRODUCTION NO. 36:

Please produce a true and correct copy of all documents to and/or from Defendant and any person, organization, institution, laboratory, foundation, corporation, entity, board or consultants which refer, relate or pertain to air quality studies, dust counts or dust studies, alleged maximum allowable concentrations (MAC), alleged threshold limit values (TLV) or protection of your employees or any other employees or persons from actual or alleged hazards associated with asbestos exposure.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. See also response and objection to Request No. 30.

REQUEST FOR PRODUCTION NO. 37:

Please produce a true and correct copy of all documents to and/or from Defendant and any person, organization, institution, laboratory, foundation, corporation, entity, board or consultants which refer, relate or pertain to air quality studies, dust counts or dust studies, alleged maximum allowable concentrations (MAC), alleged threshold limit values (TLV) or protection of your employees or any other employees or persons.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. See also response and objection to Request No. 9.

REQUEST FOR PRODUCTION NO. 38:

Please produce a true and correct copy of all documents to and/or from Defendant involving any physician, industrial hygienist or public health specialist which in any way relates, refers or pertains to asbestos-related injury, illness or disease, pneumoconiosis, occupational lung disease, dust, industrial hygiene or worker or workplace health or safety.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. Subject to said objection and without waiving same, Chrysler is aware of no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 39:

Please produce a true and correct copy of all photographs, pictures, prints or any visual depiction at any time generated showing workers or any person or persons installing, applying, removing or in any manner handling or utilizing an asbestos-containing product at any time manufactured, sold or distributed by Defendant.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad.

REQUEST FOR PRODUCTION NO. 40:

Please produce a true and correct copy of all documents pertaining to the acquisition, purchase or sale by Defendant of any asbestos-containing product manufacturing facility or asbestos-containing product or product line.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. See also response and objection to Interrogatory No. 4.

REQUEST FOR PRODUCTION NO. 41:

Please produce a true and correct copy of all documents pertaining to the acquisition, purchase or sale by Defendant of any asbestos-containing product from any other Defendant in this case or to any other Defendant in this case.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad. Subject to said objection and without waiving same, Chrysler is aware of no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 42:

For each and every affirmative defense asserted in Defendant's Answer to Plaintiffs' Complaint, the cross-claims or counter-claims of any party against Defendant, produce each and every document which will be offered to prove each and every affirmative defense. For each and every allegation of Defendant in cross-claim(s) asserted by Defendant in this litigation, produce each and every document which will be offered to prove each and every allegation in Defendant's cross-claim(s).

RESPONSE:

Objection. Attorney work product and attorney- client privilege

REQUEST FOR PRODUCTION NO. 43:

Please produce a true and correct copy of every transcript of testimony of each witness Defendant intends to call at trial.

RESPONSE:

Objection. Attorney work product and attorney-client privilege. Further, an witness list will be provided in the time and manner as directed by the Trial Court. Defendant also states witnesses have not been determined at this time.

REQUEST FOR PRODUCTION NO. 44:

Please produce a true and correct copy of each and every medical record in the custody, possession or control of Defendant relating to Plaintiffs in this case other than those medical records produced by Plaintiffs and provided to Defendants in this case.

RESPONSE:

To the extent documents responsive to this request exist, they will be produced at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 45:

Please produce a true and correct copy of each and every document or other tangible item upon which Defendant will rely for impeachment or rebuttal purposes in the trial of this matter.

RESPONSE:

Objection. Attorney work product and attorney-client privilege. Further, an exhibit list will be provided in the time and manner as directed by the Trial Court. Defendant also states witnesses have not been determined at this time.

REQUEST FOR PRODUCTION NO. 46:

Please produce a true and correct copy of each and every document, recording or other tangible item that constitutes in whole or in part a statement by Plaintiffs or a statement by any of Plaintiffs' witnesses in this matter.

RESPONSE:

To the extent documents responsive to this request exist, they will be produced at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 47:

Please produce a true and correct copy of each and every photograph, videotape recording or other tangible item that is a photographic representation of Plaintiffs in this matter.

RESPONSE:

To the extent materials responsive to this request exist, they will be produced at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 48:

Please produce a true and correct copy of all work records or other tangible items relating to Plaintiffs or their employers.

RESPONSE:

To the extent documents responsive to this request exist, they will be produced at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 49:

Please produce a true and correct copy of every transcript, affidavit or sworn statement by each and every witness called by Defendant in any litigation related to insurance that may cover the claims in this case.

RESPONSE:

Objection. Attorney work product and/or attorney-client privilege. Further, this request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad.

REQUEST FOR PRODUCTION NO. 50:

For each document for which any privilege is asserted, produce an index containing the following information:

- (a) Author of document;
- (b) Position, title or affiliation of author;
- (c) Date of document;
- (d) Each recipient of the document
- (e) The position, title or affiliation of each recipient of the document;
- (f) The subject matter of the document with sufficient specificity to determine the matters

discussed therein; and

- (g) The privilege(s) asserted.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad.

REQUEST FOR PRODUCTION NO. 51:

If Defendant claims that the documents are too voluminous to produce as requested, provide the following:

- (a) The numerical amount of documents responsive to requests herein;
- (b) The method of storage of documents responsive to requests herein;
- (c) The method of organization of documents responsive to requests herein;
- (d) The location of documents responsive to requests herein;
- (e) Whether there is an index or indices, lists, inventories, or other such information for records responsive to requests herein;
- (f) If there is an index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein is printed, or electronically stored, (i.e. listed in a computer, imaged, part of a database, etc.).
- (g) If the index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein is electronically stored, (i.e. listed in a computer, imaged, part of a database, etc.), the method of such storage and software used to create and/or maintain said an index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein.

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 52

If any answer to requests herein is subject to an ongoing investigation or continuing discovery, provide the following information:

- (a) The person or persons responsible for the ongoing investigation or continuing discovery;
- (b) The means or methods used or being used for the ongoing investigation or continuing discovery;
- (c) The beginning date of such ongoing investigation or continuing discovery.

RESPONSE:

Objection. This request is overly broad, unduly burdensome, oppressive and seeks information which is not limited in relevant time period or scope, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To require this Defendant to search out, review, organize and produce information and documents which are not relevant or material to any issue in this case would be oppressive and unreasonably burdensome. Such information is irrelevant, and the request is objectionable as being overly broad.

Respectfully submitted,

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Chrysler Corporation

CERTIFICATE OF SERVICE

The undersigned certifies an exact copy of the foregoing has been electronically filed on this
31st day of May, 2001.

MATTHEW C. O'CONNELL (0029043)