

PLAINTIFFS EXHIBIT
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DANA CORPORATION

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KAZAN, McCLAN, ELLIS & ASSOCIATES
SUPERIOR COURT OF THE STATE OF CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

IN RE) Case No. 828624
COMPLEX ASBESTOS LITIGATION)
DEFENDANT DANA CORPORATION'S
AMENDED AND SUPPLEMENTAL
RESPONSES TO PLAINTIFFS' STANDARD
INTERROGATORIES TO ALL DEFENDANTS
PURSUANT TO GENERAL ORDER 129

PROPOUNDING PARTY: PLAINTIFFS
RESPONDING PARTY: DEFENDANT DANA CORPORATION
SET NO.: ONE

PRELIMINARY STATEMENT

Defendant Dana Corporation ("Dana") is providing these amended and supplemental answers to interrogatories pursuant to San Francisco Superior Court General Order 129. That order provides that defendants shall answer the standard interrogatories without any objections except for objections based upon privilege.

Dana manufactures a variety of industrial and vehicular products for original equipment manufacturers and for the aftermarket. Dana answers with its knowledge about Smith & Kanzler Company and that company's product known as SprayCraft, and Victor Products Division ("Victor Division").

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2 Dana's brief relationship with Smith & Kanzler Company is described below. Because
3 Dana merely owned the stock of Smith & Kanzler Company for less than eighteen (18)
4 months, Dana denies that it has any liability for any products manufactured or sold by Smith &
5 Kanzler Company. Dana does not now, nor has it ever, manufactured, sold or distributed
6 asbestos-containing building materials.

7 From September 1967 until February 1969, Dana owned the stock of Smith & Kanzler
8 Company, a New Jersey corporation located in Linden, New Jersey. Smith & Kanzler
9 Company manufactured certain asbestos-containing products that had application in the
10 building construction industry. Dana did not incorporate Smith & Kanzler Company but came
11 to own its stock as a result of the dissolution of Victor Manufacturing & Gasket Company in
12 or after September 1967. Victor Manufacturing & Gasket Company was at that time the sole
13 shareholder of Smith & Kanzler Company. In February 1969, less than 18 months after
14 acquiring the stock of Smith & Kanzler Company, Dana sold the stock to Philip Carey
15 Corporation (Ohio).

16 Dana is not a successor-in-interest to Smith & Kanzler Company and specifically
17 denies any such contention. Any answer by Dana referring to Smith & Kanzler Company is
18 not to be construed as (and is not) an admission and/or agreement that Dana had any
19 relationship with Smith & Kanzler Company other than that indicated in this Preliminary
20 Statement. Moreover, Dana specifically denies that it had any relationship, whatsoever, with
21 Smith and Kanzler Corporation, a New Jersey corporation that was dissolved in or about 1964.

22 Dana also denies that it has any liability for any products manufactured or sold by Smith &
23 Kanzler Company or Smith and Kanzler Corporation, or for any acts sought to be attributed to
24 either company. See *In re School Asbestos Litigation*, 1993 U.S. Dist. LEXIS 7984 (E.D. Pa.
25 June 14, 1993) (granting summary judgment to Dana after ten years of litigation, and finding
26 as a matter of law that Dana could not be held vicariously liable for Smith & Kanzler
27 Company or Smith and Kanzler Corporation).

28 Moreover, Dana merely owned Smith & Kanzler Company's stock for less than 18

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2 months and Dana never had possession of Smith & Kanzler Company's books and records.
3 Dana sold the stock of Smith & Kanzler Company to Philip Carey Corporation (Ohio) on
4 February 18, 1969. Smith & Kanzler Company's records either remained with it or passed to
5 Philip Carey Corporation (Ohio). Dana responds to these interrogatories on behalf of itself
6 with information known to it about Smith & Kanzler Company and that company's product
7 known as SprayCraft. Defendant does not respond for other companies that plaintiff may
8 consider to be "subsidiaries" or "affiliates" of defendant but which are not defendant's.

9 In 1966 Dana Corporation acquired 100% of an Illinois corporation known as Victor
10 Manufacturing & Gasket Company, incorporated in Chicago, Illinois. In 1967, Victor
11 Manufacturing & Gasket Company was dissolved pursuant to and in conformity with relevant
12 provisions of the Illinois Business Corporation Act of 1933, contained at Ill. Rev. Stat. Ch.
13 32 §§ 74-81 (1967). The Act was in effect in Illinois at the time of the voluntary dissolution of
14 Victor Manufacturing & Gasket Company. Other provisions of the Act governed merger and
15 consolidation. See Ill. Rev. Stat. Ch. 32 §§ 61-70 (1967). No attempt was made to merge
16 Victor Manufacturing & Gasket Company with Dana. Dana formed the Victor Products
17 Division ("Victor Division") of Dana Corporation in approximately 1967.

18 Dana rejects any liability for products manufactured by the dissolved company known
19 as Victor Manufacturing & Gasket Company and strictly limits these answers to Dana's Victor
20 Division that manufactured gaskets beginning in approximately 1967. Dana limits its
21 responses respecting Victor Division to the time periods in the order but not earlier than 1967.

22 These interrogatories seek information about events occurring many years ago. These
23 answers are based upon a reasonable investigation into the relevant facts and are as accurate as
24 possible understanding that in the intervening years persons who may have had knowledge of
25 the relevant facts may have died, left the employ of the company or simply forgotten events of
26 so long ago. Further, if a plaintiff provides more specific information, for example, time
27 periods of exposure to particular products, it may be possible that more specific responses can
28 be provided.

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2 Because many of the matters inquired about in these interrogatories took place decades
3 ago, information furnished in the answers that follow may be incomplete. Dana cannot exclude
4 the possibility that its continuing investigations of allegations made in a specific case may
5 reveal more complete information. Dana specifically reserves the right to amend, supplement,
6 modify or otherwise change these responses in the event that it acquires additional information
7 responsive to these interrogatories, or if it appears omissions or errors have been made.

8 GENERAL OBJECTIONS

9 Because General Order No. 129 restricts the objections that may be interposed to these
10 standard interrogatories, this defendant asserts the following general objections which are
11 permitted by General Order 129.

12 Defendant objects to each interrogatory and part thereof to the extent it calls for
13 answers disclosing information protected by (a) the attorney-client privilege, (b) the attorney-
14 work product doctrine, (c) any applicable privilege relating to communications between
15 counsel for defendant and counsel for other defendants in this or other cases regarding defense
16 of the case, (d) any applicable privilege relating to communications between defendant's
17 employees or counsel and defendant's insurers regarding the defense of this claim or claims of
18 this type, (e) any privilege relating to confidential trade secrets, proprietary information or
19 confidential communications with any government agency, (f) the right of privacy or (g) any
20 other privilege.

21 ANSWERS TO INTERROGATORIES

22 INTERROGATORY NO. 1.

23 IDENTIFY the person verifying these answers on YOUR behalf.

24 ANSWER:

25 Mark G. Hess, in-house counsel for Dana has signed the verification page to these
26 interrogatories. Much of the information sought by these interrogatories has been accumulated
27 over time but not necessarily for purposes of responding to these interrogatories. It is not
28 possible to now identify each person who, at some time, may have provided information that is

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2 now being used to answer these interrogatories. No single employee, officer or agent of the
3 company has direct knowledge of the documents and information necessary to supply each and
4 every response. Mr. Hess does not, however, have direct knowledge regarding any specific
5 answer, but is informed that the review of the documents and discussions referred to above
6 support the answers based upon the information available as of the date of signature.

7 **INTERROGATORY NO. 2.**

8 State the date of first employment with YOU, and the dates and titles of each job
9 position the person verifying these interrogatories has held while employed by YOU.

10 **ANSWER:**

11 Mark Hess has served as in-house counsel for Dana Corporation from 1988 to present.

12 **INTERROGATORY NO. 3.**

13 State whether or not YOU are a corporation, and if so, state:

- 14 A. YOUR correct corporate name;
15 B. YOUR state of incorporation;
16 C. The date of YOUR incorporation;
17 D. The address of YOUR principal place of business;
18 E. Whether or not YOU have ever held a certificate of authority to do business in
19 the State of California, and if so, the inclusive dates of any certificate;
20 F. If YOU are wholly owned or the majority interest of YOUR company is owned
21 by another business or entity, state the entity's name and principal place of business;
22 G. Whether YOU have any business offices in California, and, if so, YOUR
23 principal place of business in California.

24 **ANSWER:**

25 Dana Corporation's correct name is Dana Corporation. It was incorporated in Virginia
26 in 1916 under the name Spicer Manufacturing Corporation. In 1946, the corporation changed
27 its name to Dana Corporation, by which name it has been known ever since. Dana's principal
28 place of business is 4500 Dorr Street, Toledo, Ohio 43615. Dana Corporation is registered to

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2 do business in California. The Victor Division does not have any business offices in
3 California.

4 Smith & Kanzler Company was a New Jersey corporation whose stock this defendant
5 owned for a brief period of time. See Preliminary Statement. Dana does not know whether
6 Smith & Kanzler Company held a certificate of authority to do business in California or had
7 business offices in that state.

8 **INTERROGATORY NO. 4:**

9 Have YOU ever been identified, known, or done business under any other name in the
10 State of California?

11 **ANSWER:**

12 This defendant does not know whether Smith & Kanzler Company was ever identified,
13 known or did business under other names in California. The Victor Division was never
14 identified, known or did business under other names in California.

15 **INTERROGATORY NO. 9:**

16 IDENTIFY YOUR custodian of Business Records.

17 **ANSWER:**

18 Dana limits its response respecting Smith & Kanzler Company to documents created or
19 relating to a time after Smith & Kanzler Company was incorporated but in no event later than
20 February 1969, when Dana sold the stock of Smith & Kanzler Company. In February 1969,
21 less than eighteen months after acquiring the stock of Smith & Kanzler Company, Dana sold
22 the stock of Smith & Kanzler Company to Philip Carey Corporation (Ohio) ("Carey (Ohio)").
23 At that time Smith & Kanzler Company's business records either remained with Smith &
24 Kanzler Company or were passed to Carey (Ohio). Because Dana merely owned the stock of
25 Smith & Kanzler Company for less than eighteen months and because Dana does not have
26 possession of Smith & Kanzler Company's records, Dana does not have custody and control of
27 Smith & Kanzler Company documents. Dana's counsel in Toledo, Ohio has copies of a Smith
28 & Kanzler Company brochure, some Smith & Kanzler Company documents, and a few other
documents produced to Dana by third parties.

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2 Dana is a decentralized corporation. Documents regarding Victor Division are stored
3 at individual facilities or at storage facilities. No particular person is responsible for
4 documents. Any requests for documents should be directed to counsel.

5 **INTERROGATORY NO. 10:**

6 IDENTIFY the person or persons most knowledgeable about:

7 A. YOUR acquisition of RAW ASBESTOS and/or ASBESTOS CONTAINING
8 PRODUCTS;

9 B. YOUR use of RAW ASBESTOS and/or ASBESTOS CONTAINING
10 PRODUCTS;

11 C. YOUR contracting with others to do work involving use or handling of RAW
12 ASBESTOS or ASBESTOS CONTAINING PRODUCTS.

13 **ANSWER:**

14 After a reasonable and good faith effort to obtain the requested information, Dana
15 responds that it does not know who would be most knowledgeable about these subjects with
16 respect to Smith & Kanzler Company's products and operations. See Preliminary Statement.
17 Regarding the Victor Division, John Damusis has knowledge about A, B, & C and has been
18 with the Division for many years.

19 **INTERROGATORY NO. 11:**

20 For DEFENDANTS involved in the MARKETING of ASBESTOS-CONTAINING
21 PRODUCTS, state the IDENTITY of physicians, medical directors and/or industrial hygienists
22 employed by YOU during the time frame or prior to the time YOU discontinued the marketing
23 of such products. All other DEFENDANTS need only respond as to medical directors and/or
24 industrial hygienists or physicians employed in the area of employee health and safety.
25 PREMISES owners and domestic corporations need only respond as to the United States.

26 **ANSWER:**

27 This defendant does not know whether Smith & Kanzler Company employed such
28 individuals. See Preliminary Statement. After reasonable investigation, Dana has concluded
that Victor Products Division did not employ physicians, medical directors, and/or industrial

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2 hygienists during the specified time period.

3 **INTERROGATORY NO. 12:**

4 Has any employee of THIS DEFENDANT testified by deposition or at trial on behalf
5 of THIS DEFENDANT in a third-party case, in which THIS DEFENDANT was a party,
6 wherein the plaintiff has alleged an asbestos-related injury? If so, for each such third-party
7 case (except that Premises Defendants and Contractor Defendants need answer only with
8 respect to cases relating to sites within the GEOGRAPHIC AREA) please state:

- 9 1. The caption and case number;
10 2. The court filing including state and county;
11 3. The date of deposition or trial testimony;
12 4. The name and address of plaintiff's counsel of record;
13 5. The name and address of the court reporter.

14 **ANSWER:**

15 This defendant does not believe that any of Smith & Kanzler Company's employees
16 ever provided such testimony in a personal injury asbestos case in which Smith & Kanzler
17 Company was a party. Victor Division employees were deposed in cases alleging asbestos-
18 related personal injury: April 19, 1983 in Cincinnati, Ohio in connection with *Milford,*
19 *Executrix of the Estate of George C. Milford v. Dana Corporation, et al.,* Case No. C-1-82-
20 362 9USDC SD Ohio) and July 30, 1987 in Montgomery, Alabama in connection with
21 *Thompson v. North American Rockwell Corporation, et al.,* Case No. 85-CV-74250-DT
22 (USDC E.D. Mich.). Dana will supplement this answer if further information becomes
23 available.

24 **INTERROGATORY NO. 13:**

25 For each of the following, please state whether, at any time within the time frame or
26 until such time as any defendant which had been engaged in MARKETING RAW
27 ASBESTOS or ASBESTOS-CONTAINING PRODUCTS discontinued the MARKETING of
28 such products, THIS DEFENDANT was a member or paid dues for any representative of

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2 THIS DEFENDANT (excluding faculty members of educational institutions) to be a member
3 of the following:

- 4 A. American Conference of Governmental Industrial Hygienists;
5 B. American Industrial Hygiene Association;
6 C. American Petroleum Institute;
7 D. American Railroad Association;
8 E. Asbestos Cement Producers Association;
9 F. Asbestos Information Association (AIA)(please answer through date of your
10 answers);
11 G. Asbestos Information Association/North America (AIA/NA)(please answer
12 through date of your answers);
13 H. Asbestos Textile Institute (ATI);
14 I. Industrial Hygiene Foundation and/or Industrial Health Foundation (IHF);
15 J. Industrial Mineral Insulation Manufacturers Institute;
16 K. Magnesia Insulation Manufacturers' Association;
17 L. Magnesia Silica Insulation Manufacturers Association;
18 M. Mineral Wool Institute;
19 N. National Insulation Manufacturers Association (NIMA);
20 O. National Safety Council;
21 P. New York Academy of Sciences;
22 Q. Quebec Asbestos Mining Association (QAMA);
23 R. Refractories Institute;
24 S. Safe Building Alliance (please answer through date of your answers);
25 T. Thermal Insulation Manufacturers Association (TIMA);
26 U. U.S. Maritime Commission;
27 V. IDENTIFY any other organizations, associations or groups of manufacturers,
28 miners, distributors, importers, labelers, suppliers, and/or sellers of ASBESTOS-
CONTAINING PRODUCTS of which THIS DEFENDANT was a member;

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2 W. IDENTIFY any such representative of THIS DEFENDANT.

3 **ANSWER:**

4 Dana does not know whether Smith & Kanzler Company ever was a member of the
5 listed organizations; Dana believes that Smith & Kanzler Company was a member of the
6 Sprayed Mineral Fiber Manufacturers Association, Inc. from 1966 until Dana sold Smith &
7 Kanzler Company stock in 1969.

8 Dana has made a reasonable investigation and believes that, Victor Products Division,
9 may have belonged to the Society of Automotive Engineers, The American Society for Testing
10 and Materials and the American Chemical Society. In 1985, the Victor Products Division
11 became an associate member of the Asbestos Information Association. In the late 1980's or
12 early 1990's the Victor Products Division joined the Gasket Fabricators Association and the
13 Asbestos Free Gasket Group.

14 **INTERROGATORY NO. 14:**

15 For each organization, association or other entity identified in YOUR Response to
16 Interrogatory No. 13, please state:

17 1. The dates during which THIS DEFENDANT was a member;

18 B. The name(s) of any publications(s) received by THIS DEFENDANT from such
19 association or organization;

20 C. The name of any committee or subcommittee of which THIS DEFENDANT
21 was a member, and the dates of such committee or subcommittee membership.

22 **ANSWER:**

23 See Answer to Interrogatory No. 14 for dates of membership. Dana is not aware that
24 Smith & Kanzler Company was a member on any particular committee of the Sprayed Mineral
25 Fibers Manufacturers Association, Inc., nor is it aware of any publications received by Smith
26 & Kanzler Company. After a reasonable investigation, Dana has found no record that Victor
27 Division was a member on any particular committee of any of the companies listed in its
28 answer. Dana has copies of publications sent by the Asbestos Information Association.

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2 **INTERROGATORY NO. 15:**

3 Had THIS DEFENDANT prior to 1973 received any DOCUMENTS containing results
4 or conclusions of any studies and/or tests conducted by Bonsib for Standard Oil of New Jersey
5 relating to asbestos exposure in the workplace or the human health consequences of exposure
6 to asbestos? If so:

7 A. Either (1) attach all DOCUMENTS evidencing the information sought in this
8 Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach disks
9 containing such data; or (3) describe such DOCUMENTS with sufficient particularity that they
10 may be made the subject of a request for production of documents.

11 B. State the date upon which THIS DEFENDANT first received such
12 DOCUMENTS;

13 C. State the IDENTITY of the custodian of such DOCUMENTS.

14 D. This interrogatory does not apply to DOCUMENTS contained in a library
15 maintained by a DEFENDANT hospital or a DEFENDANT's library providing access to the
16 general public.

17 **ANSWER:**

18 This defendant does not know whether Smith & Kanzler Company received such
19 documents. See Preliminary Statement. After reasonable investigation, Dana has concluded
20 that Victor Division, prior to 1973, did not receive any documents containing results or
21 conclusions of any studies and/or tests conducted by Bonsib for Standard Oil of New Jersey
22 relating to asbestos exposure in the workplace or the human health consequences of exposure
23 to asbestos.

24 **INTERROGATORY NO. 16:**

25 Had THIS DEFENDANT prior to 1973 received a copy or any portion of any studies
26 and/or tests conducted by any insurance company, including but not limited to Metropolitan
27 Life Insurance Company and Aetna Insurance relating to asbestos exposure in the workplace
28 or the human health consequences of exposure to asbestos? If so:

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2 A. Either (1) attach all DOCUMENTS evidencing the information sought in this
3 Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach disks
4 containing such data; or (3) describe such DOCUMENTS with sufficient particularity that they
5 may be made the subject of a request for production of documents;

6 B. State the date upon which THIS DEFENDANT first received such
7 DOCUMENTS;

8 C. State the IDENTITY of the custodian of such DOCUMENTS.

9 D. This interrogatory does not apply to DOCUMENTS contained in a library
10 maintained by a DEFENDANT hospital or a DEFENDANT's library providing access to the
11 general public.

12 **ANSWER:**

13 This defendant does not know whether Smith & Kanzler Company received such
14 documents. See Preliminary Statement. After reasonable investigation, Dana finds no record
15 that indicates that the Victor Division, prior to 1973, received a copy or any portion of any
16 studies and/or tests conducted by any insurance company, including but not limited to
17 Metropolitan Life Insurance Company and Aetna Insurance relating to asbestos exposure in
18 the workplace or the human health consequences of exposure to asbestos.

19 **INTERROGATORY NO. 17:**

20 Had THIS DEFENDANT prior to 1973 received any DOCUMENTS containing results
21 or conclusions of any studies and/or tests conducted by any laboratory, including but not
22 limited to, the Saranac Laboratory relating to asbestos exposure in the workplace or the human
23 health consequences of exposure to asbestos? If so:

24 A. Either (1) attach all DOCUMENTS evidencing the information sought in this
25 Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach disks
26 containing such data, or (3) describe such DOCUMENTS with sufficient particularity that they
27 may be made the subject of a request for production of documents.

28 B. State the date upon which THIS DEFENDANT first received such

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2 DOCUMENTS;

3 C. State the IDENTITY of the custodian of such DOCUMENTS.

4 D. This interrogatory does not apply to DOCUMENTS contained in a library
5 maintained by a DEFENDANT hospital or a DEFENDANT'S library providing access to the
6 general public.

7 **ANSWER:**

8 This defendant does not know whether Smith & Kanzler Company received such
9 documents. See Preliminary Statement. After reasonable investigation, Dana finds no record
10 that indicates the Victor Division, prior to 1973, received any documents containing results or
11 conclusions of any studies and/or tests conducted by any laboratory, including but not limited
12 to, the Saranac Laboratory relating to asbestos exposure in the workplace or the human health
13 consequences of exposure to asbestos.

14 **INTERROGATORY NO. 18:**

15 Had THIS DEFENDANT (except for a defendant that is an educational institution)
16 prior to 1973 ever maintained a library (or libraries) which contained books, articles,
17 periodicals, journals, and/or reference materials that related to the subjects of asbestos,
18 industrial hygiene, medicine, safety and/or occupational disease. If so, state:

19 1. The date each such library was established:

20 2. The location of each such library;

21 C. The IDENTITY of each librarian or other person in charge of such library.

22 **ANSWER:**

23 This defendant does not know whether Smith & Kanzler Company maintained a library
24 with such publications. See Preliminary Statement. After reasonable investigation, Dana has
25 concluded that Victor Division, prior to 1973, did not maintain a formal library (or libraries).

26 **INTERROGATORY NO. 19:**

27 With the exception of OSHA compliance, had THIS DEFENDANT (except for a
28 defendant that is an educational institution) prior to 1980 exchanged DOCUMENTS or

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2 communicated with any person or other COMPANY expressly regarding the results of tests
3 and/or studies relating to asbestos exposure in the workplace or the human health
4 consequences of exposure to asbestos? If so, state:

5 A. Each person or COMPANY with whom the information was exchanged or to
6 whom it was communicated.

7 B. The date(s) of any such exchanges or communications;

8 C. The IDENTITY of the custodian of such DOCUMENTS.

9 **ANSWER:**

10 This defendant does not know whether Smith & Kanzler Company exchanged such
11 documents or had such communications. See Preliminary Statement. After reasonable
12 investigation, Dana finds no record that indicates that the Victor Division, prior to 1980
13 exchanged documents or communicate with any person or other company expressly regarding
14 the results of tests and/or studies relating to asbestos exposure in the workplace or the human
15 health consequences of exposure to asbestos.

16 **INTERROGATORY NO. 20:**

17 Has any employee or designee of THIS DEFENDANT testified as a representative of
18 THIS DEFENDANT before the Occupational Safety and Health Administration, the National
19 Institute of Occupational Safety and Health, or any committee or subcommittee of the United
20 States Congress relating to asbestos exposure in the workplace or the human health
21 consequences of exposure to asbestos? If so, please state:

22 1. The entity before whom such testimony was given;

23 2. The date(s) and location(s) of such testimony;

24 3. The IDENTITY of the individual(s) who so testified;

25 D. Whether any DOCUMENTS were presented to the entity before which
26 testimony was given;

27 E. Whether copies of DOCUMENTS presented were retained by THIS
28 DEFENDANT and, if so, state the IDENTITY of the custodian of such DOCUMENTS.

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2 **ANSWER:**

3 Dana does not know whether any employee or designee of Smith & Kanzler Company
4 ever gave such testimony. See Preliminary Statement. After reasonable investigation, Dana
5 finds no record that any Victor Division employee or designee testified as a representative of
6 Victor Division before the Occupational Safety and Health Administration, the National
7 Institute of Occupational Safety and Health, or any committee or subcommittee of the United
8 States Congress relating to asbestos exposure in the workplace or the human health
9 consequences of exposure to asbestos during the specified time period.

10 **INTERROGATORY NO. 21:**

11 Has THIS DEFENDANT (except for a defendant that is an educational institution)
12 conducted, or caused to be conducted, tests, and/or studies of ambient asbestos dust created
13 during the manufacture, processing and/or assembling for sale of ASBESTOS-CONTAINING
14 PRODUCTS? If so, state:

15 A. Each manufacturing facility, including location and address, at which any such
16 test and/or study was conducted;

17 B. The date of each such test and/or study;

18 C. The individual(s) or entity conducting each such test and/or study;

19 D. Whether THIS DEFENDANT has any DOCUMENTS containing the results
20 and/or conclusions of each such study;

21 E. The IDENTITY of the custodian of such DOCUMENTS.

22 **ANSWER:**

23 This defendant does not know whether Smith & Kanzler Company ever conducted or
24 caused to be conducted such tests. See Preliminary Statement. After reasonable investigation,
25 Dana has concluded that its insurers and test center conducted tests of asbestos dust levels at
26 Victor Division plants in Robinson, Havana, and Chicago, Illinois from 1972-83. Dana's
27 counsel has custody of documents containing results and conclusions of the studies.
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2 **INTERROGATORY NO. 22:**

3 Has THIS DEFENDANT (except for a defendant that is an educational institution)
4 conducted, or caused to be conducted, any tests and/or studies on ambient asbestos dust levels
5 at any location or job site where ASBESTOS-CONTAINING PRODUCTS were installed,
6 utilized, or removed? If so, for the first 5 tests and/or studies, state:

7 A. The location, including name and address, at which each such test and/or study
8 was conducted;

9 B. The individual(s) or entity conducting each such test and/or study;

10 C. The date of each such test and/or study;

11 D. Whether THIS DEFENDANT has any DOCUMENTS containing the results
12 and/or conclusions of each such test and/or study;

13 E. The IDENTITY of the custodian of such DOCUMENTS.

14 **ANSWER:**

15 This defendant does not know whether Smith & Kanzler Company conducted or
16 caused to be conducted such tests or studies. See Preliminary Statement. After reasonable
17 investigation, Dana finds no record that the Victor Division conducted, or caused to be
18 conducted, any tests and/or studies on ambient asbestos dust levels at any location or job site
19 where asbestos-containing products were installed, utilized, or removed.

20 **INTERROGATORY NO. 23:**

21 Did THIS DEFENDANT (except for a defendant that is an educational institution)
22 have any laboratory or other similar type of facility anywhere in the United States at which it
23 conducted, or caused to be conducted, any tests and/or studies of ASBESTOS-CONTAINING
24 PRODUCTS or RAW ASBESTOS relating to the health consequences of asbestos or the dust
25 generated by any use of asbestos or ASBESTOS-CONTAINING PRODUCTS. If so, state:

26 A. The location, including name and address, at which each test and/or study was
27 conducted;

28 B. The individual(s) or entity conducting each such test and/or study;

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C. The date of each such test and/or study;

D. Whether THIS DEFENDANT has any DOCUMENTS containing the results and/or conclusions of each such test and/or study;

E. The IDENTITY of the custodian of such DOCUMENTS.

ANSWER:

This defendant does not know whether Smith & Kanzler Company had such a laboratory. *See* Preliminary Statement. After reasonable investigation, Dana finds no record that the Victor Division had any laboratory or other similar type of facility anywhere in the United States at which it conducted, or caused to be conducted, any tests and/or studies of asbestos-containing products or raw asbestos relating to the health consequences of asbestos or the dust generated by any use of asbestos or asbestos-containing products.

INTERROGATORY NO. 24:

Has THIS DEFENDANT made available to its employees a medical examination program to determine the absence or presence of asbestos-related disease? If so, state:

A. Whether chest x-rays or pulmonary function tests were part of such program(s);

B. Whether participation in any such program was a mandatory condition of employment or was voluntary;

C. Whether THIS DEFENDANT has DOCUMENTS of such program(s);

D. The IDENTITY of the custodian of such DOCUMENTS.

ANSWER:

This defendant does not know whether Smith & Kanzler Company made such a program available to its employees. *See* Preliminary Statement. Victor Division made available to its employees a medical examination program (x-rays) for employees since 1980.

INTERROGATORY NO. 25:

Prior to 1973, did any person file a Workers' Compensation claim of asbestos-related

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2 injury against THIS DEFENDANT or against any Workers' Compensation insurance carrier
3 which provided coverage for THIS DEFENDANT? If so, state the total number of such
4 claims and, for the first 20 such claims state:

- 5 A. The date of such claim;
6 B. The name of the claimant;
7 C. The case number;
8 D. The court in which the claim was filed;
9 E. The IDENTIFY of THIS DEFENDANT's custodian of DOCUMENTS

10 evidencing such claims.

11 **ANSWER:**

12 This defendant does not know whether such claims were filed against Smith & Kanzler
13 Company. See Preliminary Statement. A claim was filed with Illinois Workmen's
14 Compensation Division in 1972 based on an alleged asbestos-related injury against Victor
15 Products Division.

16 **INTERROGATORY NO. 27:**

17 State whether YOU have controlled, purchased, or in any way acquired any controlling
18 interest in any corporation or business entity which has mined, manufactured, produced,
19 processed, compounded, sold, supplied, distributed and/or otherwise placed RAW
20 ASBESTOS or ASBESTOS-CONTAINING PRODUCTS in the stream of commerce. If so,
21 state: "

- 22 A. The name and address of said corporation or business entity;
23 B. The dates YOU controlled, purchased or acquired any interest; and
24 C. The nature of the business as it pertains to asbestos.

25 **ANSWER:**

26 See the Preliminary Statement which describes this defendant's brief ownership of the
27 stock of Smith & Kanzler Company. From September 1967 until February 1969, Dana owned
28 the stock of Smith & Kanzler Company, a New Jersey corporation located in Linden, New

1
2 Jersey. Smith & Kanzler Company manufactured certain asbestos-containing products that
3 had application in the building construction industry.

4 In 1966 Dana Corporation acquired 100% of an Illinois corporation known as Victor
5 Manufacturing & Gasket Company, incorporated in Chicago, Illinois. In 1967, Victor
6 Manufacturing & Gasket Company was dissolved pursuant to and in conformity with relevant
7 provisions of the Illinois Business Corporation Act of 1933, contained at Ill. Rev. Stat. Ch.
8 32 §§ 74-81 (1967). The Act was in effect in Illinois at the time of the voluntary dissolution of
9 Victor Manufacturing & Gasket Company. Other provisions of the Act governed merger and
10 consolidation. See Ill. Rev. Stat. Ch. 32 §§ 61-70 (1967). No attempt was made to merge
11 Victor Manufacturing & Gasket Company with Dana. Dana formed the Victor Division of
12 Dana Corporation in approximately 1967.

13 **INTERROGATORY NO. 28:**

14 State whether THIS DEFENDANT, between 1930 and 1985, has ever engaged in the
15 following activities with regard to RAW ASBESTOS, and if so, state the inclusive dates of
16 such activity:

- 17 A. Mining;
- 18 B. Milling;
- 19 C. Supply;
- 20 D. Importing;
- 21 E. Processing;
- 22 F. Distribution;
- 23 G. Marketing;
- 24 H. Sale;
- 25 I. Brokering.

26 **ANSWER:**

27 Dana does not believe that Smith & Kanzler Company engaged in the listed activities.
28 Victor Division did not engage in the listed activities.

1
2 **INTERROGATORY NO. 29:**

3 If YOUR answer to any of subparts of Interrogatory 28 regarding RAW ASBESTOS is
4 in the affirmative, state:

5 A. The trade, brand name, and/or generic name of such RAW ASBESTOS milled
6 or MARKETED in any form or quantity between 1930 and 1985;

7 B. The date(s) such RAW ASBESTOS was first placed on the market, including
8 the date(s) such RAW ASBESTOS was first marketed;

9 1. On an experimental basis;

10 2. On a test basis;

11 3. For sale.

12 C. The date(s) such RAW ASBESTOS:

13 1. Ceased to be produced; or

14 2. Was recalled from the market, if ever.

15 D. A description of the chemical composition of such RAW ASBESTOS,
16 including the type and/or grade of asbestos;

17 E. A description of the physical appearance and nature of such RAW ASBESTOS,
18 including any color coding, distinctive marking and/or logo on the packaging or container;

19 F. A detailed description of the intended use of such RAW ASBESTOS, including
20 any temperature limits for each such use;

21 G. Whether such RAW ASBESTOS was on the U.S. Government's "Qualified
22 Products List," and if so, the inclusive dates it was on such list;

23 H. IDENTIFY to whom such RAW ASBESTOS has, at any time, been sold. As to
24 each such, state;

25 I. Whether any of THIS DEFENDANT's RAW ASBESTOS has, at any time,
26 been sold, shipped, or otherwise distributed, used or installed to or at any COMPANY
27 (including power company or utility), governmental agency or entity, shipyard, distributor,
28 refinery, contractor, supplier, PREMISES or site in the GEOGRAPHIC AREA and whether

1
2 any of THIS DEFENDANT's RAW ASBESTOS has at any time, been sold to any
3 manufacturer, or manufacturing facility, of ASBESTOS-CONTAINING PRODUCTS. If so,
4 state:

- 5 1. The names of each such COMPANY, governmental agency or entity,
6 shipyard, distributor, supplier, manufacturer or refinery;
- 7 2. The inclusive dates of each such sale, and the amount (quantity) and the
8 trade brand name of such RAW ASBESTOS sold;
- 9 3. The manner of shipment (e.g. boat, rail, etc.)
- 10 4. Whether you have any records indicating any such sale or shipment and,
11 if so, the name, address and job classification of each person who currently has
12 possession of such records.
- 13 5. Either (1) attach all DOCUMENTS evidencing the information sought
14 in this Interrogatory and its subparts to your answers to these Interrogatories, or
15 (2) attach disks containing such data, or (3) describe such DOCUMENTS with
16 sufficient particularity that they may be made the subject of a request for
17 production of documents.

18 **ANSWER:**

19 Not applicable. See answer to Interrogatory No. 29.

20 **INTERROGATORY NO. 30:**

21 Between 1930 and 1985, did YOU ever engage in any of the activities listed below
22 with regard to ASBESTOS-CONTAINING PRODUCTS? If so, state the inclusive dates of
23 such activity:

- 24 A. Supply;
- 25 B. Importing;
- 26 C. Distribution;
- 27 D. Marketing;
- 28 E. Sale;

- 1
2 F. Labeling;
3 G. Manufacturing;
4 H. Brokering.

5 **ANSWER:**

6 Smith & Kanzler Company manufactured and sold certain asbestos-contained building
7 products during the period of time this defendant owned that company's stock, 1967-1969.
8 See Preliminary Statement. Victor Division, from its formation until the 1980's, manufactured
9 and sold gaskets, some of which contained asbestos-containing components.

10 **INTERROGATORY NO. 31:**

11 If your answer to any subpart of Interrogatory No. 31 regarding "ASBESTOS-
12 CONTAINING PRODUCTS" is in the affirmative, state:

13 A. The trade, brand name, and/or generic name of each such ASBESTOS-
14 CONTAINING PRODUCT MARKETED in any form or quantity between 1930 and 1985;

15 B. The date(s) each such ASBESTOS-CONTAINING PRODUCT was first placed
16 on the market, including the date(s) each such ASBESTOS-CONTAINING PRODUCT was
17 first MARKETED;

- 18 1. On an experimental basis;
19 2. On a test basis; or
20 3. For sale.

21 C. The date(s) each such ASBESTOS-CONTAINING PRODUCT:

- 22 1. Ceased to be produced; or
23 2. Was recalled from the market, if ever.

24 D. A detailed description of the chemical composition of each such ASBESTOS-
25 CONTAINING PRODUCT, including the type and/or grade of asbestos and/or asbestos fiber
26 contained in each such product and the quantitative percentage of asbestos or asbestos fiber in
27 each such product, and all non-asbestos components of the ASBESTOS-CONTAINING
28 PRODUCT, and if the chemical composition changed over time, the inclusive dates of each

1
2 formulation;

3 E. A description of the physical appearance and nature of each such ASBESTOS-
4 CONTAINING PRODUCT, including any color coding, distinctive marking and/or logo,
5 either on the product or on the packaging;

6 F. A detailed description of the intended use of each such ASBESTOS-
7 CONTAINING PRODUCT, including any temperature limits for each such use;

8 G. Whether any such ASBESTOS-CONTAINING PRODUCT was on the U.S.
9 Government's "Qualified Products List," and if so, the inclusive dates it was on such list;

10 H. The name and address of the supplier of the RAW ASBESTOS used in each
11 such product and the time period of such supply;

12 I. Whether any of THIS DEFENDANT's RAW ASBESTOS OR ASBESTOS-
13 CONTAINING PRODUCTS have, at any time, been sold, shipped, or otherwise distributed to
14 any COMPANY (including power company or utility), governmental agency or entity,
15 shipyard, distributor, refinery, contractor, supplier, manufacturer, PREMISE owner or
16 occupant, ship owner, or other PREMISE or site in the GEOGRAPHIC AREA. If so, state:

17 1. The names of each such COMPANY, governmental agency or entity,
18 shipyard, distributor, supplier, manufacturer, refinery, contractor, PREMISE
19 owner or occupant, ship owner, PREMISE or site;

20 2. The inclusive dates of each such sale, shipment, distribution, use or
21 installation and the amount (volume) and the trade or brand name of each such
22 ASBESTOS-CONTAINING PRODUCT sold;

23 3. Whether you have any records indicating any such sale, shipment,
24 distribution, use or installation and, if so, the name, address and job
25 classification of each person who currently has possession of such records.

26 J. Either (1) attach all DOCUMENTS evidencing the information sought in this
27 Interrogatory and its subparts to your answers to these Interrogatories, or ((2) attach disks
28 containing such data, or (3) describe such DOCUMENTS with sufficient particularity that they

1
2 may be made the subject of a request for production of documents.

3 **ANSWER:**

4 A. Smith & Kanzler Company manufactured and sold a product known as
5 SprayCraft. Victor Division manufactured and sold vehicular and industrial gaskets, some of
6 which contained asbestos. Generally, products with the prefix "Victo-" are requested
7 tradenames for Victor's products. Victopac was a product used primarily as soft gaskets, e.g.
8 water pump gaskets, head gaskets, and intake gaskets. Most of the applications were for
9 internal combustion engines.

10 B. This defendant is only able to verify that Smith & Kanzler Company sold its
11 asbestos-containing products during the period this defendant owned that company's stock.
12 See Preliminary Statement. Any asbestos-containing products manufactured by Victor
13 Products Division were manufactured from its inception in 1967 until 1988.

14 C. Smith & Kanzler Company, on information and belief, dissolved in the 1970's.
15 Victor Products Division had ceased producing asbestos-containing products by 1988.

16 D. Based upon statements within certain Smith & Kanzler Company brochures,
17 this defendant believes that the product SprayCraft was composed of a combination of
18 asbestos fibers, mineral fibers and inorganic binders. Victor gaskets were composed of a
19 combination of asbestos fibers (usually chrysotile), steel, rubber, and binding agents. The
20 amount of asbestos, when used at all, would vary among the myriad gaskets manufactured.

21 E. Dana believes that SprayCraft was sold in bags with the product/company name
22 printed on the bags. In larger volume sales to original equipment manufacturers, Victor's
23 gaskets would be shipped in cardboard boxes or corrugated containers with a label indicating
24 the manufacturer. Victor Gaskets currently have stamped on the gasket VR, (but at some time
25 the word "Victor" may have been stamped on gaskets.

26 F. Dana believes that SprayCraft was mixed at the job site and sprayed onto
27 structural members. Victor Products Division gaskets have vehicular and industrial
28 applications; they are used to prevent the escape of fluids from a mating joint. Temperature

1
2 limits would vary depending on the product at issue.

3 G. Dana does not know if SprayCraft was on the U. S. Government's "Qualified
4 Products List." After a reasonable investigation, Dana has concluded that Victor Products
5 Division products were not on the U. S. Government's Qualified Products List.

6 H. Dana does not know the name and address of suppliers of raw asbestos used in
7 SprayCraft. Victor Products Division purchased raw asbestos from Johns-Manville, Canadian
8 Johns-Manville, and Lake Asbestos of Quebec; Victor purchased asbestos sheet goods from:
9 H. K. Porter, Raybestos-Manhattan, Johns-Manville, Philip Carey, Lake Asbestos, Armstrong
10 World Industries, Smith & Kanzler Company, Hollingsworth & Vose, Vellumoide and Boisey
11 Cascade.

12 I. Dana does not know whether Smith & Kanzler Company's asbestos-containing
13 products were sold to companies within the defined geographic area; however, a SprayCraft
14 brochure indicates that the product may have been used on a building in the defined
15 geographical area. A SprayCraft distributors list indicates that SprayCraft distributors may
16 have been located in the geographic area: James L. Whittaker - San Francisco, California; and
17 E. C. Van Maarth Co., - Fresno, California (listed as an inactive distributor). After
18 reasonable investigation, Dana believes that Victor distributed its products in California
19 through NAPA distributors.

20 J. Information concerning Smith & Kanzler Company's asbestos-containing
21 product is derived principally from a copy of a certain product brochure, and a SprayCraft
22 distributors list, the accuracy of which Dana cannot verify. This defendant does not adopt as
23 an admission any statements contained within either document. Regarding information
24 supplied about Victor Products Division, *see* Preliminary Statement and Answers to
25 Interrogatory Nos. 1 and 10.

26 **INTERROGATORY NO. 34:**

27 Did any of the distributors identified in your Answer to Interrogatory Nos. 29 and 31
28 above have an exclusive distributorship? If so, state the relevant time period.

1
2 **ANSWER:**

3 As to Smith & Kanzler Company, Dana does not know whether any of its distributors
4 had an exclusive distributorship. As to Victor Division, Dana does not presently have any
5 information that would support the conclusion that NAPA had an exclusive distributorship.

6 **INTERROGATORY NO. 35:**

7 IF THIS DEFENDANT entered into any agreements for the rebranding of any
8 ASBESTOS-CONTAINING PRODUCTS by THIS DEFENDANT for resale or distribution
9 by another person or entity, describe each agreement's terms and the parties to said
10 agreement, the duration of the agreement, and name of each product(s) and/or material(s)
11 covered by each such agreement.

12 **ANSWER:**

13 This defendant does not know whether Smith & Kanzler Company entered into such
14 agreements. See Preliminary Statement. Victor Division did not engage in "rebranding" of
15 any asbestos-containing products for resale or distribution by another person or entity.

16 **INTERROGATORY NO. 36:**

17 If THIS DEFENDANT entered into any agreements for the rebranding of ASBESTOS-
18 CONTAINING PRODUCTS manufactured, sold, supplied or distributed by another person or
19 entity for resale or distribution by YOU, describe each of the agreements and the parties to
20 said agreement, the terms, the duration, and the names of each product(s) and/or material(s)
21 covered by each such agreement.

22 **ANSWER:**

23 This defendant does not know whether Smith & Kanzler Company entered into such
24 agreements. See Preliminary Statement. Victor Division did not engage in "rebranding" of
25 any asbestos-containing products manufactured, sold, supplied or distributed by another
26 person or entity for resale or distribution by Victor Division.

27 **INTERROGATORY NO. 37:**

28 As to RAW ASBESTOS and as to each such ASBESTOS-CONTAINING PRODUCT
listed in YOUR responses to Interrogatories No. 29 and 31 did DEFENDANT warn of the

1
2 health hazards of asbestos? If so, state for each such warning:

3 A. The content, size, color, and location; whether the warning appeared on the
4 material and/or on the container, and/or was placed on a tag; whether the warning was
5 included in contracts; whether the warning was included in advertising or other promotional
6 materials.

7 B. State whether you have any photographs thereof;

8 C. The inclusive dates on which you used each such warning;

9 D. State all changes you made in such warnings and the dates of such changes; and

10 E. Identify the person most knowledgeable about your warnings and warning
11 policy.

12 **ANSWER:**

13 This defendant does not know whether Smith & Kanzler Company provided such
14 warnings. See Preliminary Statement. With regard to warning labels, in approximately
15 February 1985, Victor Products Division began inserting a caution label with some of its
16 finished gaskets. That label read substantially as follows: "Danger. Contains asbestos fibers.
17 Avoid creating dust. Cancer and lung disease hazard." Such warning labels were eliminated
18 when Victor eliminated asbestos as a component in its gaskets by 1988. Dana has copies of its
19 warning labels. John Damusis is a person knowledgeable about warnings used by Victor
20 Products Division.

21 **INTERROGATORY NO. 38:**

22 With respect to each of YOUR ASBESTOS-CONTAINING PRODUCTS, state
23 whether THIS DEFENDANT's name, a trademark, logos, color coding, or other identifying
24 markings ever appeared on the actual product itself. If so, IDENTIFY each such product, state
25 when the practice to place such identifying markings upon the product was begun and when it
26 ended, if applicable, and describe in detail the pertinent marking(s) and the purpose, if any, if
27 such markings.
28

1
2 **ANSWER:**

3 This defendant does not know whether such a trademark, etc., appeared on Smith &
4 Kanzler Company's actual products themselves. See Preliminary Statement. Regarding
5 Victor Products Division, See Answer to Interrogatory No. 31(e).

6 **INTERROGATORY NO. 39:**

7 Between the years 1930 to 1985, did THIS DEFENDANT purchase or otherwise
8 acquire any ASBESTOS-CONTAINING PRODUCT lines from another person or entity? If
9 so, state for each such purchase:

- 10 A. Date of purchase or acquisition;
11 B. Terms of purchase or acquisition agreement;
12 C. Either (1) attach all DOCUMENTS evidencing said acquisition, or (2) attach
13 disks containing such data, or (3) describe such DOCUMENTS with sufficient particularity
14 that they may be made the subject of a request for production of documents.
15 D. Trade, brand, and/or generic name of each such product line so acquired;
16 E. Name of the person or entity from whom YOU purchased or acquired each such
17 ASBESTOS-CONTAINED PRODUCT line; and
18 F. Location of any manufacturing facilities so acquired, and the type of
19 ASBESTOS-CONTAINING PRODUCTS manufactured therein.

20 **ANSWER:**

21 This defendant does not know whether Smith & Kanzler Company acquired such a
22 product line during the period of time this defendant owned Smith & Kanzler Company's
23 stock. See Preliminary Statement. After reasonable investigation, Dana has concluded that
24 Victor Division did not purchase or otherwise acquire any asbestos-containing product lines
25 from another person or entity.

26 **INTERROGATORY NO. 40:**

27 Between the years 1930 to 1985, did THIS DEFENDANT sell any ASBESTOS-
28 CONTAINING PRODUCT line to another person or entity? If so, state for each such sale:

1
2 **ANSWER:**

3 This defendant has located copies of brochures that purport to describe certain Smith &
4 Kanzler Company products. This defendant does not adopt as an admission any statements
5 contained in such documents. Those documents are maintained at the offices of this
6 defendant's legal counsel in Toledo, Ohio. Victor Division has gasket catalogs, some of which
7 are maintained at Victor Division facilities. The custodian of a particular catalog would
8 depend on the particular product at issue.

9 **INTERROGATORY NO. 42:**

10 State if YOU have or had within YOUR corporate or other business structure any
11 CONTRACT UNITS.

12 **ANSWER:**

13 This defendant does not know whether Smith & Kanzler Company had such contract
14 units. See Preliminary Statement. After reasonable investigation, Dana has concluded that
15 Victor Products Division did not have within its corporate or other business structure any
16 contract units.

17 **INTERROGATORY NO. 43:**

18 State whether or not any of YOUR CONTRACT UNITS installed and/or removed
19 RAW ASBESTOS and/or ASBESTOS-CONTAINING PRODUCTS in the GEOGRAPHIC
20 AREA at any time between 1930 and 1985. If so:

21 A. State the business addresses and name of the CONTRACT UNIT;

22 B. State the inclusive periods of time the CONTRACT UNITS were working in
23 the GEOGRAPHIC AREA;

24 C. State the name and address of each job site within the GEOGRAPHIC AREA
25 and the dates the CONTRACT UNIT worked at those job sites, and, IDENTIFY the RAW
26 ASBESTOS and/or ASBESTOS-CONTAINING PRODUCTS installed or removed on each
27 occasion;

28 D. Either (1) attach all DOCUMENTS evidencing the information sought in this

1
2 Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach disks
3 containing such data, or (3) describe such DOCUMENTS with sufficient particularity that they
4 may be made the subject of a request for production of documents.

5 **ANSWER:**

6 Not applicable. See answer to Interrogatory No. 42.

7 **INTERROGATORY NO. 44:**

8 When do YOU contend that THIS DEFENDANT first became aware that there is an
9 association between asbestos exposure and disease in human beings?

10 **ANSWER:**

11 This defendant does not know when, if ever, Smith & Kanzler Company had such an
12 awareness. See Preliminary Statement. Awareness of a particular issue by an employee or
13 employees or agent or agents of Victor Products Division cannot be imputed to Dana.

14 **INTERROGATORY NO. 45:**

15 How do YOU contend that THIS DEFENDANT first became aware that there is an
16 association between asbestos exposure and disease in human beings.

17 **ANSWER:**

18 See answer to Interrogatory No. 44, which is incorporated herein as if fully rewritten.

19 **INTERROGATORY NO. 46:**

20 Either (1) attach all DOCUMENTS evidencing the information upon which YOUR
21 contentions in YOUR answers to Interrogatories No. 44 and 45 are based, or (2) attach disks
22 containing such data, or (3) describe such DOCUMENTS with sufficient particularity that they
23 may be made the subject of a request for production of documents.

24 **ANSWER:**

25 Not applicable. See answers to Interrogatories Nos. 44 and 45.

26 **INTERROGATORY NO. 47:**

27 When did THIS DEFENDANT first warn its employees that exposure to asbestos
28 could be hazardous to human health? State;

- 1
2 A. Whether the first such warning was written or oral;
3 B. Whether copies of DOCUMENTS containing such warning exist;
4 C. The IDENTIFY of the custodian of such DOCUMENTS;
5 D. The content of the warning.

6 **ANSWER:**

7 The defendant does not know when, if ever, Smith & Kanzler Company provided such
8 a warning. See Preliminary Statement. Employees of the Victor Division have been made
9 aware of the components of the materials with which they work under the so-called "right to
10 know" laws. Information is provided to employees not just concerning asbestos, but as to all
11 materials and chemicals with which they work. The Plant Manager is responsible for insuring
12 the plant complies with all OSHA and similar health and safety rules. Respirators have been
13 made available to employees but have not been required because the dust level at the plants
14 has always been below any regulated limits.

15 **INTERROGATORY NO. 48:**

16 Did THIS DEFENDANT ever issue a written COMPANY policy discontinuing
17 warning its employees that exposure to asbestos could be hazardous to human health? If so,

- 18 A. Provide, the date;
19 B. Describe the circumstances; and
20 C. Either (1) attach all DOCUMENTS evidencing the information sought in this

21 Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach disks
22 containing such data, or (3) describe such DOCUMENTS with sufficient particularity that they
23 may be made the subject of a request for production of documents.

24 **ANSWER:**

25 This defendant does not know whether Smith & Kanzler Company issued such a
26 policy. See Preliminary Statement. After reasonable investigation, Dana has concluded that
27 Victor Division did not ever issue a written company policy discontinuing warning its
28 employees that exposure to asbestos could be hazardous to human health.

1
2 **INTERROGATORY NO. 49:**

3 Did THIS DEFENDANT provide any Independent Contractor or Subcontractor within
4 the GEOGRAPHIC AREA with a written warning that exposure to asbestos could be
5 hazardous to human health.

6 **ANSWER:**

7 This defendant does not know whether Smith & Kanzler Company provided such a
8 warning. See Preliminary Statement. This question is inapplicable to Victor Products
9 Division because it did not supply its products to contractors or subcontractors.

10 **INTERROGATORY NO. 50:**

11 Has THIS DEFENDANT been cited for or otherwise charged by a public agency with
12 a violation in the GEOGRAPHIC AREA of any statute, ordinance, safety order, regulation, or
13 law pertaining to asbestos exposure? For each occasion, IDENTIFY:

- 14 A. The code section, safety order, statute, or regulation for which THIS
15 DEFENDANT had been cited or otherwise charged;
16 B. The date(s) thereof.
17 C. The agency or other governmental unit which issued the citation or otherwise
18 charged YOU.
19 D. All persons known to YOU with information relevant to the incident.
20 E. What was the ultimate resolution.

21 **ANSWER:**

22 Dana does not know whether Smith & Kanzler Company ever received such a citation.
23 See Preliminary Statement. After reasonable investigation, Dana has concluded that Victor
24 Products Division has not been cited for or otherwise charged by a public agency with a
25 violation in the geographic area of any statute, ordinance, safety order, regulation, or law
26 pertaining to asbestos exposure.

27 **INTERROGATORY NO. 51:**

28 If THIS DEFENDANT has ever owned or operated a railroad, state:

1
2 A. The IDENTITY of each such railroad, including the name(s) of such railroad
3 during the time period of YOUR ownership and/or operation, the principal place of business of
4 such railroad and the dates of YOUR ownership and/or operation;

5 B. The geographic area of operation o such railroad;

6 C. The name(s) of such railroad prior to YOUR ownership and/or operation;

7 D. The IDENTITY of the person or entity from whom YOU purchased your
8 ownership or operating interest, and the date of such purchase;

9 E. The IDENTITY of the person or entity to whom YOU sold your ownership or
10 operating interest, and the date of such sale;

11 F. Whether copies of DOCUMENTS evidencing your ownership/operation and/or
12 sale exist;

13 G. The IDENTITY of the Custodian of such DOCUMENTS.

14 H. To the extent that information has not been given in answers to Interrogatory
15 Nos. 32 and 33, the information requested in Interrogatory Nos. 32 and 33, for each railroad
16 owned or operated by YOU.

17 **ANSWER:**

18 This defendant does not know whether Smith & Kanzler Company ever owned or
19 operated a railroad. See Preliminary Statement. After reasonable investigation, Dana has
20 concluded that Victor Products Division has never owned or operated a railroad.

21 **INTERROGATORY NO. 52:**

22 If DEFENDANT has ever owned or operated a shipyard, state:

23 A. The IDENTITY of each such shipyard, including the name(s) of such shipyard
24 during the time period of YOUR ownership and/or operation, the place of business of such
25 shipyard and the dates of YOUR ownership and/or operation;

26 B. The name(s) of such shipyard prior to YOUR ownership and/or operation;

27 C. The IDENTITY of the person or entity to whom YOU sold your ownership or
28 operating interest, and the date of such sale;

1
2 D. Whether copies of DOCUMENTS evidencing your ownership/operation and/or
3 sale exist;

4 E. Whether any representative of THIS DEFENDANT attended the Maritime
5 Commission Conference in December 1942 in Chicago, Illinois? If so, IDENTIFY any such
6 representative of THIS DEFENDANT;

7 F. The IDENTITY of the Custodian of such DOCUMENTS;

8 G. To the extent that information has not been given in answers to Interrogatory
9 No 32, the information requested in Interrogatory No. 32, for each shipyard owned or operated
10 by YOU.

11 **ANSWER:**

12 This defendant does not know whether Smith & Kanzler Company ever owned or
13 operated a shipyard. See Preliminary Statement. After reasonable investigation, Dana has
14 concluded that Victor Products Division has never owned or operated a shipyard.

15 **INTERROGATORY NO. 53:**

16 At any time between 1930 and 1985, did you import, export, ship, transship or
17 otherwise transport RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS into, out
18 of or through any port in the GEOGRAPHIC AREA? If so, for each occasion:

19 A. IDENTIFY and describe the NATURE and amount of RAW ASBESTOS
20 and/or ASBESTOS-CONTAINING PRODUCTS;

21 B. IDENTIFY the ship or ships (including the owners and operators thereof) onto
22 or from which the RAW ASBESTOS and/or ASBESTOS-CONTAINING PRODUCTS were
23 loaded, unloaded or transshipped:

24 C. State the dates, port and pier involved for each occasion;

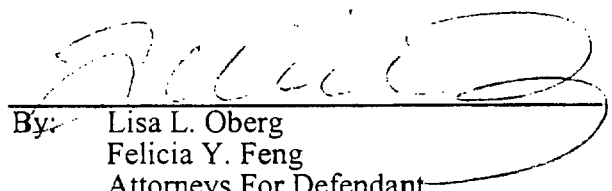
25 D. Either (1) attach all DOCUMENTS evidencing the information sought in this
26 Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach disks
27 containing such data, or (3) describe such DOCUMENTS with sufficient particularity that they
28 may be made the subject of a request for production of documents.

1
2 ANSWER:

3 This defendant does not know whether Smith & Kanzler Company ever imported, etc.,
4 raw asbestos or asbestos-containing products into, out of, or through such ports. *See*
5 Preliminary Statement. After reasonable investigation, Dana has concluded that Victor
6 Products Division never, between 1967 and 1985, imported, exported, shipped, transshipped,
7 or otherwise transported raw asbestos or asbestos-containing products into, out of or through
8 any port in the geographic area.

9
10 DATED: December 3, 1998

HAIGHT, BROWN & BONESTEEL, L.L.P.

11
12
13 
14 By: Lisa L. Oberg
15 Felicia Y. Feng
16 Attorneys For Defendant
17 DANA CORPORATION
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28

1
2 **PROOF OF SERVICE BY MAIL**

3 STATE OF CALIFORNIA)
4) ss.:
5 COUNTY OF SAN FRANCISCO)

6 I am employed in the County of San Francisco, State of California. I am over the age
7 of 18 and not a party to the within action. My business address is 100 Bush Street, 27th Floor,
8 San Francisco, CA 94104-3902.

9 On December 3, 1998, I served on interested parties in said action the within:

10 **DEFENDANT DANA CORPORATION'S SUPPLEMENTAL AND**
11 **AMENDED RESPONSES TO PLAINTIFFS' STANDARD**
12 **INTERROGATORIES TO ALL DEFENDANTS PURSUANT TO**
13 **GENERAL ORDER 129**

14 by placing a true copy thereof enclosed in sealed envelope(s) addressed as follows:

15 (See attached service list)

16 and depositing such envelope(s) for collection and mailing by placing them in a postal box in
17 my work area.

18 I am "readily familiar" with this firm's practice of collection and processing
19 correspondence for mailing. Under that practice it would be deposited with U.S. postal service
20 on that same day in the ordinary course of business. I am aware that on motion of party
21 served, service is presumed invalid if postal cancellation date or postage meter date is more
22 than 1 day after date of deposit for mailing in affidavit.

23 Executed on December 3, 1998, at San Francisco, California.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.

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Kathryn R. Barbour

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IN RE COMPLEX ASBESTOS LITIGATION SERVICE LIST

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