

11. KNOWLEDGE/ASBESTOSIS - LUNG CANCER - MESOTHELIOMA

- A. State whether Defendant obtained, prior to 1980, any knowledge concerning the association, if any, between the inhalation of asbestos fibers and: (1) asbestosis; (2) lung cancer; (3) mesothelioma. If so, state as to (1) asbestosis; (2) lung cancer; (3) mesothelioma:
- (1) When this knowledge was first acquired;
 - (2) How it was acquired;
 - (3) Identify by whom it was acquired;
 - (4) State the substance of the knowledge acquired.
- B. Identify all documents relevant to your acquisition of knowledge concerning the disease and the custodian thereof.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Further objecting, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further objecting, it is not possible to state precisely if or when a corporation can be said to have such knowledge. The question asks a mixed question of fact and law. Dana further objects to imputing knowledge, familiarity, or awareness to Dana based upon the knowledge, familiarity, or awareness of an employee or employees or agent or agents of Dana.

Subject to and without waiving objections, defendant contends that the manner in which plaintiff Allen Fuller would have used the defendant's product would not cause him to inhale asbestos fibers. The gaskets did not require cutting in order to affix them to the vehicle part and asbestos, therefore, would remain encapsulated. Further, defendant maintains that the type of asbestos used in the gaskets may not cause any of the diseases or conditions listed. Dana did not receive notice that any person was claiming injury as a result of use of and exposure to Victor's finished asbestos-containing gaskets until approximately the early or mid-1980's. The "claim" would be in the form of a bodily injury complaint.

12. WARNING/INSERT

Has Defendant ever placed any form of package insert or informative brochure in a box/container of an asbestos-containing product, listed in response to Interrogatory 7 and 8, explaining the health hazards of asbestos? If so, state as to each such insert or brochure: