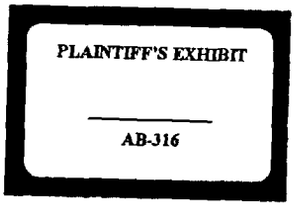
IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT OF ILLINOIS
PEORIA COUNTY

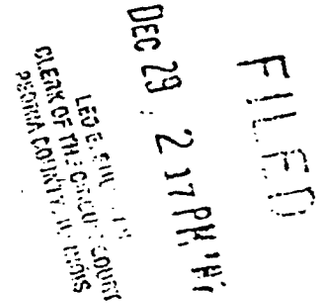


WILMER NALL, Plaintiff,

vs.

RAYBESTOS-MANHATTAN, INC., ABEX CORPORATION, THE BENDIX CORPORATION, DELCO, a Division of General Motors Corporation, GATKE CORPORATION, JOHNS-MANVILLE SALES CORPORATION, JOHNS-MANVILLE CORPORATION, THIOKOL CORPORATION, GRAY-ROCK BRAKE LINING, RUBBER, INC., Defendants.

Case No. 81-L-3550



ANSWERS TO SUPPLEMENTAL INTERROGATORIES
OF PLAINTIFF BY DEFENDANT ABEX CORPORATION

Now comes ABEX CORPORATION, Defendant, by its attorneys, SWAIN, JOHNSON & GARD, and for its answers to Supplemental Interrogatories of Plaintiff states as follows:

INTERROGATORY NO. 1: State the name, present business address, present residence and capacity or title of the individual signing these Interrogatories on behalf of the answering Defendant.

ANSWER: James G. Heflebower, Accounts Receivable Supervisor, Abex Corporation, P.O. Box 3250, Winchester, VA, 22601 (business); 902 Belvedere Heights, Charles Town, WV, 25414 (residence).

INTERROGATORY NO. 2: From 1945 until the present, has the Defendant purchased or received any material to be used in the

manufacture of the Defendant's brake shoes or brake linings, from any of the Co-Defendants named in this suit?

ANSWER: No.

ANSWER TO INTERROGATORY NO. 3: Not applicable. (See response to Interrogatory No. 2).

INTERROGATORY NO. 4: From 1945 until the present, has the Defendant purchased or received any material to be used in the manufacture of the Defendant's clutch pads or clutch facings, from any of the Co-Defendants named in this suit?

ANSWER: No.

ANSWER TO INTERROGATORY NO. 5: Not applicable. (See response to Interrogatory No. 4).

INTERROGATORY NO. 6: From 1945 until the present, has the Defendant purchased or received finished manufactured brake shoes or brake lining products from any of the named Co-Defendants in this suit and rebranded or renamed such finished brake shoes and brake linings as the Defendant's?

ANSWER: No.

ANSWER TO INTERROGATORY NO. 7: Not applicable. (See response to Interrogatory No. 6).

INTERROGATORY NO. 8: From 1945 until the present, has the Defendant purchased or received finished manufactured clutch pads or clutch facings products from any of the named Co-Defendants

in this suit and rebranded or renamed such finished clutch pads and clutch facings as the Defendant's?

ANSWER: No.

ANSWER TO INTERROGATORY NO. 9: Not applicable. (See response to Interrogatory No. 8).

INTERROGATORY NO. 10: From 1945 until the present, has the Defendant sold or distributed materials to any of the named Co-Defendants which were to be used in the manufacture of brake shoes or brake linings?

ANSWER: Yes.

INTERROGATORY NO. 11: If the answer to Interrogatory No. 10 is yes, please state and answer the following:

(a) Identify each document or record which would indicate the material sold or distributed and the Co-Defendant to whom such material was sold or distributed.

(b) Identify the material sold or distributed.

(c) Identify whether the material purchased or received contained asbestos and the type of asbestos contained therein (i.e., amosite, chrysolite or crocidolite).

(d) Identify the dates such material was sold or distributed and the Co-Defendant to whom such material was sold or distributed.

ANSWER: (a) Defendant Abex objects to this Interrogatory as being unduly broad and unlimited. This information is available at Defendant's Winchester, Virginia, facility, and can be re-

trieved only through a manual search of the files, and it would be unduly burdensome to require Defendant to expend a great many man-hours searching its files for each document. Further, Defendant states that the information is available only for the last three years due to Defendant's current records retention procedures, and Defendant states that such records would be irrelevant as Plaintiff, by his own testimony, stopped working with asbestos products in 1975; (b) See answer to 11(a); (c) Chrysclite asbestos; (d) See answer to 11(a).

INTERROGATORY NO. 12: From 1945 until the present, has the Defendant sold or distributed materials to any of the named Co-Defendants which were to be used in the manufacture of clutch pads or clutch facings?

ANSWER: To Defendant's knowledge, no.

ANSWER TO INTERROGATORY NO. 13: Not applicable. (See response to Interrogatory No. 12).

INTERROGATORY NO. 14: From 1945 to the present, has the Defendant sold or distributed finished manufactured brake shoes or brake linings to any of the Co-Defendants named in this suit?

ANSWER: Yes.

INTERROGATORY NO. 15: If the answer to Interrogatory No. 14 is yes, please state and answer the following:

(a) Identify each document or record which would indicate the finished brake shoes or brake linings sold or distributed and the Co-Defendant to whom they were sold or distributed.

(b) Identify the finished manufactured brake shoes or brake linings sold or distributed, the Co-Defendant to whom they were sold and distributed and the dates such finished manufactured brake shoes or brake linings were sold or distributed.

(c) Identify whether the finished manufactured brake shoes or brake linings sold or distributed contained asbestos and the type of asbestos contained therein (i.e., amosite, chrysolite or crocidolite).

(d) Identify the trade or brand name of the brake shoes and linings sold or distributed.

ANSWER: (a) Defendant Abex objects to this interrogatory as being unduly broad and unlimited. This information is available at Defendant's Winchester, Virginia, facility, and can be retrieved only through a manual search of the files, and it would be unduly burdensome to require Defendant to expend a great many man-hours searching its files for each document. Further Defendant states that the information is available only for the last three years due to Defendant's current records retention procedures, and Defendant states that such records would be irrelevant as Plaintiff, by his own testimony, stopped working with asbestos products in 1975; (b) See answer to 15(a); (c) Chrysolite asbestos; (d) Material would have the Co-Defendant's name or trade name.

INTERROGATORY NO. 16: From 1945 to the present, has the Defendant sold or distributed finished manufactured clutch pads or clutch facings to any of the Co-Defendants named in this suit?

ANSWER: To Defendant's knowledge, no.

ANSWER TO INTERROGATORY NO. 17: Not applicable. (See response to Interrogatory No. 16).

INTERROGATORY NO. 18: Do you have any records or documents indicating that any of your products containing asbestos fibers were sold or distributed to the following company for the years 1945 until the present? Menco Corporation, formerly known as Auto Parts Warehouse, of Springfield, Illinois.

(a) Please identify each document.

(b) Please identify such products sold or distributed and the dates of such sale or distribution.

ANSWER: Defendant Abex objects to this interrogatory as being unduly broad and unlimited. This information is available at Defendant's Winchester, Virginia, facility, and can be retrieved only through a manual search of the files, and it would be unduly burdensome to require Defendant to expend a great many man-hours searching its files for each document. Further Defendant states that the information is available only for the last three years due to Defendant's current records retention procedures, and Defendant states that such records would be irrelevant as Plaintiff, by his own testimony, stopped working with asbestos products in 1975.

INTERROGATORY NO. 19: Do you have any records or documents indicating that any of your products containing asbestos fibers were sold or distributed to the following company for the years 1945 until the present? D & W Distributing Co. of Pekin, Illinois.

(a) Please identify each document.

(b) Please identify such products sold or distributed and the dates of such sale or distribution.

ANSWER: Defendant Abex objects to this interrogatory as being unduly broad and unlimited. This information is available at Defendant's Winchester, Virginia, facility, and can be retrieved only through a manual search of the files, and it would be unduly burdensome to require Defendant to expend a great many man-hours searching its files for each document. Further Defendant states that the information is available only for the last three years due to Defendant's current records retention procedures, and Defendant states that such records would be irrelevant as Plaintiff, by his own testimony, stopped working with asbestos products in 1975.

James G. Hoflebower

James G. Hoflebower
Accounts Receivable Supervisor
Abex Corporation

Subscribed and sworn to before me this 23rd day of December, 1982.

Marjorie Boaler
NOTARY PUBLIC
My Commission expires March 5, 1984

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