

PLAINTIFF'S
EXHIBIT

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67-205

cc: Broker's
file

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

HAROLD B. GRAY, JR.,

Plaintiff,

vs.

C.A. No. 30-0053-3

RAYBESTOS-MANHATTAN, INC.,
et al,

Defendants.

ANSWERS TO INTERROGATORIES PROPOUNDED
PROPOUNDED BY PLAINTIFF ON BEHALF OF
DEFENDANT THE BENDIX CORPORATION

The Defendant, THE BENDIX CORPORATION, would answer the interrogatories propounded by the Plaintiff herein as follows:

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.
A. Robert H. Michaud
2. Please state whether or not you have ever held a certificate of authority to do business in the State of South Carolina and the date thereof and the address of your principal place of business and whether you have assumed the assets and/or liabilities of any predecessor corporation or entity (such predecessor corporations being limited to any association whatsoever with the asbestos aspect of the defendant's business). Answer these interrogatories for each such acquired company which manufactured insulation products containing asbestos.
A. Defendant Bendix has been qualified to do business and actively does business in South Carolina since November 21, 1967. Its principal place of business is Southfield, Michigan.

3. Has defendant, at any time, engaged in the manufacture of products containing asbestos fibers?

A. Yes.

4. Has defendant, at any time, engaged in the mining and/or milling of material containing asbestos fibers?

A. No.

5. Has defendant, at any time, engaged in the processing, marketing and sale of any products containing asbestos fibers?

A. Yes, Defendant Bendix has engaged in the processing, marketing and sale of friction material brake linings and clutch facings containing asbestos fibers.

6. If the answer to one or more of the last three questions is affirmative, please state as to each affirmative answer the following:

(a) The trade or brand name of such product mined, manufactured, and/or marketed.

A. As the answer relates to the manufacture and marketing of friction material brake linings containing asbestos fibers and to clutch facings:

Marshall

Eclipse

Bendix

Master

EDF

FK

Friction King

Clutch Facings

(b) The dates each such products were placed on the market:

A.	Marshall	- 1939
	Eclipse	- 1939
	Bendix	- 1939
	Master	- 1945
	EDF	- 1946
	FK	- 1955
	Friction King	- 1960
	Clutch Facings	- 1974

(c) The dates each of such products were withdrawn from the market.

A. All are presently on the market except Bendix-woven molded linings used in industrial applications (non-vehicular) withdrawn from the market in 1959, and clutch facings sold only to Borg and Beck and withdrawn from the market in 1978.

(d) A description of the physical (the chemical) composition of each such product including the type of asbestos contained in each such product (i.e., amosite, chrysotile or crocidolite) and the quantitative percentage of asbestos in each product.

A. Defendant Bendix objects to this interrogatory since the composition of the friction material brake linings is a trade secret and therefore proprietary. However, in the spirit of cooperation, the percentage by weight of chrysotile asbestos fibers in the friction material brake lining varies from 25% to 50% depending on the particular composition. The friction material brake lining also contains a resin binder system and various friction modifiers and fillers.

(e) A description of the physical appearance of each such product.

A. The color varies from tan to light gray depending on the composition. The dimensions of Arcuate Brake segments vary from 7" to 15" in diameter; 1-1/2" to 7" in width; 3/16" to 3/4" in thickness and 57° to 125° in length. The dimensions of disc brake pads vary from 2" to 7" in length; 2" to 3" in width and 1/4" to 1/2" in thickness.

(f) A detailed description of the intended uses of each such product.

A. (i) to stop or slow motor vehicles relative to friction material brake linings.

(ii) to stop industrial equipment (e.g., elevators).

(iii) to connect and disconnect a driving and a driven part of a mechanism smoothly relative to clutch facings.

(g) The name of the manufacturer of each such product.

A. Defendant Bendix.

(h) The mining or milling concern from which the raw asbestos fiber was obtained.

A. Canadian Johns-Manville Ltd.
Asbestos, Quebec J1T3N2
Chrysotile
1939 to present.

Lake Asbestos (Lac d'Amiante du Quebec Ltee)
120 Broadway
New York, New York 10005
Chrysotile
1967 to present

Vermont Asbestos Group
Hyde Park, Vermont 05655
Chrysotile
1975 to present - successor to,
The Ruberoid Co.
New York, New York
Chrysotile
1945 to 1975.

Bell Asbestos Mines Ltd.
P. O. Box 99
Thetford Mines, Quebec G6G5S4
Chrysotile
1973 to present.

7. Does defendant claim that any patent would cover any product listed above in Interrogatory No. 6?
 - A. No.
8. If so, for each such product, please state:
 - (a) The number of each patent.
 - A. Not applicable.
 - (b) The date same was issued.
 - A. Not applicable.
 - (c) The number of each patent application that is pending.
 - A. Not applicable.
9. Have any of the products listed in Interrogatory 6 above been altered in chemical composition or asbestos type or content since first being marketed?
 - A. Defendant Bendix objects to this interrogatory since the composition of the friction material brake linings is a trade secret and therefore considered proprietary. However, in the spirit of cooperation, Defendant Bendix has only used chrysotile asbestos fibers in its friction material brake linings. The percentage by weight of asbestos fibers varies from 25% to 50% depending on the particular composition.
10. If so, please state:
 - (a) The trade name of each such product.
 - A. See answer to Interrogatory 9.
 - (b) The date each such product was altered.
 - A. See answer to Interrogatory 9.
 - (c) The nature of the alteration.
 - A. See answer to Interrogatory 9.
 - (d) The reason for the alteration.
 - A. See answer to Interrogatory 9.

11. Do any written memoranda, specifications, blueprints or other written materials of any kind or character exist relating to the testing of said products?

A. Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to each test would far outweigh the benefit, if any, that said information would provide. However, in the spirit of cooperation, hundreds of tests on Bendix' friction material brake linings containing asbestos are conducted annually to meet federal, state and vehicle manufacturers' requirements relative to effectiveness (friction level), friction stability, durability and noise level. Tests are conducted in high and low temperature environments, low and high humidity situations on vehicles and under controlled conditions on laboratory dynamometers.

12. If so, please state:

(a) List each such written material or document..

A. See answer to Interrogatory 11.

(b) Who presently has possession of each such document and where it is located?

A. See answer to Interrogatory 11.

13. Did defendant make any design changes as a result of such tests?

A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation, motor vehicle manufacturers make changes in vehicle design (weight, chassis, length, engine performance, etc.) and brake performance criteria (noise, durability and stopping distance limits) which require Defendant Bendix to make changes in its friction material brake linings to meet these changes and criteria.

14. If so, please state:

(a) The nature of the change made.

A. See answer to Interrogatory 13.

(b) The name, address, and job classification of each person in charge of making a change.

A. See answer to Interrogatory 13.

15. Do any written memoranda, specifications, recommendations or other written materials of any kind or character relating to the testing of the said products exists?

A. See answer to Interrogatory 11.

Tests
re: friction
asbestos

16. If so, please state:
- (a) List each such written material or document.
A. See answer to Interrogatory 13.
 - (b) Who presently has possession of each such document, and where is it located.
A. See answer to Interrogatory 13.
17. Did defendant make any design changes as a result of such tests?
A. See answer to Interrogatory 13.
18. If so, please state:
- (a) The nature of the change made.
A. See answer to Interrogatory 13.
 - (b) The name, address, and job classification of each person responsible for making such a change.
A. See answer to Interrogatory 13.
19. Has Defendant, at any time, published and/or distributed any brochures, sales literature, pamphlets or other written materials (aside from any caution labels on containers) of any kind or character that contain any warnings, cautions, caveats or directions concerning the possibility of injury resulting from the use of the products listed in Interrogatory 6 above?
- A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. However, in the spirit of cooperation, in 1977, Defendant Bendix mailed to its rebuilder customers, the Friction Materials Standards Institute Brake Lining & Clutch Facing Automotive Data Book or a Supplement thereto, which contained a page entitled "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing" (see Attachment A). In March, 1979, Defendant Bendix mailed to its distributor and rebuilder customers, a Friction Materials Standards Institute, Inc. publication dated October 1978 entitled "Friction Materials Work Practices Guide" (see Attachment B) and transmitted Attachment B by means of a General Bulletin (see Attachment C).
20. If so, please state:
- (a) The wording of each such warning.
A. See answer to Interrogatory 19.
 - (b) A description of each such printed material.
A. See answer to Interrogatory 19.
 - (c) The method used to distribute the warning to persons who are likely to use the products.
A. See answer to Interrogatory 19.
 - (d) The date each such warning was issued.

(e) The name, address, and job classification of each person who presently has possession of the above described documents.

A. See answer to Interrogatory 19.

(f) If you will without a motion, please attach a copy of such warning.

A. See answer to Interrogatory 19.

(g) State whether any industrial psychologist or human factors engineers were consulted prior to utilizing such warnings, cautions, etc.

A. See answer to Interrogatory 19.

21. From 1930 until the present, did the asbestos products manufactured or distributed by you, contain any warning, caution, caveat or other statement on the product or its packaging.

A. Yes.

22. If so, please state:

(a) When did the warning first appear.

A. October, 1973.

(b) What was the precise wording of the warning when it first appeared.

A. CAUTION
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
BREATHING ASBESTOS DUST MAY
CAUSE SERIOUS BODILY HARM

(c) Was the warning altered, amended or changed in any manner. If so, how and when.

A. No.

(d) Where was the warning located on the product or packaging.

A. On the side of the carton or package.

(e) When did you become aware that warnings were placed on products distributed by other defendants? State the reason warnings of the other defendants were not placed on your products.

A. Unknown to Defendant Bendix.

(f) State the manner in which your product is shipped and the type of container it is shipped in to retailers.

A. Defendant Bendix objects to this interrogatory as being vague, ambiguous and unclear in its present form. However, in the spirit of cooperation, Defendant Bendix does not ship its friction material brake linings to retailers, but ships to its distributor and rebuilder customers as follows: Brake linings shipped in bulk are packaged in corrugated tan cartons bearing a blue/white label reflecting the Bendix name, logo, address, part number, and quantity. Brake lining sets are shipped in white chipboard cartons with the Bendix name, logo, address, part number and quantity reflected thereon in blue/black printing or a black/yellow stylized sunset logo when marketed under the "Eclipse" name. Lined brake shoes and lined disc brake shoes when shipped in bulk or in

*125 warning
in 1973*

axle sets are packaged in tan corrugated cartons with the Bendix name logo, address, part number and quantity printed, stamped or labeled thereon. Lined brake shoes and lines disc brake shoes when unit packaged are shipped in a folding kraft blue/black/white carton and then six-packed in a tan corrugated carton with the Bendix name, logo, address, part number and quantity printed, stamped or labeled thereon.

(g) State whether any industrial psychologists or human factors engineers were consulted prior to utilizing such warnings, cautions, etc.

A. No. Defendant Bendix utilized the OSHA label.

23. Have you received notice that any other person was claiming injury as a result of using asbestos products manufactured and/or sold by your company (both prior to and subsequent to the filing of this action)?

A. Defendant Bendix objects to this interrogatory as it relates to other than worker's compensation claims on the grounds that it seeks information that is not relevant to the matter involved in this action and is not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and subject to this objection, Defendant Bendix has been involved in 189 cases beginning in 1975 in which plaintiffs allege exposure to and injury from Bendix products containing asbestos with 169 cases pending and no case reduced to judgment against Bendix.

24. See Answer to Interrogatory No. 23.

25. Do you have any records indicating that any of your products containing asbestos fibers were sold to any companies engaged in business or conducting sales in the state of South Carolina?

A. Yes.

26. If so, please state:

(a) The name, address, and job classification of each individual who currently has possession of such records.

A. Sue Leader, Manager Sales Administration, The Bendix Corporation, Automotive Aftermarket Operations, Jackson, Tennessee.

(b) Please list the names of each company to whom your products have been sold.

A. Distributor Customers

Central Oil & Supply
510 West Palmetto St.
Florence, South Carolina

Japco Auto Parts Warehouse
310 West Washington Street
Greenville, South Carolina

Dixie Tools Distributor, Inc.
Sunset Blvd.
West Columbia, South Carolina

Parks Auto Parts Warehouse Co.
5429 Rivers Avenue
Charleston Heights, South Carolina

Parts Distributors
P.O. Box 1316
1824 Barnwell St.
Columbia, South Carolina

Brad Ragan, Inc.
c/o Carolina Tire Co.
201 Elm Street
Lancaster, South Carolina

Cherry Road
Rock Hill, South Carolina

c/o Ross Tire and Battery
100 Westfield St.
Greenville, South Carolina

Warehouse Distributors
605 N. Magnolia St.
Summerville, South Carolina

Magnetto & Electric Service
102 Assembly Street
Columbia, South Carolina

Thain's, Inc.
1517 Taylor Street
Columbia, South Carolina

Rebuilder Customers

Ashland Auto Parts, Inc.
3141 Rivers Ave.
Charlestown, South Carolina

Neil Parts Rebuilders, Inc.
224 Wayne St.
Columbia, South Carolina

(c) Please state the dates of each such sale and the amount and kind of materials sold.

A. Defendant Bendix objects to this Interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. However, in the spirit of cooperation, Defendant Bendix sold lined brake shoes and disc brakes to its distributor customers listed in Interrogatory (b) beginning in 1968 and friction material brake linings and disc pads to its rebuilder customers beginning in 1964.

(d) State whether your company manufactured asbestos containing products for a company but placed said company's labels, logos or containers on said products and list each such company.

A. Defendant Bendix objects to this Interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation, Defendant Bendix would answer none relating to those companies listed in Interrogatory No. 26 (b).

27. Does defendant contend that plaintiff improperly used their products?

A. Unknown to Defendant Bendix at this time.
Investigation continues.

28. If so, please set out in detail in what respect said products were improperly used.

A. See answer to Interrogatory No. 27.

29. Does defendant have policies of insurance that might cover the claims that have been made by plaintiff herein?

A. Yes.

30. If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy?

A.	Fidelity & Casualty of N.Y.	10/1/50-53	250/500	BI:100/100PD
"	"	"	10/1/53-56	250/500 BI:100/100PD
"	"	"	10/1/56-59	250/500 BI:100/100PD
"	"	"	10/1/59-62	250/500 BI:100/100PD
"	"	"	10/1/62-65	250/500 BI:100/100PD

Continental Ins. Co., N.Y.	10/1/65-67	250,500 31,100/100 PD
" " " "	10/1/67-70	250,500 31,100/100 PD
" " " "	10/1/70-75	1,000,000/1,000,000 CSL
" " " "	10/1/75-	1,000,000/1,000,000 CSL
" " " "	12/31/75	
" " " "	12/31/75-	2,000,000/2,000,000 CSL
" " " "	10/1/77	
" " " "	10/1/77-78	5,000,000/5,000,000 CSL
" " " "	10/1/78-79	5,000,000/5,000,000 CSL
" " " "	10/1/79-82	5,000,000/5,000,000 CSL

31. Does defendant contend that products containing asbestos can be manufactured or treated so as to eliminate all potential health hazards to workers installing same?
 - A. Defendant Bendix objects to this Interrogatory since it improperly calls for Defendant Bendix to make medical and/or expert conclusions and/or give expert opinions.
32. If so, please explain.
 - A. See answer to Interrogatory #31.
33. Please describe in detail the type of packages in which defendant has sold asbestos material, listing the dates each type of package was used, a physical description thereof, and a description of any printed material or trademarks that appeared thereon.
 - A. Brake linings shipped in bulk are packaged in corrugated tan cartons bearing a blue/white label reflecting the Bendix name, logo, address, part number, and quantity. Brake lining sets are shipped in white chipboard cartons with the Bendix name, logo, address, part number and quantity reflected thereon in blue/black printing or a black/yellow stylized sunset logo when marketed under the "Eclipse" name. Lined brake shoes and lined disc brake shoes when shipped in bulk or in axle sets are packaged in tan corrugated cartons with the Bendix name, logo, address, part number and quantity printed, stamped or labeled thereon. Lined brake shoes and lined disc brake shoes when unit packaged are shipped in a folding kraft blue/black/white carton and then six-packed in a tan corrugated carton with the Bendix name, logo, address, part number and quantity printed, stamped or labeled thereon.
34. Did you receive any reports or communications from your workmen's compensation insurance carrier or products liability insurance carrier with regard to the hazards incident to use of asbestos containing products? If so, please state who had possession of said reports, the location of said reports and the substance of the contents of said reports, listing for each such report the respective insurance company, its address, and the agent signing such correspondence.
 - A. Defendant Bendix has no knowledge.

35. If the answer to Interrogatory Four (mining and Milling) is yes, state:
- (a) Where the asbestos was mined and milled.
A. Not applicable.
 - (b) How long the defendant has mined and milled asbestos.
A. Not applicable.
 - (c) Whether the defendant has supplied this mined and/or milled asbestos to any of the other defendants since 1950; when these transactions took place, and the dollar and tonnage amount of such sales.
A. Not applicable.
 - (d) Whether any warnings, cautions, caveats or directions accompanied the materials referred to in (c) and the date these first appeared.
A. Not applicable.
36. If the answer to Interrogatory Four is no, state:
- (a) From what source or sources, if any, did your company obtain mined asbestos since 1950.
A. See answer to Interrogatory 5(h).
 - (b) Whether any warnings, cautions, caveats, or directions accompany the material referred to in (a) and the nature and extent of said warnings, cautions, caveats or directions accompanying said asbestos.
A.(i)

CAUTION

THIS BAG CONTAINS ASBESTOS FIBER.

PERSONS EXPOSED TO THIS MATERIAL SHOULD
USE ADEQUATE PROTECTIVE DEVICES AS
INHALATION OF THIS MATERIAL OVER LONG
PERIODS MAY BE HARMFUL

(ii)

CAUTION

CONTAINS ASBESTOS FIBER
AVOID CREATING DUST
BREATHING ASBESTOS DUST MAY CAUSE
SERIOUS BODILY HARM

(iii)

CAUTION

CONTAINS ASBESTOS FIBERS

AVOID BREATHING DUST

BREATHING ASBESTOS DUST MAY
CAUSE SERIOUS BODILY HARM

SMOKING GREATLY INCREASES THE
RISK OF SERIOUS BODILY HARM

(c) Approximately what date said warnings, cautions, caveats or directions first appeared on mined asbestos.

A. (i) Approximately 1969 to 1972

(ii) Approximately 1972 to 1978

(iii) Approximately 1978 to Present

37. If the answer to Interrogatory Three is yes, state:

(a) Where the asbestos or asbestos materials were manufactured.

(b) How long the defendant has manufactured asbestos or asbestos materials.

(c) Whether the defendant has supplied this manufactured asbestos or asbestos materials to any of the other defendants since 1945, when these transactions took place, where, and the compensation paid for the manufactured asbestos or asbestos materials.

(d) Whether any warnings, cautions, caveats or directions accompanied the materials referred to in (c) and the date these first appeared.

A. Defendant Bendix objects to these Interrogatories as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation, if these Interrogatories refer to the manufacturer of friction material brake linings containing asbestos fibers, the answers are as follows:

(a)A. Defendant Bendix facilities in Troy, New York.

(b)A. See answer to Interrogatory 6(a).

(c)A. (i) No, as it relates to supplying such friction material linings to Defendant Raybestos Manhattan, Inc. and Defendant Johns Manville.

(ii) Yes, as it relates to supplying such friction material brake linings to Defendant Wagner beginning in 1972.

(d)A. Yes, since October 1973.

38. If the answer to Interrogatory Three is no, state:

(a) From what source or sources, if any, did your company obtain asbestos containing products since 1945.

A. Not applicable.

(b) Whether any warnings, cautions, caveats, or directions accompany the material referred to in (a) and the nature and extent of said warnings, cautions, caveats or directions accompanying said asbestos or asbestos materials.

A. Not applicable.

*sent to
Wagner*

with respect to dollars, quantity, and dates would far outweigh the benefit, if any, that said information would provide.

43. If the answer to subpart (c) of Interrogatory 42 is in the affirmative, state:

(a) Whether any warnings, cautions, caveats, or directives accompany the asbestos or asbestos materials sold or distributed to these other defendants, the content of said warnings, cautions, caveats or directives accompany said asbestos.

A. See answer to Interrogatory No. 22(b).

(b) Approximately what date said warnings, cautions, caveats or directives first appeared on asbestos materials distributed to the other defendants.

A. See answer to Interrogatory No. 22(a).

44. If the defendant has discontinued manufacturing and/or selling asbestos products, please state the reason or reasons therefor.

A. Defendant Bendix objects to this Interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation, if this interrogatory refers to friction material brake linings and clutch facings (sold only to Borg and Beck) containing asbestos fibers, see answer to Interrogatory No. 6(c).

(i) Bendix-woven molded linings for industrial applications - too expensive.

(ii) Clutch Facings - lacked market penetration and acceptance.

45. Have any of the other defendants named in the litigation ever furnished the defendant answering these Interrogatories with information as to the state of the medical knowledge regarding the connection between asbestos exposure and the contracting of pulmonary diseases including cancer and asbestosis?

A. Defendant Bendix has no knowledge.

46. If the answer to the preceding Interrogatory is in the affirmative, state:

(a) What information was the defendant furnished with.

A. Not applicable.

(b) When the defendant was furnished the information.

A. Not applicable.

(c) By whom was the defendant furnished with the information.

A. Not applicable.

39. Has the defendant imported asbestos or asbestos materials since 1930?
- A. No.
40. If the answer to the preceding Interrogatory is in the affirmative, state:
- (a) From where the asbestos or asbestos materials was imported.
- A. Not applicable.
- (b) How long the defendant has imported asbestos or asbestos materials.
- A. Not applicable.
- (c) Whether the defendant has supplied this imported asbestos or asbestos materials to any of the other defendants since 1945, when these transactions took place and when.
- A. Not applicable.
- (d) Whether any warnings, cautions, caveats or directions accompanied the materials referred to in (c) and the date these first appeared.
- A. Not applicable.
41. Has the defendant sold or distributed asbestos containing materials at any time since 1930?
- A. Defendant Bendix objects to this Interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation, Defendant Bendix has sold or distributed generally throughout the United States friction material brake linings and clutch facings (only to Borg and Beck) containing asbestos fibers.
42. If the answer to the preceding Interrogatory is in the affirmative state:
- (a) Where the defendant has sold or distributed such products since 1930.
- A. See answer to Interrogatory No. 41.
- (b) How long the defendant has sold or distributed such products.
- A. See answer to Interrogatory No. 6(b).
- (c) Whether the defendant has sold or distributed such products to any of the other defendants named in this litigation since 1945 and state the dollar and tonnage amounts of such sales and the dates of same.
- A. See answer to Interrogatory No. 37(c) as it relates to the first part of this Interrogatory. Defendant Bendix objects to the second part of this Interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond

47. Have the defendants interchanged results of research, tests, medical studies or experiments regarding the state of the medical knowledge regarding the connection between asbestos exposure and the contracting of pulmonary diseases including lung cancer and asbestosis since 1930?
- A. Defendant Bendix has no knowledge.
48. If the answer to the preceding Interrogatory is in the affirmative, state:
- (a) When these interchanges took place.
- A. Not applicable.
- (b) Who participated in these interchanges.
- A. Not applicable.
- (c) Summarize the content of these interchanges of studies.
- A. Not applicable.
49. Has the defendant become aware of the result of other litigation or by any other means of any studies, research, experiments or tests conducted by another defendant which, if known at the time said study, research, experiment or tests were made would have altered the manner or way the defendant answering these Interrogatories acted in distributing these products.
- A. Defendant Bendix objects to this Interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form.
50. If the answer to the preceding Interrogatory is in the affirmative, state:
- (a) When these studies, research, experiments or tests were made.
- A. See answer to Interrogatory No. 49.
- (b) By whom were these studies, research, experiments or tests made.
- A. See answer to Interrogatory No. 49.
- (c) Summarize the contents of these studies and how the defendant would have acted differently.
- A. See answer to Interrogatory No. 49.
51. Please state if the defendant or anybody on behalf of the defendants ever conducted or sponsored or contributed financially to any studies or research to determine if the inhalation of asbestos fibers may be harmful. If so, please state:
- A. Defendant Bendix has no knowledge.
- (a) By whom the research was conducted, giving complete names and addresses.
- A. Not applicable.
- (b) The dates that each such test was conducted.
- A. Not applicable.
- (c) The complete results of each test or study.
- A. Not applicable.

(d) Supply copies of reports of the research department pertaining to the use by the corporation of asbestos in their manufactured products.

A. Not applicable.

52. Please state the names and addresses of the defendant's chief medical officers from 1930 until the present time, listing the period of time each such medical officer was employed by defendant in that capacity.

A. Not applicable since Defendant Bendix has never had a chief medical officer.

53. Please state to whom in the corporate structure the chief medical officer reports, also giving that person's position or job title with defendant.

A. See answer to Interrogatory 52.

54. Please state the duties and responsibilities of the corporation's chief medical officer.

A. See answer to Interrogatory 52.

55. Please state the names and addresses of all physicians who were employed, retained or otherwise engaged by the defendant at any of its facilities from the years of 1930 until the present time.

A. Defendant Bendix objects to this interrogatory as being overly broad so as to be patently burdensome and onerous. However, in the spirit of cooperation, Defendant Bendix employed or retained physicians from the local community in which its facilities are located to perform routine physical examinations and to administer routine medical treatment when and if necessary.

56. Please state the names and addresses of all persons employed by defendant from 1930 until the present time who functioned as industrial hygienists.

As contemplated by these Interrogatories, an industrial hygienist is one who performs engineering or health studies to identify, and evaluate potential occupational health hazard and suggest methods of dealing with same. Please state:

A. Charles C. Clarke, Edison, N.J. (1973-1974)
Stanford K. Christian, Skokie, IL (1974-1976)
James, R. Weber, Southfield, MI (1976-present)
Ben Wong, West Bloomfield, MI (1977-1978)
Sondra Johnson, Southfield, MI (1980-present)
Tom Rancour, Southfield, MI (1980-present)

(a) The facility or office to which they were assigned:

A. Executive Offices of Defendant Bendix, Southfield, Michigan

(b) Their complete and precise duties and responsibilities.

A. To assist Defendant Bendix in complying with OSHA regulations. Monitoring and evaluating manufacturing facilities of Defendant Bendix relative to industrial hygiene matters.

57. Please state if the defendant's medical officers ever made at any time any recommendations and/or suggestions to the defendant pertaining to the risks or hazards to persons involved in the manufacturing or use of products containing asbestos. If so, please state:
- A. Not applicable to Defendant Bendix. See answer to Interrogatory 52.
- (a) Where were such recommendations and/or suggestions made?
- A. Not applicable.
- (b) To whom were such recommendations and/or suggestions made?
- A. Not applicable.
- (c) By whom were these recommendations and/or suggestions made?
- A. Not applicable.
- (d) The substance of the recommendations and/or suggestions.
- A. Not applicable.
58. Please state the names of trade association periodicals to which the defendant subscribed from 1928 to the present date. State whether or not the defendant had any knowledge of any articles being printed in industry trade journals, essays, memoranda and other similar sources pertaining to the hazardous potentials of asbestos and which of such articles were received by you.
- A. Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to each trade association periodical that Defendant Bendix subscribed to since 1928 would far outweigh the benefit, if any, that said information would provide. However, in the spirit of cooperation, Defendant Bendix, for example, subscribes to Automotive Aftermarket News, Warehouse Distributors and Jobber Topics.
59. Please state organizations, groups, inter-company or industrial organizations to which the defendant belongs which conducted studies or researched the relationship, if any, between exposure to asbestos fibers or products and asbestosis and lung cancer from 1945 to 1970.
- A. Defendant Bendix has no knowledge.
60. In reference to Interrogatory 59, please state:
- (a) The type of nature of the studies.
- A. See answer to Interrogatory 59.
- (b) When the studies were conducted.
- A. See answer to Interrogatory 59.
- (c) The complete results of the studies.
- A. See answer to Interrogatory 59.
- (d) The recommendation of the studies.
- A. See answer to Interrogatory 59.
- (e) The resulting implementation of the studies by defendant.
- A. See answer to Interrogatory 59.
- (f) The date when first implemented.
- A. See answer to Interrogatory 59.

61. Please state the amounts spent or contributed by the defendant annually from 1936 until the present time on research specifically directed to the relationship, if any, between a worker's exposure to asbestos in brake lining products and asbestosis, lung cancer, or any other asbestos related disease.
A. Defendant Bendix has no knowledge.
62. Please state the amount annually contributed by the defendant to any independent medical research group or groups conducting research into the relationship, if any, between the exposure of brake lining workers to asbestos and any pulmonary diseases.
A. Defendant Bendix has no knowledge.
63. Please state the names and addresses of the organizations or groups conducting the studies referred to in answer to Interrogatory 61 and/or 62.
A. Not applicable. See answer to Interrogatories 61 and 62.
64. Please state whether the defendant has a department, division or section devoted to scientific and/or medical research during the period from 1936 until the present time. If so, please state when it was first formed.
A. Defendant Bendix has no knowledge.
65. Please state the scientific or medical periodicals to which the defendant, its medical department or industrial hygiene division subscribed during the period between 1950 and 1964 specifying the date such subscriptions were begun.
A. Defendant Bendix has no knowledge.
66. Please state whether any of the distributors of your asbestos containing products were provided with any special instructions, oral or written, in regard to utilizing said products in a manner so as to avoid exposing workers to amounts of dust exceeding the MAC or TLV. If so, please state:
 - (a) When these instructions were given.
A. See answer to Interrogatory 19.
 - (b) By whom these instructions were given.
A. See answer to Interrogatory 19.
 - (c) Were the instructions oral or written.
A. See answer to Interrogatory 19.
 - (d) The precise content of the instructions.
A. See answer to Interrogatory 19.
 - (e) If the instructions were written, please attach a copy.
A. See answer to Interrogatory 19.

67. Please state whether any employee of the defendant has ever made a claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state. If so, please state the date that the defendant first received notice of any claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state and state the total number of claims filed for the years 1946 to 1965.
- A. See answer to Interrogatories 23 and 24 as it relates to the first part of this interrogatory. Defendant Bendix has no knowledge relative to the last part of this interrogatory.
68. Did the defendant sponsor since 1930 for its employees or distributors any meetings, seminars, conferences, or conventions where the subject of occupational health and exposure to asbestos was discussed.
- A. Defendant Bendix made presentations relative to the handling of asbestos to various Bendix employees at certain facilities since 1975. Various employees of Defendant Bendix participated in these presentations.
69. If the answer to Interrogatory 68 is in the affirmative, state:
- (a) The date and place of such meeting, seminar, conference, or convention where the subject of occupational health and exposure to asbestos was discussed.
- A. See answer to Interrogatory 68.
- (b) The name and address of the speaker or discussant.
- A. See answer to Interrogatory 68.
70. Did the defendant at any time give any advise, publication, warning, order, directive, requirement or recommendation, written or oral, including by U.S. mail, which purported to:
- (a) Advise the plaintiff personally and directly of the possible harmful effects of exposure to, or inhalation of, asbestos or asbestos containing products.
- A. See answer to Interrogatory 22.
- (b) Advise or recommend to the plaintiff personally and directly as to techniques, methods or equipment which would serve to reduce or guard against such potentially harmful exposure.
- A. See answer to Interrogatory 19.
71. If your answer to any part of the above Interrogatory 70 is in the affirmative, state:
- (a) The nature and exact wording of such advice, warning, recommendation, etc.
- A. See answer to Interrogatory 22(b).
- (b) The complete identity of each source of such advise, warning, recommendation, etc.
- A. See answer to Interrogatory 22.

(c) The date, time, place, manner and circumstances when such advice, warning, recommendation, etc., was given.

A. See answer to Interrogatory 22.

(d) The name, business address and telephone number, job title, residence address and telephone number of each and every witness to the Plaintiff's reception of such advice, warning, recommendation, etc.

A. Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous and not reasonably calculated to lead to the discovery of admissible evidence.

(e) The name, business address and telephone number, job title, residence address and telephone number of each and every co-worker or similar member of their trade and occupation who also received the same or similar advice, warning, recommendation, etc.

A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this

interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous and not reasonably calculated to lead to the discovery of admissible evidence.

72. Has any investigation or other reports been prepared, compiled, submitted or made by or on your behalf in this action? If so, as to each such investigation or report, state fully and in detail.

A. Defendant Bendix has no knowledge.

(a) The identity of same by date, subject matter, name, address, job title or capacity of the person or persons to whom addressed or directed.

(b) The name, address, job title or capacity of the person or persons to whom addressed or directed.

(c) The name, address and present whereabouts of the person who has present custody or control thereof and the purpose of such preparation.

A. Not applicable to Defendant Bendix.

73. Do you, your agents, employees or representatives, know of any statement having been made by the plaintiff or the defendants pertaining to any circumstances of the illness which is the subject of this law suit?

A. In the course of discovery in this case, Plaintiff's counsel has provided Defendant Bendix' counsel with various documents and medical records. In addition, Plaintiff's deposition has been taken. Investigation continues.

74. If the answer to the foregoing interrogatory is in the affirmative, was any such statement in writing and, if so, in whose possession is such statement, and when and where it may be inspected by the plaintiff?

A. Plaintiff has copies of all information referred to in the answer to Interrogatory 73.

Counsel

since it improperly calls for Defendant Bendix to make expert conclusions and/or give expert opinions.

32. State the date and the source from which you received your first notice and awareness of threshold limit values pertaining to the concentration of airborne asbestos fibers.
- A. OSHA Regulations published in THE FEDERAL REGISTER in 1972.
33. State your knowledge as to the manner in which your asbestos containing brake lining products were removed or used by mechanics since 1940 and also state your knowledge as to the manner in which said mechanics using your brake lining products were exposed to or created dust in the form of asbestos airborne fibers.
- A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous.
34. Please state whether or not you ever obtained any knowledge concerning the likelihood of asbestos inhalation being hazardous to health, and if so, state when the corporation first became aware of the hazardous potential of asbestos and its products. State how the defendant first obtained this knowledge and became so aware of said hazards and from what source this information was obtained.
- A. See answer to Interrogatory 82.
35. Please state whether or not defendant ever maintained a library or collection of medical information pertaining to effects of asbestos upon human health, including its hazardous effects, and if so, who maintained it, and what bibliography of medical articles, materials, and other reports were a part of said library on said subject, including journals, publications, reports and all memoranda published and received by you since 1930.
- A. Defendant Bendix has no knowledge.
36. Please state whether or not any governmental agency has ever written letters of warning to defendant pertaining to the likelihood of injury to persons being exposed to asbestos and asbestos related materials of the defendant.
- A. Defendant Bendix has no knowledge.
37. If the answer to the preceding interrogatory is yes, which agency, when and who possesses a copy of the letter?
- A. Not applicable.
38. Please annex copies of all such correspondence and notice of governmental agencies pertaining to said warnings.
- A. Not applicable.

Copy

1972

1977

39. Please state the date when you first notified your employees working in your manufacturing plants and factories as to the need to wear and use respirators.
- A. In 1972, employees of Defendant Bendix were required to wear respiratory protection if they were exposed to more than the OSHA permissible levels of asbestos fibers.
30. Please state the date when you first notified mechanics engaged in the application or removal of asbestos containing brake linings as to the need to wear respirators.
- A. See answer to Interrogatory 19.
31. State whether or not defendant has ever published bulletins, warning its employees concerning the hazards of inhaling asbestos and coming into contact with the products of this defendant containing asbestos. If so, please attach copies of bulletins issued by the defendant to its employees on said subject stating the date and year that said bulletins were distributed to your employees and the name of the author of said bulletin in the employ of the defendant.
- A. Yes, in 1980, Defendant Bendix Safety & Protection Services Department authorized the pamphlet "ASBESTOS AND YOU". See Attachment "J".
32. If it is your contention that plaintiff as a mechanic applying and removing asbestos containing brake linings knew that the inhalation of asbestos fibers was harmful to his health, please state how plaintiff would have acquired said knowledge. Please state the date plaintiff became aware of the harmful effects of the inhalation of asbestos fibers.
- A. Defendant Bendix has no specific information relative to plaintiff's knowledge of the effects of the inhalation of asbestos fibers on his health or the date plaintiff acquired such knowledge. However, Defendant Bendix contends that plaintiff's employer was a user of brake lining products containing asbestos and that such knowledge or information was available to plaintiff's employer who had the responsibility of creating and maintaining safe working conditions for its employees including the dissemination of information concerning safety and health measures.
33. State the names of any expert witness that you intend to rely upon at the trial of this action, and identify the subject matter upon which each of said experts will testify, his opinions, and the grounds upon which the opinions are based.
- A. Unknown to Defendant Bendix at the present time. Investigation continues.
34. If written documentation in the form of "scientific data" will be introduced into evidence upon a trial of this cause by the defendant, describe each such document, and include its title, author, and the date and identity of any publication in which such data was published.
- A. Unknown to Defendant Bendix at the present time. Investigation continues.

35. State the full name, present full address, telephone number of all witnesses who will testify on behalf of the defendant upon a trial of this cause, and identify the subject matter upon which each such witness will testify.
- A. Unknown to Defendant Bendix at the present time. Investigation continues.
96. Describe all written documentation which will be offered upon a trial of this cause on behalf of the defendant against plaintiff.
- A. Unknown to Defendant Bendix at the present time. Investigation continues.
97. Please state if the defendant intends to assert a defense of contributory negligence. If so, state all facts on which the defendant bases its contention that the plaintiff was contributorily negligent.
- A. Unknown to Defendant Bendix at the present time. Investigation continues.
98. If the answer to the preceding Interrogatory is in the affirmative, state in detail those witnesses who may be called to testify in reference to contributory negligence.
- A. See answer to Interrogatory 97.
99. Please state if the defendant intends to assert a defense of incurred and/or assumed risk. If so, state all facts on which the defendant bases its contention that the plaintiff incurred and/or assumed the risk.
- A. Unknown to Defendant Bendix at the present time. Investigation continues.
100. If the answer to the preceding Interrogatory is in the affirmative, state in detail those witnesses who may be called to testify in reference to incurred and/or assumed risk.
- A. See answer to Interrogatory 99.
101. Please state if the defendant intends to assert a defense of the Statute of Limitations. If so, state all facts on which the defendant bases its contentions that the Statute of Limitations had run on the plaintiff's claim.
- A. Unknown to Defendant Bendix at the present time. Investigation continues.
102. If the answer to the preceding Interrogatory is in the affirmative, state in detail those witnesses who may be called to testify in reference to Statute of Limitations.
- A. See answer to Interrogatory 101.
103. Please state if the defendant intends to assert the defense that there is no causal relationship between plaintiff's injuries and the exposure to asbestos and asbestos materials. If so, state all facts on which the defendant bases this contention.
- A. Unknown to Defendant Bendix at the present time. Investigation continues.

104. If the answer to the preceding Interrogatory is in the affirmative, state in detail those witnesses who may be called to testify in reference to no causal relationship between plaintiff's injuries and the exposure to asbestos and asbestos materials.
- A. See answer to Interrogatory 103.
105. Please state if the defendant intends to assert that it does not manufacture, sell, distribute, or supply asbestos materials to the southeast area, including South Carolina, North Carolina, Georgia, Florida, Tennessee, Virginia, West Virginia and Maryland.
- A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation, if the interrogatory is intended to refer to the sale, distribution or supplying of friction material brake linings containing asbestos to South Carolina, North Carolina, Georgia, Florida, Tennessee, Virginia, West Virginia and Maryland, the answer is "no".
106. If the answer to the preceding Interrogatory is in the affirmative, state in detail those witnesses who may be called to testify in reference to said contention.
- A. See answer to Interrogatory 105.
107. State all distributors and companies to which the defendant sold or distributed asbestos or asbestos materials in Georgia, South Carolina and Florida for the years 1950-70.
- A. Defendant Bendix objects to this interrogatory as being overly broad so as to be patently burdensome and onerous and irrelevant as to Florida and Georgia. See answer to Interrogatory 26(b) as to South Carolina.
108. State whether the plaintiff was ever employed by you. If so, which one and when? Do you intend to attempt to set up the Workmen's Compensation shield as a defense?
- A. No. See also plaintiff's deposition.
109. Please state any product within your knowledge which could be or is being used for the same purpose as asbestos containing material, and state when it was determined that said materials could be used as a substitute for asbestos products.
- A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form.
110. Prior to answering these interrogatories, have you made due and diligent search of all books, records and papers of the defendant and due and diligent inquiry of all agents and employees of the defendant with a view to eliciting all information available in this action.
- A. Yes. See attached Verification.

Conced

Conced

125. Relative to asbestos mines, please state whether or not on any occasion defendant provided respirators to its asbestos miners.
A. Not applicable. See answer to Interrogatory 122.
126. If the answer to Interrogatory 125 is "yes", please state whether respirators were provided to all mine employees.
A. Not applicable. See answer to Interrogatory 122.
127. If the answer to Interrogatory 125 is "no" please state to what mine employees respirators were provided, giving job classification.
A. Not applicable. See answer to Interrogatory 122.
128. Please State the type respirators provided describing in detail from the first respirator provided through current date if respirators are still use
A. Not applicable. See answer to Interrogatory 122.
129. Please state whether any physical examinations are given to any mine employees prior to their being furnished respirators of any type.
A. Not applicable. See answer to Interrogatory 122.
130. Were any studies or tests done at any defendant mines relative to dangers or hazards of inhalation and/or ingestion of asbestos fibers?
A. Not applicable. See answer to Interrogatory 122.
131. If answer to Interrogatory 130 is "yes", please attach copies of all such studies.
A. Not applicable. See answer to Interrogatory 122.
132. If any medical examination of any mine employees of defendant were made, did any such medical test reveal that mine employees of defendant were developing asbestosis even though their job was an "outside type job" as contrasted with a job wherein they worked in a confined or limited area?
A. Not applicable. See answer to Interrogatory 122.


Robert H. Michaud

111. If the answer to the preceding Interrogatory is in the affirmative, state and identify what records of books and papers were searched and state and identify what agents and employees who were questioned.
- A. Files of various departments of Defendant Bendix including Engineering, Marketing, Sales, Health & Safety, Office of the General Counsel, and numerous employees of Defendant Bendix.
112. State whether any distributive catalogs or other advertising material is disseminated in South Carolina by you.
- A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation, Defendant Bendix distributes product catalogs, sales brochures, bulletins and service materials to its customers in South Carolina.
113. Do you advertise by any media whatsoever which reaches a South Carolina audience?
- A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation, Defendant Bendix has placed advertisements in trade magazines published by Irving Cloud, Hunter, Hearst, Babcox, Chilton and Stanley.
114. Have any residents or corporations or other entities of South Carolina ordered your products by mail or telephone from South Carolina? If so, how many during 1980 and 1981?
- A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation, relative to the first part of this interrogatory, Defendant Bendix has sold its friction material brake linings containing asbestos to its customers listed in the answer to Interrogatory 26(b) as a result of orders received by mail and telephone. Defendant Bendix objects to the second part of this interrogatory on the grounds that it seeks information that is not relevant to the matters involved in this action and is not calculated to lead to the discovery of admissible evidence.
115. What percentage of your total sales for the years 1970 through the present were made in South Carolina?
- A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information that is not relevant to the matter involved in this action and is not calculated to lead to the discovery of admissible evidence.
116. What is the total gross sales for the years 1970 through the present made in South Carolina by you?

A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information that is not relevant to the matter involved in this action and is not calculated to lead to the discovery of admissible evidence.

117. By what method do you solicit business in South Carolina?

A. Defendant Bendix' Sales Representatives.

118. Do you purchase any items from South Carolina? If so, from whom and in what amount?

A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information that is not relevant to the matter involved in this action and is not calculated to lead to the discovery of admissible evidence.

119. What percentage of your total purchases are from South Carolina?

A. Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information that is not relevant to the matter involved in this action and is not calculated to lead to the discovery of admissible evidence.

120. State whether you sold any asbestos products to any United States governmental agency and if so:

- (a) List each such agency.
 - (b) The year of each such sale.
 - (c) The final government destination of each such product sold.
- A. Defendant Bendix has no knowledge.

121. Do you do business in the area designated by the U.S. District Court as the District of South Carolina?

A. Yes.

122. State whether defendant owned or possessed an ownership interest in any asbestos mines. If the answer is "yes", please answer numbers 123 through 132.

A. No.

123. State whether defendant's mining employees in the course of extracting asbestos from the earth were exposed to dusts other than asbestos dust.

A. Not applicable. See answer to Interrogatory 122.

124. Relative to asbestos mines owned by defendant, please describe in detail the mining operation; that is, whether defendant's asbestos mines are of the gravel pit type -- that is, above ground, where asbestos is mined by surface method; or whether its asbestos mines are "shaft type" requiring tunnels and penetration into the earth to extract asbestos.

A. Not applicable. See answer to Interrogatory 122.

STATE OF INDIANA)
) ss:
COUNTY OF ST. JOSEPH)

Robert H. Michaud, being first duly sworn, deposes and says that he is Automotive Group Operations Counsel for the Defendant, The Bendix Corporation; that while he does not have personal knowledge of all the facts recited in the foregoing answers to interrogatories of plaintiff, the information contained in the answers has been furnished to him by various personnel and departments of The Bendix Corporation and that said answers are true to the best of his knowledge and belief based upon the information made available to him, and therefore, the foregoing answers are verified on behalf of The Bendix Corporation.


Robert H. Michaud

Subscribed and sworn to before
me this 34 day of Oct, 1982.


Notary Public

My Commission Expires: May 2, 1986

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing pleading has been served upon opposing counsel by mailing a copy properly addressed with sufficient postage affixed thereto this 19 day of October, 1982.

