

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

BEVERLY KATHLEEN HORSCH, etc.,	)	CASE NO. 409994
	)	
Plaintiff,	)	JUDGE RICHARD MCMONAGLE
	)	JUDGE HARRY A. HANNA
v.	)	(Asbestos Docket)
	)	
A-BEST PRODUCTS COMPANY, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT PNEUMO ABEX CORPORATION'S RESPONSES
TO PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to the Ohio Rules of Civil Procedure, defendant Pneumo Abex Corporation, as successor-in-interest to Abex Corporation ("Abex"), hereby responds to Plaintiffs' Requests For Production, as follows:

INTRODUCTION AND GENERAL OBJECTIONS

Abex has neither mined asbestos, nor has Abex manufactured, processed, distributed, marketed or sold any asbestos-containing building products. The responses of Abex hereinafter set forth are limited to providing information concerning domestic automotive friction products manufactured, sold or distributed by Abex for the relevant time period only.

The information provided in the responses to these requests is based upon such information as is presently available to Abex, and Abex expressly reserves the right to supplement or amend these responses when and if additional relevant information or documentation becomes available. Some information provided herein is based upon knowledge obtained through a review of Abex's documents and records. This review is continuing. Abex does not concede that any of its responses to these requests are or will be admissible evidence at

a trial of this action, and Abex does not waive any objection, on any ground, whether or not asserted herein, to the use of any such response at trial.

Furthermore, references to objections and responses made herein to interrogatories refer to Defendant Pneumo Abex Corporation's Responses to Plaintiff's First Set of Interrogatories

The following General Objections are hereby explicitly incorporated into each and all of the responses hereinafter provided.

A. Abex objects to any request that purports to impose upon Abex any obligations not expressly set forth in the Ohio Rules of Civil Procedure.

B. Abex further objects to these requests on the grounds that they are burdensome, overly broad and harassing in that they request information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which can be ascertained or derived only from a page-by-page review of the existing voluminous documents and records of Abex. Many of the requests call for Abex to provide responses concerning events and records without any limitation as to time. There is no compilation, abstract, index or summary of most records in Abex's possession which may be responsive to these requests, and the burden of deriving or ascertaining the response to most requests is substantially the same for plaintiffs as for Abex. Consequently, the entire set of requests is overly broad, unduly burdensome, oppressive and harassing, and beyond the scope of proper discovery.

C. Abex further objects to these requests on the grounds that even if it were possible to supply such detailed and voluminous information, the process of doing so would be unduly burdensome to Abex and would not further plaintiffs' discovery of information that would be relevant to the subject matter of the claims in this action. In addition, Abex objects that these requests are overly broad and irrelevant because the information sought is not in any way limited in time or to activities which concern the alleged exposure of plaintiff. Accordingly, unless the

context of the response indicates otherwise, these responses are limited to activities which transpired in or are reasonably related to this lawsuit. Moreover, these requests have been propounded indiscriminately to every defendant without any attempt to tailor them to any individual defendant.

D. Abex generally objects to these requests on the grounds that they are unduly burdensome, oppressive, vague, overly broad as to time, scope and location, lack particularity, and are repetitive. The use of the words "any," "all" and "each" are overly broad and objected to. Abex cannot determine the precise nature of the information sought and, therefore, is not required to respond or cannot respond without an unreasonable risk of inadvertently providing a misleading, confusing, inaccurate, or incomplete response.

E. Abex objects to the instructions and definitions supplied by plaintiffs with regard to these requests on the basis that the definitions are overly broad, vague, and often inconsistent with the normal usage and meaning of such words, and the instructions are overly broad, burdensome, and constitute an unreasonable expansion of the requests themselves. Abex therefore has responded to the requests in the manner consistent with a normal understanding of the language used in the response and to the extent necessary to fairly and fully respond to the requests.

F. To the extent that these requests seek information regarding alleged potential health risks to individuals who worked at plants where Abex's asbestos-containing automotive friction products were manufactured, Abex objects on the grounds that such information is not relevant to this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to these requests to the extent that they make no distinction among exposure to raw asbestos fibers, exposure to asbestos-containing building products and exposure to asbestos-containing automotive friction products.

G. Many of these requests call for Abex to characterize the state of knowledge or awareness of a corporation at any given time with regard to a particular fact, event or subject. Abex can only respond to such requests, if at all, by stating on information and belief the degree of knowledge of a particular fact, event or subject as held by a person at a specific time. Such response, if given, is not intended and should not be deemed to constitute an acknowledgment by Abex that such knowledge is attributable to it.

H. Objection is also made to these requests to the extent that they seek information or materials which have been gathered or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege. Abex further objects to these requests to the extent these discovery requests seek or make inquiry into confidential, proprietary or trade secret information or materials.

I. Abex objects to these requests on the ground that they seek information from and identification of each and every person with knowledge of a particular fact, event or subject matter and as such these requests are overly broad, unduly burdensome, oppressive and harassing. The requests are complex and vague and have overlapping subject matters. Hundreds of persons may have knowledge of some of the subjects into which inquiry is made. In other cases the subjects are too ill-defined to allow specification of persons with knowledge. Many of the persons who have or may have had knowledge of particular facts, events or subject matters of which inquiry is made are now deceased or cannot be located. Others, although they may be located, are not presently in the employ or under the control of Abex and cannot be compelled to assist in the preparation of answers to these requests. Moreover, due to the extensive time covered by these requests, in some instances open ended, the persons who may have had

knowledge of a particular fact or event may not be able to recall the extent of their knowledge, the source of such knowledge or the time at which such knowledge was acquired.

J. Abex objects to plaintiffs' requests on the grounds that plaintiff has failed to identify Abex as the brand, trade name, and/or manufacturer of any asbestos products to which plaintiff was allegedly exposed. Without any identification by plaintiff of specific products, Abex cannot adequately determine which requests are proper and relevant to this action.

K. In an effort to overcome these limitations, Abex's counsel has conducted a reasonably diligent review of records and inquiry of available persons. Abex has responded in good faith to these requests based on available information. The responses that follow are based only upon this limited information and belief. The statements contained in these responses, therefore, are not and cannot be deemed admissible evidence under the applicable rules of evidence as non-hearsay facts asserted by a party with first-hand knowledge. Abex continues to investigate issues relevant to this action and reserves the right to introduce additional evidence at trial which is produced in the course of its further investigation or review of information.

L. Abex states that these responses are accurate as of the date made. However, Abex's investigation of information that may be responsive to these discovery requests is continuing and Abex reserves the right to supplement or amend its responses as its investigation continues.

M. At the present time, Abex has not conducted discovery or made a review of discovery conducted by other parties. Abex reserves the right to supplement or amend these responses as this review and further discovery continues.

N. Abex does not concede that any of its responses to plaintiffs' requests are or will be admissible evidence at a trial of this action, and Abex does not waive any objection, on any ground, whether or not asserted herein, to the use of any such response at trial.

O. To the extent the information contained herein differs in any respect from any prior answer or response to discovery, these responses shall be deemed to update and supersede any prior answers or responses in any and all actions.

RESPONSES

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 TO REQUEST FOR PRODUCTION NO. 1:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, oppressive, harassing, otherwise unduly burdensome, vague and ambiguous.

Objection is made to this request on the ground that the terms "marketed" and "distributed" are insufficiently defined, and calls for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this request to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the grounds that is overly broad, oppressive, harassing and otherwise unduly burdensome, and call for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex,

its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, Abex responds that it no longer manufactures, distributes or sells asbestos-containing friction materials of any kind. Abex no longer operates any asbestos-containing friction product manufacturing facilities, and no longer employs any persons in this regard.

The existing business records and documents of Abex, which number in excess of ten (10) million and include an estimated three (3) million sales records, are preserved in the order in which they were found. There is no abstract or summary of most records and documents in Abex's possession which may be responsive to this request. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the response to this request is substantially the same for plaintiffs as Abex.

Furthermore, insofar as Abex understands this request, invoices relating to sales of Abex's asbestos-containing automotive friction products exist for a period beginning sometime in 1976 to 1987, only. Such invoices, which may or may not indicate the information sought in this request, are arranged for the most part numerically and chronologically by year and not by customer, product or state. Abex can provide plaintiffs with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this request and to which objection is not made through Abex's counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

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 TO REQUEST FOR PRODUCTION NO. 2:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, oppressive, harassing, otherwise unduly burdensome, vague and ambiguous.

Abex further objects to this request on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this request to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects that this request may call for information subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 3:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, oppressive, harassing, otherwise unduly burdensome, vague and ambiguous.

Objection is made to this request on the ground that the terms "distributed," "packaged" and "labeled" are undefined or insufficiently defined, and call for speculation.

Abex further objects further to this request on the grounds that the term "may have . . ." is overly broad, oppressive, harassing, otherwise unduly burdensome in that it calls for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this request to the extent to which it purports to seek information regarding time periods and products and that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

See General Objections. Abex further objects to this request on the grounds that it is over broad, oppressive, harassing, otherwise unduly burdensome, vague, ambiguous and repetitive.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 5:

See General Objections. Abex further objects to this request on the grounds that it is over broad, oppressive, harassing, otherwise unduly burdensome, argumentative, vague and ambiguous.

Objection is made to this request on the ground that the terms "distributors" and "marketers," are undefined or insufficiently defined, and call for speculation.

Abex further objects to this request on the grounds that the term "may have called" is overly broad, oppressive, harassing, otherwise unduly burdensome in that it calls for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this request to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

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 TO REQUEST FOR PRODUCTION NO. 6:

See General objections. Subject to and without waiving these objections, Abex responds:
Not applicable.

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 TO REQUEST FOR PRODUCTION NO. 7:

See General objections. Subject to and without waiving these objections, Abex responds:

Not applicable.

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 TO REQUEST FOR PRODUCTION NO. 8:

See General objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous.

Objection is made to this request on the ground that the term "preparation" is undefined, and calls for speculation.

Abex further objects to this request to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only

from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 9:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Objection is made to this request on the ground that the terms "tests," "potential health hazards," "use" and "its exposure" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this request to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Interrogatory No. 18.

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 TO REQUEST FOR PRODUCTION NO. 10:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, speculative and repetitive.

Objection is made to this request on the ground that the term "testing" is insufficiently defined, and calls for speculation.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule

protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Interrogatory No. 19.

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 propounded to Defendant in this litigation).

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, speculative and repetitive.

Objection is made to this request on the ground that the terms "potential health hazards," "use" and "exposure" are undefined or insufficiently defined, and call for speculation.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Interrogatory No. 21

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 TO REQUEST FOR PRODUCTION NO. 12:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, speculative and repetitive.

Objection is made to this request on the ground that the terms "studies," "effects," "inhalation," "asbestos," "asbestos dust," "dust," "asbestos . . . fibers," "other persons," "using,"

"applying," "distributed," "marketed," "relabeled" and "distribution" are undefined or insufficiently defined, and call for speculation.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Interrogatory No. 22.

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 TO REQUEST FOR PRODUCTION NO. 13:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, speculative and repetitive.

Objection is made to this request on the ground that the terms "studies," "marketed," "distributed," "hazardous" and "people" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Interrogatory No. 23.

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 TO REQUEST FOR PRODUCTION NO. 14:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, speculative and repetitive.

Objection is made to this request on the ground that the terms "tests," "asbestos," "asbestos dust," "dust" "asbestos . . . fiber," "exposure," "removing" and "tearing out" are undefined, and call for speculation.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Interrogatory No. 24.

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 TO REQUEST FOR PRODUCTION NO. 15:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, speculative and repetitive.

Objection is made to this request on the ground that the terms "test," "asbestos," "asbestos dust," "dust," "asbestos . . . fibers," "exposed," "using" and "applying" are undefined or insufficiently defined, and call for speculation.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Interrogatory No. 31.

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 TO REQUEST FOR PRODUCTION NO. 16:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague and ambiguous.

Objection is made to this request on the ground that the term "other written materials" is undefined, and calls for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this request to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as it understands this request, Abex does not know with certainty when each material was used to promote or advertise

its asbestos-containing automotive friction products. Furthermore, Abex does not have specific information concerning which advertising agents may have been employed to promote its products.

However, documents generally meeting the description of promotional and advertisement materials can be made available for inspection and copying through Abex's counsel at a mutually convenient time at the facilities where they are maintained. See also objections and response to Request For Production No.1, above.

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 TO REQUEST FOR PRODUCTION NO. 17:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Objection is made to this request on the ground that the terms "possible health effects" and "directions" are undefined, and call for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to the Defendant.

Abex further objects to this request to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response 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 TO REQUEST FOR PRODUCTION NO. 18:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Objection is made to this request on the ground that the terms "written materials," "used," "maintained" and "ultimate user" are undefined, and call for speculation.

Abex further objects to this request to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Interrogatory No. 43.

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 TO REQUEST FOR PRODUCTION NO. 19:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Objection is made to this request on the ground that the terms "injury," "using," "marketed" and "distributed" are undefined or insufficiently defined, and call for speculation.

Objection is made to this request on the grounds that the term "notices" is argumentative, and calls for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this request on the ground that the term "abnormal" is undefined or insufficiently defined, overly broad, vague, and calls for speculation, which renders this request incomprehensible.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this request to the extent to which it purports to seek information that is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory to the extent that it seeks confidential information regarding the medical condition of individuals without providing a specific authorization for release of this information.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Interrogatory No. 48.

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 TO REQUEST FOR PRODUCTION NO. 20:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome and speculative.

Objection is made to this request on the ground that the term "relevant" calls for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Objection is made further to this request on the ground that it is premature. Discovery and investigation are continuing.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable 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 TO REQUEST FOR PRODUCTION NO. 21:

See General Objections. Abex further objects to this request on the grounds that it is over broad, oppressive, harassing, otherwise unduly burdensome, vague, ambiguous and speculative.

Objection is made to this request on the ground that the terms "tests," "breathing devices," "inhalation," "asbestos," "asbestos dust," "dust" and "asbestos fibers" are undefined, and call for speculation.

Abex further objects to this request on the grounds that the term "allude" is overly broad, vague, ambiguous and calls for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this request to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information

lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Interrogatory No. 52.

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 TO REQUEST FOR PRODUCTION NO. 22:

See General Objections. Abex further objects to this request on the grounds that it is overly broad and unduly burdensome.

Objection is also made to this request on the ground that it is premature. Discovery and investigation are continuing.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is

otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex has not yet determined which experts it intends to call or utilize in connection with this matter. Abex further expressly reserves the right to supplement or amend this response and provide any expert report that is prepared in connection with this matter, as appropriate. See also objections and response to Interrogatory No. 53.

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 TO REQUEST FOR PRODUCTION NO. 23:

See General Objections. Abex further objects to this request on the grounds that it is overly broad and unduly burdensome.

Objection is also made to this request on the ground that the term "satisfy" calls for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is

otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

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 TO REQUEST FOR PRODUCTION NO. 24:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, speculative and repetitive.

Objection is also made to this request on the ground that the terms "injury," "using" and "asbestos-containing products" are undefined, and call for speculation.

Objection is made to this request on the ground that the term "notices" calls for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this request on the ground that the term "abnormal" is undefined or insufficiently defined, overly broad, vague, and calls for speculation, which renders this request incomprehensible.

Abex further objects to this request on the ground that it purports to seek information about entities other than Abex.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent that it seeks confidential information regarding the medical condition of individuals without providing a specific authorization for release of this information.

Abex object to this request to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it seeks information regarding the working conditions of Abex employees, this request is objected to on the ground that such information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 25:

See General Objections. Abex further objects to this request on the grounds that it is over broad, oppressive, harassing, otherwise unduly burdensome, compound, vague, ambiguous, speculative and repetitive.

Objection is made to this request on the ground that the terms "marketing" and "distribution" are insufficiently defined, and call for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this request to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 26:

See General Objections. Abex further objects to this request on the grounds that it is over broad, oppressive, harassing, otherwise unduly burdensome, compound, vague, ambiguous and speculative.

Objection is also made to this request on the ground that the terms "user," "asbestos," "pneumoconiosis," "asbestos-containing products," "asbestos-related illness," "asbestos-related . . . injury," "asbestos-related . . . disease," "dust," "workplace," "health" and "safety" are undefined, and call for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this request to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it seeks information regarding the working conditions of Abex employees, this request is objected to on the ground that such information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request to the extent this interrogatory seeks information regarding safety issues at Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 27:

See General Objections. Abex further objects to this request on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this request on the ground that the information is seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it purports to seek information that is a matter of public record and, thus, equally available to plaintiffs as Abex.

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 TO REQUEST FOR PRODUCTION NO. 28:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and speculative.

Objection is also made to this request on the ground that the terms "safety" and "health" are undefined, and call for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this request to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it seeks information regarding the working conditions of Abex employees, this request is objected to on the ground that such information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the

discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request to the extent this interrogatory seeks information regarding safety issues at Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request on the grounds that it is overly broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this request to the extent to which it purports to seek information which has been gathered, received or prepared in the course of litigation, or which is otherwise protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 29:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, speculative and repetitive.

Objection is made to this request on the ground that the terms "safe," and "workplace" are undefined, and call for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex object to this request to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it seeks information regarding the working conditions of Abex employees, this request is objected to on the ground that such information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request to the extent this interrogatory seeks information regarding safety issues at Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 30:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome and speculative.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or

control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 this Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome and speculative.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this request on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 this Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome and speculative.

Abex further objects to this request on the ground that it purports to seek information about entities other than Abex.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this request to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the grounds that it is overly broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 this Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

See General Objections. Subject to and without waiving these objections, see objections and response to Request For Production No. 32, above.

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 this Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

See General Objections. Subject to and without waiving these objections, see objections and response to Request For Production No. 32, above.

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 TO REQUEST FOR PRODUCTION NO. 35:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and speculative.

Objection is made to this request on the ground that the terms "meetings," "asbestos related illness," "asbestos related . . . injury," "asbestos related . . . disease," "pneumoconiosis," "occupational disease," "dust," "worker," "work place," "health" and "safety" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex object to this request to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it seeks information regarding the working conditions of Abex employees, this request is objected to on the ground that such information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks

otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request on the grounds that it is overly broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 36:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and speculative.

Objection is made to this request on the ground that the terms "air quality studies," "dust," "dust studies," "any other employees," "persons," "hazards," "asbestos," "protection" and "exposure" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex object to this request to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it seeks information regarding the working conditions of Abex employees, this request is objected to on the ground that such information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this request on the grounds that it is overly broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

See General Objections. Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 37:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous, speculative and repetitive.

Objection is made to this request on the ground that the terms "air quality studies," "dust," "dust counts," "dust studies," "protection," "any other employees" and "persons" are undefined, and call for speculation.

Subject to and without waiving these objections, see objections and response to Request For Production No. 36, above.

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 TO REQUEST FOR PRODUCTION NO. 38:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and speculative.

Objection is made to this request on the ground that the terms "asbestos related injury," "asbestos related . . . illness," "asbestos related . . . disease," "pneumoconiosis," "occupational lung disease" "dust," "worker," "work place," "health" and "safety" are undefined, and call for speculation.

Subject to and without waiving these objections, see objections and response to Request For Production No. 36, above.

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 this Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Objection is made to this request on the ground that the terms "visual depiction," "applying," "handling," "utilizing" and "distributed" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this request to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this request on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the grounds that it is overly broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 40:

See General Objections. Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 41:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous, speculative and repetitive.

Objection is made to this request on the ground that the terms "acquisition" and "asbestos-containing product" are undefined, and call for speculation.

Abex further objects to this request on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this request to the extent to which it seeks information regarding time periods and products that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, see objections and response to Request For Production No. 1, above.

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 TO REQUEST FOR PRODUCTION NO. 42:

See General Objections. Abex further objects to this request on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this request on the ground that it seeks a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this request on the ground that it is premature. Discovery and investigation are continuing.

Abex further objects to this request to the extent to which it purports to seek information which has been gathered, received or prepared in the course of litigation, or which is otherwise protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege.

Subject to and without waiving these objections, Abex has not determined all of the documents it may utilize at a trial of this matter.

Abex further expressly reserves the right to supplement or amend this response, as appropriate.

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 TO REQUEST FOR PRODUCTION NO. 43:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, unduly burdensome, speculative and premature.

Abex further objects to this request on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see objections and response to Request For Production No. 42, above.

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 REQUEST FOR PRODUCTION NO. 44:

See General Objections. Abex further objects to this request on the grounds that it is over broad, oppressive, harassing, otherwise unduly burdensome and speculative.

Abex further objects to this request on the ground that it assumes the truth of matters not established or matters not in evidence.

Subject to and without waiving these objections, Abex is not in possession of any such records.

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 TO REQUEST FOR PRODUCTION NO. 45:

See General Objections. Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Request For Production No. 43, above.

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 REQUEST NO. 46:

See General Objections. Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Request For Production No. 43, above.

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 the Plaintiffs in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

See General Objections. Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Request For Production No. 43, above.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

See General Objections. Subject to and without waiving these objections, and insofar as Abex understands this request, see objections and response to Request For Production No. 43, above.

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 TO REQUEST FOR PRODUCTION NO. 49:

See General Objections. Abex further objects to this request on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this request on the ground that the term "may cover" calls for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Abex further objects to this request on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

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 TO REQUEST FOR PRODUCTION NO. 50:

See General Objections. Abex further objects to this request on the grounds that it is overly broad, oppressive, harassing and otherwise unduly burdensome.

To the extent to which any of the documents plaintiffs decide to inspect were prepared in anticipation of litigation or for trial or are otherwise covered by the work-product doctrine, or are protected from disclosure by the attorney-client privilege, Abex further objects and will not make such documents available to plaintiffs. To the extent to which plaintiffs want to inspect employee files and records, Abex further objects on the ground that to do so would violate the privacy rights of such employees or their heirs.

Abex has no comprehensive list or log of the documents with respect to which it would claim privilege. Should plaintiffs avail themselves of the offer to inspect Abex's business records and other documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiffs within sixty (60) days after the last date upon which documents were inspected.

REQUEST FOR PRODUCTION NO. 51:

If this 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 TO REQUEST FOR PRODUCTION NO. 51:

See General Objections. Abex further objects to this request to the extent to which it purports to seek information that has been gathered, or prepared in the course of litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

REQUEST FOR PRODUCTION NO. 52:

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

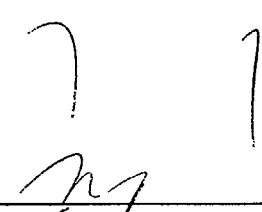
- (a) The person or persons responsible for the ongoing investigation or continuing discovery;
- (b) The means or methods used or being used for the ongoing investigation or continuing discovery;
- (c) The beginning date of such ongoing investigation or continuing discovery.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

See General Objections. Abex further objects to this request on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Abex further objects to this request to the extent to which it purports to seek information that has been gathered, or prepared in the course of litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex reserves the right to supplement or amend this response, as appropriate.



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Attorney for Separate Defendant
Pneumo Abex Corporation, Individually
and as Successor-in-Interest to
Separate Defendant Abex Corporation

CERTIFICATE OF SERVICE

The foregoing Defendant Pneumo Abex Corporation's Responses to Plaintiffs' Requests for Production of Documents has been mailed by regular U.S. mail, postage prepaid, this 29th day of May, 2001, to Ladd R. Gibke, Esq., Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219, Attorneys for Plaintiff.



JOSEPH J. MORFORD (0067103)

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Pneumo Abex Corporation, Individually
and as Successor-in-Interest to
Separate Defendant Abex Corporation

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