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NO.A-940,143

HAROLD KINTZ	§	IN THE DISTRICT COURT OF
	§	
vs.	§	
	§	
ALLIEDSIGNAL INC., ALLIEDSIGNAL AUTOMOTIVE AFTERMARKET BRAKE, a division of AlliedSignal, Inc., GARRETT AUTOMOTIVE, a division of AlliedSignal Inc., ARMSTRONG WORLD INDUSTRIES, INC., THE CESSNA AIRCRAFT COMPANY, CHRYSLER CORPORATION, DANA CORPORATION, THE FLINTKOTE COMPANY, FORD MOTOR COMPANY, GAF CORPORATION, GENERAL MOTORS CORPORATION, HI-LO AUTO SUPPLY, L.P., THE HOME DEPOT, INC., MCCAULEY LUMBER COMPANY, MCCORD CORPORATION, MCCORD PAYEN, INC., and UNITED STATES GYPSUM COMPANY,	§	ORANGE COUNTY, T E X A S
Defendants.	§	128th JUDICIAL DISTRICT

FORD MOTOR COMPANY'S RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

This is the response of the Defendant, Ford Motor Company ("Ford"), to Plaintiff's First Set of Interrogatories ("Plaintiff's Requests").

PRELIMINARY STATEMENT

Ford's Supplemental Response to Plaintiff's Interrogatories has been prepared in full compliance with the Texas Rules of Civil Procedure, pursuant to a reasonable and duly diligent search for information properly requested. For many years Ford has had at any time hundreds of thousands of employees in different locations throughout the world. In conducting its business Ford has created every year millions of documents that have been kept in numerous different locations and have been moved frequently from site to site as employees have changed jobs. Accordingly, Ford does not, and could not possibly, represent that its responses constitute all of the information requested. Rather, as required by the Texas

Rules of Civil Procedure, Ford's responses reflect all responsive information identified by Ford before the date of the responses pursuant to a reasonable and duly diligent search and investigation conducted in connection with these interrogatories. To the extent that the interrogatories purport to require more, Ford objects on the grounds that (a) the requests seek to compel Ford to conduct a search beyond the scope of permissible discovery contemplated by the Texas Rules of Civil Procedure and (b) compliance with the interrogatories would impose an undue burden and expense.

Furthermore, in compliance with the Texas, Ford responds to Plaintiff's interrogatories only with respect to information and/or documents in Ford's possession, custody, or control. Some or all of Plaintiff's interrogatories purport to call for information or documents not in the possession, custody or control of Ford but in the possession, custody, or control of other, separate legal entities. To the extent that Plaintiff's Requests attempt to require Ford to obtain information and/or documents not in Ford's possession, custody, or control, Ford objects on the grounds that they (a) seek to compel Ford to conduct a search beyond the scope of permissible discovery contemplated by the Texas Rules of Civil Procedure and (b) impose an undue burden and expense on Ford.

Ford does not concede that any of its responses will be admissible evidence at trial. Further, Ford does not waive any objections, whether or not stated herein, to use such answers at trial.

When Ford uses any terms or phrases that Plaintiff has purported to define, such terms and phrases should be given either (a) the meanings set out by Ford herein or in the individual responses or (b) in cases of ordinary words that Plaintiff has attempted to define in a manner inconsistent with their meanings, the ordinary meaning of such words.

Additionally, Ford in its own on-going searches for information which may be relevant to asbestos litigation has accumulated approximately 20,000 pages of non-privileged documents. To the extent that Plaintiff's requests may seek information that may be contained in these documents, Ford will make them available for inspection and copying at Plaintiff's expense at its offices in Dearborn, Michigan, at a mutually agreeable time during regular business hours. Ford objects to sorting through

these documents and copying and mailing them to Plaintiff in answer to these requests, since to do so would require the expenditure of thousands of dollars, hundreds of hours of human effort, and would in all likelihood take several weeks, if not months, to complete.

SUPPLEMENTAL RESPONSES TO INDIVIDUAL INTERROGATORIES

INTERROGATORY NO. 1

Identify (see definitions) all persons who may have knowledge of facts relevant to the subject matter of this lawsuit. (This interrogatory is meant to encompass all employees of Defendant's who have knowledge about Defendant's asbestos-containing products).

RESPONSE:

Objections: Lack of Relevance. Burden. Overly Broad. Lack of Particularity. Privileged. Premature. All investigations to date have been accomplished by the discovery process and, as such, are and have been totally available to the Plaintiff.

SUPPLEMENTAL RESPONSE:

Subject to its previous responses, Ford Motor Company list the following persons who may have knowledge of the relevant facts.

- Mary Kintz
- Harold Kintz
- Sandy Herisolina
- All persons named by Ford Motor Company in its Supplemental answer to Rog #2 of Plaintiffs First Interrogatories to Ford Motor Company.
- All persons listed by Ford Motor Company in its Designation of Experts

INTERROGATORY NO. 7

During the time period defendant manufactured, sold, supplied, applied, distributed or installed asbestos containing products, what tests have been performed by any governmental agency, body, commission or health organization including, but not limited to, the U.S. Public Health Service, OSHA, or NIOSH, in you plants or on job sites owned or controlled by you concerning: specific hazard associated with the use and handling of asbestos and asbestos products; any restriction in use of same;

requirements for medical surveillance and examinations for your workers; dust monitoring or availability of safety equipment? If such findings were made, identify:

a. The date of such findings and by which organization or entity such findings were made;

b. The form in which such findings were made and, if written, the exact wording of same or location in regulation, order, bulletin, report or other writing;

c. What steps were taken to comply with such findings and the dated when such acts of compliance occurred;

d. How users of or bystanders exposed to asbestos containing products were informed of such findings and if such information was written identifying same.

RESPONSE:

Objections: Lack of Relevance. Burden. Overly Broad. Lack of Particularity.

SUPPLEMENTAL RESPONSE:

Without waving any of the previously stated objections, Ford states that it sold vehicles and replacement parts which included asbestos-containing brake linings, pads and clutch facing through thousands of franchised Ford dealers and authorized distributors in the United States, under names such as Ford, Mercury, Ford Authorized Remanufacturers, and under various lines and series names such as Motorcraft. Ford also sold vehicles to the United States government. Ford additionally states that it did not manufacture asbestos containing friction products. Such components were purchased from suppliers to Ford.

For further response to this interrogatory. Ford states that in the early 1970's Arnold Anderson and Roy Gealer of Ford's Scientific Research Staff conducted tests to determine the quantity of asbestos fibers liberated from brake linings during the braking process. They concluded that over 99.98% of the asbestos fibers in brake linings decomposed during the braking process into other materials. Their results were published in 1973 SAE paper by a. Anderson and R. Gealer entitled "Asbestos Emissions From Brake Dynamometer Tests."

In 1973. Ford's Industrial Hygiene Department conducted air sampling tests on brake linings being cleaned by brake mechanics using air hoses. They determined that asbestos levels were well below existing or proposed O.S.H.A standards. This testing was done by Mr. Anderson and Henry Lick, under the supervision of Paul Toth, the then manager of Industrial Hygiene.

Ford States the commencing in the early 1970's, Ford participated in and provided partial funding for studies done by Dr. Irving Selikoff and others at what is now the Mr. Sinai School of Medicine in New York, which work was reported on in a paper entitled "Asbestos Exposure During Brake Lining and Maintenance and Repair," Published in Environmental Research, Vol. 12, pp. 110-128 (1976). The work done was a study of the environmental pollution, if any, caused by asbestos in brake linings. The study came to focus on the occupational exposure of mechanics during repair and maintenance. Ford's Research and Engineering Department and Industrial Hygiene Department were advised of the study.

In addition, Ford issued an August 3, 1973, memorandum to Plant Safety Engineers directing that brake drums be cleaned using industrial type vacuum cleaners. The memo directed that air hoses should not be used to clean brake drums. Simultaneously, Maintenance Bulletin 137 was issued by the Plant Engineering Office to the same effect.

On October 24, 1975 Ford Technical Service Bulletin 99 was distributed to Ford and Lincoln-Mercury Dealers. It recommended that a vacuum cleaner be used for cleaning brakes. In January 1976, a Technical Service Bulletin 104 was issued to the dealers indicating that Ford recommended the use of the an industrial vacuum cleaner in brake cleaning operations. The 1977 edition of the Rotunda Catalog and Ford's Shop Manual for Dealerships recommended that brakes not be cleaned with an air hose and that a vacuum cleaner be used for this purpose. In November 1983, Ford issued Bulletin No. 83-22 on brake and clutch servicing. Technical Service Bulletins are presently distributed to approximately 29,000 Ford and Lincoln-Mercury dealer technicians. These documents are the results of corporate activity and are not the work of any single author. These bulletins have not been superseded. In accordance with Texas Court Rules and to permit Plaintiff to obtain or derive information properly sought by this

interrogatory, Ford will produce a copy of the above described materials.

Finally, as mentioned in Ford's Preliminary Statement, Ford will make available for inspection at a mutually agreeable time in Dearborn, Michigan, a collection of documents and other material pertaining to asbestos, which may contain information responsive to this interrogatory.

INTERROGATORY NO. 8

During the time that defendant manufactured, sold, designed, supplied, distributed, relabeled, resold, processed, applied or installed asbestos containing products, did defendant perform, direct to be performed, finance sponsor or receive the results of any dust monitoring tests at the job sites where asbestos-containing products were being applied and/or removed? If so, state:

RESPONSE:

Objections: Lack of Relevance. Burden. Overly Broad. Lack of Particularity. Premature.

SUPPLEMENTAL RESPONSE:

Without waiving any of the previously stated objections, Ford states that is sold vehicles and replacement parts which included asbestos-containing brake linings, pads and clutch facings through thousands of franchised Ford dealers and authorized distributors in the Untied States, under names such as Ford, Mercury, Ford Authorized Remanufacturers, and under various lines and series names such as Motorcraft. Ford also sold vehicles to the containing friction products. Such components were purchased from suppliers or Ford.

Ford further response to this interrogatory, Ford states that in the early 1970's Arnold Anderson and Roy Gealer of Ford's Scientific Research Staff conducted tests to determine the quantity of asbestos fibers liberated from brake linings during the braking process. They concluded that over 99.98% of the asbestos fibers in brake linings decomposed during the braking process into other materials. Their results were published in 1973 SAE paper by A. Anderson and R. Gealer entitled " Asbestos Emissions From Brake Dynamometer Tests."

In 1973, Ford's Industrial Hygiene Department conducted air sampling tests on brake linings being cleaned by brake mechanics using air hoses. They determined that asbestos levels were well below existing or proposed O.S.H.A standards. This testing was done by Mr. Anderson and Henry Lick, under the supervision of Paul Toth, the then manager of Industrial Hygiene.

Ford states that commencing in the early 1970's, Ford participated in and provided partial funding for studies done by Dr. Irving Selikoff and others at what is now the Mt. Sinai School of Medicine in New York, which work was reported on in a paper entitled " Asbestos Exposure During Brake Lining and Maintenance and Repair," published in Environmental Research, Vol. 12, pp.110-128 (1976). The work done was a study of the environmental pollution, if any, caused by asbestos in brake linings. The study came to focus on the occupational exposure of mechanics during the brake repair and maintenance. Ford's Research and Engineering Department and Industrial Hygiene Department were advised of the study. In accordance with Texas Court Rules and to permit Plaintiff to obtain or derive information properly sought by this interrogatory, Ford will produce a copy of the above described materials.

Finally, as mentioned in Ford's Preliminary Statement, Ford will make available for inspection at a mutually agreeable time in Dearborn, Michigan, a collection of documents and other materials pertaining to asbestos, which may contain information responsive to this interrogatory.

INTERROGATORY NO. 10

During the time that DEFENDANT sold manufactured, designed, supplied, distributed, relabeled, resold, processed, applied or installed asbestos containing products, did DEFENDANT ever have any inspectors or anyone from the company whose job it was to go to areas where you asbestos containing products were being used, removed or installed to make a dust level count? If so, state when this procedure started, the purpose of such procedure and the findings and what action, if any, was taken in response to the findings, and the attach results.

RESPONSE:

Objection: Lack of Relevance. Burden. Overly Broad. Lack of Particularity.

SUPPLEMENTAL RESPONSE:

Without waiving any of the previously stated objections, Ford states that it sold vehicles and replacement parts which included asbestos-containing brake linings, pads and clutch facings through thousands of franchised Ford dealers and authorized distributors in the United States, under the name such as Ford, Mercury, Ford authorized Remanufacturers, and under various lines and series names such as mercury, Ford Authorized Remanufacuturers, United States government. Ford additionally states that it did not manufacture asbestos-containing friction products. Such components were purchased from suppliers to Ford.

For further response to this interrogatory, Ford states that in the early 1970's Arnold Anderson and Roy Gealer of Ford's Scientific Research Staff conducted test to determine the quantity of asbestos fibers liberated from brake linings during the braking process. They concluded that over 99.9985 of the asbestos fibers in brake linings decomposed during the braking process into other materials. Their results were published in a 1973 SAE paper by A. Anderson and R. Gealer entitled "Asbestos Emissions From Brake Dynamometer Tests."

In 1973, Ford's Industrial Hygiene Department conducted air sampling tests on brake linings being cleaned by brake mechanics using air hoses. They determined that asbestos levels were well below existing or proposed O.S.H.A standards. This testing was done by Mr. Anderson and Henry Lick, under the supervision of Paul Toth, the then manager of Industrial Hygiene.

Ford states that commencing in the early 1970's, Ford participated in and provided partial funding for studies done by Dr. Irving Selikoff and others at what is now the Mt. Sinai School of Medicine in New York, which was reported on in a paper entitled "Asbestos Exposure During Brake Lining and Maintenance. Ford's Research and Engineering Department and Industrial Hygiene Department were advised of the study. In accordance with Texas Court Rules and to permit Plaintiff to obtain or derive information properly sought by this interrogatory, Ford will produce a copy of the above described

materials.

Finally, as mentioned in Ford's Preliminary Statement, Ford will make available for inspection at a mutually agreeable time in Dearborn, Michigan, a collection of documents and other materials pertaining to asbestos, which may contain information responsive to this interrogatory.

INTERROGATORY NO. 11

During the time that DEFENDANT manufactured, sold, designed, supplied, distributed, relabeled, resold, applied or installed asbestos containing products, identify any medical examination programs offered or sponsored by DEFENDANT or its insurance carrier(s) for employees of its insured handling or otherwise exposed to asbestos, or for those employed by other entities who supplied asbestos containing products to DEFENDANT. With respect to each program, state:

a. Manner of communication with employees about such program;

b. Whether examination was mandatory or optional;

c. What percentage of workers were permitted to undergo such examination participated;

d. What percentage of workers were found to have asbestosis or mesothelioma;

e. With respect to (d), what percentage of such workers were paid disability or workmen's compensation benefits or for whose benefit medical expenses were paid to under go treatment for such conditions

RESPONSE:

Objections: Lack of Relevance. Burden. Overly Broad. Lack of Particularity. Premature.

INTERROGATORY NO. 16

How many claims or lawsuits (other than workers' compensation claims) were filed against DEFENDANT in the 1930's - 1960's alleging, in whole or in part injury, damage or disease form exposure to or inhalation of various dusts? This interrogatory includes cases of asbestosis,

pneumonoconiosis and silicosis due to the fact individuals were or may have been exposed to mixed types of dusts.

RESPONSE:

See response to Interrogatory No. 13.

SUPPLEMENTAL RESPONSE:

In addition to the previously stated objections, Ford states that the information sought in this interrogatory dates back to the 1930's-1960's,nearly 40-70 years ago. Thus, the information and documents sought, to the extent it ever existed, are no longer available due to the extreme passage of time and Ford's record retention polices.