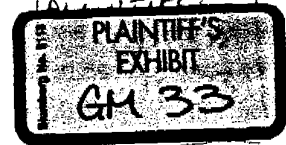


JAN 25 1996* 15653



IN RE: ASBESTOS LITIGATION

§ IN THE DISTRICT COURTS OF
§
§ CAMERON COUNTY, T E X A S

**DEFENDANT GENERAL MOTORS CORPORATION'S
RESPONSES TO PLAINTIFFS' MASTER INTERROGATORIES
AND REQUESTS FOR PRODUCTION**

To: Russell W. Budd, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

General Motors Corporation [GM] makes these Responses to Plaintiffs' First Set of Interrogatories and Request for Production of Documents to Defendant.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

RESPONSE:

These interrogatories were verified in accordance with the Rules of Civil Procedure by the person signing the verification form. They were prepared by General Motors with the help of its lawyers, including Philip R. Cosgrove, Grace, Skocypec, Cosgrove & Schirm, 5700 Wilshire Boulevard, Suite 300N, Los Angeles, California 90036, (213) 487-6660.

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the

address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

RESPONSE:

General Motors Corporation is incorporated in Delaware. Its principal place of business is 3044 West Grand Boulevard, Detroit, Michigan 48202. CT Corporation, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201, is authorized to accept service of process on behalf of General Motors Corporation, in the State of Texas. General Motors Corporation has been authorized to do business in the State of Texas since December 12, 1941.

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Bexar County asbestos litigation.

RESPONSE:

GM did not mine, process, or sell raw asbestos fibers.

INTERROGATORY NO. 4:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

RESPONSE:

GM has manufactured and sold disc and drum brake linings and automatic transmission bands and vehicles incorporating those materials. GM also sold and distributed clutch plates and bands

for automatic and standard transmissions for automobiles, light duty trucks, medium\heavy duty trucks, buses and coaches. G M objects to this interrogatory because it is overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence.

INTERROGATORY NO. 5:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

RESPONSE:

See response to 4.

INTERROGATORY NO. 6:

If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

- (a) As to each product, state whether such product was mined, manufactured, marketed, and/or sold.
- (b) The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.
- (c) The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- (d) The date each of the named products was placed on the market.
- (e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- (f) The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.
- (g) The date asbestos was removed from such products, if ever, and the reasons therefor.

- (h) A description of the physical appearance of each of the named products.
- (i) A detailed description of the intended uses of the named products.
- (j) Identify the last year that you sold each asbestos-containing product.

RESPONSE:

AS TO DRUM BRAKE LININGS:

- (a) GM began the manufacture of molded drum brake linings containing chrysotile asbestos in 1939.
- (b) Outside suppliers of drum and disc brake linings were Johns-Manville, Abex Corporation, Eaton Brake Division, Dana Axle, American Coleman, Delco Moraine, Inland/Inlite, B.F. Goodrich, Bendix, Dayton Walther, H.K. Porter, Kelsey Hayes, Kelsey Products Division, Rockwell International, Unibond Brake, Wagner Electric, Raybestos Manhattan, Friction Division Products, Ferodo, ITT AMCO, Multibestos, Universal Friction, Akebono, AMCO and Marshall Eclipse;
- (c) Trade Names: United Motors (1918-1961), United Delco (1961-1974), AC-Delco (1974-present), Delco Moraine (1942-present), GM Parts (unknown date before 1969-present), Goodwrench (1985-present), Buick*, Cadillac*, Chevrolet*, GMC Truck*, Oldsmobile*, or Pontiac*. Dates are approximate. Names marked with an asterisk were used, if at all, for an unknown period of time before 1969.
- (d) See response to (a);
- (e) GM drum brake linings have one or more grades of chrysotile asbestos, generally grades 5, 6 and 7. The approximate percentage by weight ranged between 50% to 75%. The grade of chrysotile asbestos in drum brake linings GM purchased is unknown. The details of the formulations for friction materials are trade secrets, the disclosure of which is unnecessary in this case and would destroy the value of GM's investment in their development.
- (f) GM continues to manufacture drum brake linings containing chrysotile.
- (g) Not applicable.

- (h) Drum brake lining segments consist of a solid, curved, dense, grayish material. Typical arc lengths range from 90° to 130° and are for drum diameters of 7, 8, 9-1/2, 11, 12 and 12-1/2 inches;
- (i) Drum brake linings are one component of a vehicle braking system.
- (j) Not applicable.

AS TO DISC BRAKE LININGS:

- (a) GM began the manufacture and sale of disc brake linings in 1966;
- (b) Outside suppliers of drum and disc brake linings were Johns-Manville, Abex Corporation, Eaton Brake Division, Dana Axle, American Coleman, Delco Moraine, Inland/Inlite, B.F. Goodrich, Bendix, Dayton Walther, H.K. Porter, Kelsey Hayes, Kelsey Products Division, Rockwell International, Unibond Brake, Wagner Electric, Raybestos Manhattan, Friction Division Products, Ferodo, ITT AMCO, Multibestos, Universal Friction, Akebono, AMCO and Marshall Eclipse;
- (c) Trade Names: AC Delco, Delco Moraine, GM Parts, Goodwrench;
- (d) See response to (a).
- (e) GM disc brake linings have one or more grades of chrysotile asbestos, generally grades 5, 6 and 7, and the approximate percentage by weight ranged between 30% to 60%. The grade of chrysotile asbestos used in disk brake linings purchased by GM is unknown. The details of the formulations for friction materials are trade secrets, the disclosure of which is unnecessary in this case and would destroy the value of GM's investment in their development.
- (f) GM ceased the manufacture of disc linings containing asbestos in 1985 because of production priorities.
- (g) Not applicable.
- (h) Disc brake linings segments are a dense grayish or tan material. Typical dimensions are height 57-63 millimeters, width of 125-142 millimeters, and thickness of 11-13 millimeters.



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(i) Disc brake linings are one component of a vehicle braking system.

(j) See response to (f).

CLUTCH PLATES AND BANDS FOR AUTOMATIC TRANSMISSIONS:

(a) Automatic transmissions were introduced in GM model year 1940. GM (Delco Moraine) manufactured some of the band material (approximately 1965-1979) and the rest was purchased.

(b) GM (Delco Moraine) manufactured some of the band material (approximately 1965-1979) and the rest was purchased.

(c) Trade Names: United Motors (1940-61), United Delco (1961-1964), Delco Moraine, Hydra-Matic, Allison (1940s-1969), Detroit Diesel Allison (1970-1987), A.C. Delco (1974-1985), Allison Transmission (1988-Present).

(d) See response to (h)

(e) The band linings GM manufactured contained about 40-50 percent chrysotile asbestos. The range of weight percentage for certain materials used for automobiles and light trucks was approximately 10 to 50 percent chrysotile from 1964 to 1982 and from 10 to 25 percent chrysotile from 1983 to 1985. Most asbestos paper used to assemble clutch plates contained chrysotile. From 1965 to 1983, some asbestos paper was used that contained crocidilite and antrophyllite.

(f) Not applicable.

(g) See response to (f).

(h) For typical clutch plates, the asbestos-containing material is a ring with an inside diameter of 2-1/2 to 4 inches, an outside diameter of 3-1/2 to 6 inches, and a thickness of .25 to .35 inches. The material is light tan to medium brown in color and has a smooth, paper-like texture.

(i) Clutch plates and bands are component parts of a vehicle automatic transmission.

(j) Not applicable.

AS TO CLUTCH PLATES FOR MANUAL TRANSMISSIONS:

- (a) Beginning around 1930, clutch driven plates assemblies for manual transmissions were manufactured by GM with friction materials purchased from suppliers or purchased as assemblies from suppliers.
- (b) See response to (a).
- (c) Trade names: GM Parts (1969 - present), Buick*, Cadillac*, Chevrolet*, Oldsmobile*, Pontiac*, and GMC Truck*. Names marked with an asterisk were used, if at all, before 1969.
- (d) See response to (a).
- (e) The precise asbestos content of facing materials manufactured by others is unknown to GM. It is known industry practice, however, to use chrysotile asbestos.
- (f) Distribution of service parts continues.
- (g) During the 1980's to present for original equipment.
- (h) An example of a typical assembly for a passenger car includes a facing with an inside diameter of 2.32; millimeters, an outside diameter of 156 millimeters, and a thickness of 8 millimeters. The facing is typically dark brown.
- (i) Clutch driven plates assemblies are one component part of a manual transmission.
- (j) See (f).

INTERROGATORY NO. 7:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- (a) A description of each such document.
- (b) The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

RESPONSE:

Documents exist, but not for the entire period of sixty or more years. Engineering drawings, specifications, and manufacturing documents for drum and disc brake linings are generally located at the Delco Chassis Division of GM in Dayton, Ohio. There is no existing list of all of these documents and it would be very time-consuming and expensive to try to compile a list. GM also objects to this interrogatory because it is overly broad, unduly burdensome and unlikely to lead to admissible evidence. GM also objects because the details of the formulations for friction materials are trade secrets, the disclosure of which is unnecessary in this case and would destroy the value of GM's investment in their development.

INTERROGATORY NO. 8:

Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- (a) The names of the products tested and the date of each test.
- (b) The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- (c) The results of the tests.

RESPONSE:

GM made measurements to determine whether people doing brake repairs were exposed excessively to asbestos. W. H. Krebs conducted

the air sampling at Circle Buick, New York, New York; West Side Pontiac, New York, New York and Circle Buick - East, New York, New York. On February 13, 1984, W. H. Krebs did air sampling to evaluate the nature and extent of operator exposures to airborne asbestos while performing brake lining resurfacing operations at Pekin Machine & Parts Company, Pekin, Illinois. GM will produce copies of the reports. To the extent this interrogatory asks for additional information, GM objects to this interrogatory because it is vague, overly broad and burdensome. It also asks for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 9:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

- (a) A description of each such document.
- (b) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

RESPONSE:

See response to 8.

INTERROGATORY NO. 10:

Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- (a) The trade names of the products changed.
- (b) The nature of the changes made and the date of such changes or modifications.

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- (c) The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

RESPONSE:

Design changes to brake linings were not made because of air sampling for asbestos exposure level testing or measurements. GM objects to this interrogatory because it is vague, ambiguous, overly broad, unduly burdensome, and will not lead to admissible evidence.

INTERROGATORY NO. 11:

After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- (a) The names of the products tested and the dates of such tests.
- (b) The name, address, and job title of each person who conducted those tests.
- (c) The results of those tests.
- (d) Whether, as a result of the tests, any products were removed from the market.
- (e) The names of all products removed from the market as a result of these tests.

RESPONSE:

GM conducted testing within its own facilities. See response to 8.

INTERROGATORY NO. 12:

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind

or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- (a) The name of each product.
- (b) A description of each document and how it relates to each product.
- (c) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

RESPONSE:

General Motors does not know about any study that establishes that exposure to asbestos during brake repair operations constitutes a health hazard. Exposure to asbestos during manufacturing operations is not similar or relevant to any exposure encountered during brake repair. General Motors objects because this interrogatory is vague, overly broad and burdensome; it asks for irrelevant information and it is unlikely to lead to admissible evidence.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 10 or 13? If the answer is affirmative, state:

- (a) The names of the products changed or modified.
- (b) The name, address, and job title of each person responsible for having made a change or modification.
- (c) The nature of the hazard or defect which resulted in such change or modification.

RESPONSE:

See response to 10, a nearly identical and entirely overlapping question.

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- (a) The names of each relevant product.
- (b) The exact wording of each warning statement on each printed material.
- (c) A description of the printed material other than the warning statement.
- (d) The method used to distribute the warning to persons likely to use the product.
- (e) The date each warning was first issued, distributed, or placed on packaging.
- (f) The name, address, and job title of each person responsible for having drafted or issued the warning.
- (g) The current location of any such printed material and the custodian thereof.
- (h) The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

RESPONSE:

In 1975, GM began placing a caution, with language copied from the OSHA regulation, on packages of replacement brake linings. It read:

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

The word "CAUTION" was in no smaller than 12 point type. The rest of the words were in no smaller than 10 point type. GM specified a minimum size. The caution was changed beginning in 1989 to:

"Danger: Contains asbestos fibers. Avoid creating dust. Cancer and Lung Disease hazard. Do not grind. Do not clean with compressed air. * See Service Manual Instructions *"

Starting in 1977, General Motors included this statement in its service manuals:

"Caution: When servicing wheel brake parts, do not create dust by grinding or sanding brake linings or by cleaning wheel brake parts with a dry brush or with compressed air. (A water dampened cloth should be used.) Many wheel brake parts contain asbestos fibers which can become airborne if dust is created during servicing. Breathing dust containing asbestos fibers may cause serious bodily harm."

Starting in 1981, the statement was changed to:

CAUTION: When servicing wheel brake parts, do not create dust by grinding, sanding brake linings, or by cleaning wheel brake parts with a dry brush or with compressed air. Many wheel brake parts contain asbestos fiber which can become airborne if dust is created during servicing. Breathing dust containing asbestos fiber may cause serious bodily harm. A water dampened cloth or water based solution should be used to remove any dust on brake parts. Equipment is commercially available to perform this washing function. These wet methods will prevent asbestos fibers from becoming airborne.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Texas State Courts is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

(a) The name and address of each claimant.

- (b) The date of notice of each claim.
- (c) A description of the claim.
- (d) The type of injuries allegedly sustained.
- (e) The name and address of each attorney who represents each individual making a claim.
- (f) The style and court number of each claim.
- (g) The disposition of each claim that has been settled or taken to judgment.

RESPONSE:

GM has no record of having received notice of personal injury actions in Texas State Courts or claim alleging injury from exposure to asbestos from a GM product before 1970.

INTERROGATORY NO. 16:

Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

RESPONSE:

GM customarily sells its cars, trucks, and replacement parts to authorized dealers and distributors who then resell them. The ultimate buyers do not purchase GM products directly from GM. Records of GM's sale of replacement parts for most, if not all, of the relevant time period are no longer available. GM does not have records of sales of parts by dealers or distributors.

GM objects to this interrogatory because it is argumentative, misleading, overly broad, unduly burdensome, and will not lead to admissible evidence.

INTERROGATORY NO. 17:

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Arkansas, Texas and Virginia? If so, state:

- (a) The name and address of each such distributor or sales representatives.
- (b) The years in which such company or person distributed, marketed, or sold your products.
- (c) What products were distributed, marketed, or sold and in what years.

RESPONSE:

See response to 16.

INTERROGATORY NO. 18:

List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address; telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

RESPONSE:

There are medical departments at many GM plants and other units, some of which have been in operation since the incorporation of GM. There is no list of all of the directors of these many medical departments since the date of their organization. These medical departments provide industrial health services to the employees of GM and do not typically engage in research. There are also safety departments or personnel at many plants and other facilities.

The corporate medical directors of GM were:

Clarence Selby, M.D. (1935-49)
Max Burnell, M.D. (1949-58)
S.D. Steiner, M.D. (1958-76)
R.G. Wiencek, M.D. (1976-80)
R.W. Prior, M.D. (1980-88)
B.B. Van Brocklin, M.D. (1988-present)

The directors of the GM Industrial Hygiene Department were:

L.B. Case	(1936-1945)
F.A. Patty	(1945-1960)
V.J. Castrop	(1960-1975)
G.L. Kortsha	(1976-1989)
W.H. Krebs	(1990-1993)
W.B. Kilgore, Manager, NAO Industrial Hygiene	(1993-Present)

INTERROGATORY NO. 19:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- (a) The name of each such publication.
- (b) The date of publication and the names of the author and publisher (if any).
- (c) The date received by Defendant, if known.
- (d) The name, job title, and address of each person who currently has possession of each publication and its present location.

RESPONSE:

GM has not conducted studies to determine the possible effects of inhalation of asbestos fibers and GM cannot determine when the first of any of its hundreds of thousands of current or past employees may have learned of a possible harmful effect to humans from an excessive exposure to asbestos fiber in any form. GM

cannot identify every book or other written material on this subject. GM has hundreds of facilities located throughout the United States, many libraries, and many documents that are not indexed in a manner that would permit retrieval. GM objects to this request because it is vague, overly broad, unduly burdensome, and not likely to lead to admissible evidence.

INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

- (a) The name and address of each such association or organization.
- (b) The dates during which Defendant or any of its subsidiaries or predecessors were members.
- (c) The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- (d) Whether any of those publications are still in your possession, and if so:
 - (i) A description of the publications, including the date.
 - (ii) The current location of such publications.
 - (iii) The custodian of such publications.
 - (iv) The method or manner in which such publications are maintained.

RESPONSE:

GM has been a member of numerous organizations from 1930 to the present. GM assumes that it received whatever items were

forwarded to the general membership of any organization, association or other entity to which it may have belonged over the years. GM has not collected any such publications it may have received in one place or compiled a list of them. If plaintiff will identify a specific organization, GM will attempt to determine if it was a member. GM objects to this request because it is vague, overly broad, unduly burdensome, and not likely to lead to admissible evidence.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

RESPONSE:

GM combined asbestos fiber and other ingredients to produce asbestos-containing brake linings at plants operated by Inland Division (later Delco Products and Delco Chassis Divisions) in Dayton, Ohio (1939-1964) and Vandalia, Ohio (1962-present). GM combined asbestos fiber and other ingredients to produce asbestos-containing brake linings (1966-85) and extruded band linings for automatic transmissions (1965-79) at plants operated by Delco Moraine Division in Dayton, Ohio.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for

purposes of marketing or advertising products containing asbestos?
If so, state:

- (a) The name, address, and job title of each person or entity who prepared such materials.
- (b) The name, address, and job title of each person who currently has possession of such materials and their present location.
- (c) The date the materials were prepared.
- (d) The media used to disseminate the sales materials.

RESPONSE:

Brake linings and clutch assemblies, some in use for over sixty years, have been advertised during this period. Copies of all advertisements and details about their publication have not been kept. GM will provide a copy of some representative advertising. GM also objects because the interrogatory is overly broad, vague, burdensome, and asks for information that is not likely to lead to admissible evidence.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- (a) The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- (b) The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- (c) The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.

- (d) The year each such written material or instruction was prepared and disclosed to potential consumers.

RESPONSE:

GM's recommendations for maintaining and servicing brake linings and transmission clutches are contained in numerous service manuals. Copies of relevant excerpts and/or manuals will be made available for inspection on reasonable notice at the office of defendant's counsel. GM also objects to this interrogatory because it is overly broad, burdensome, oppressive and not likely to lead to admissible evidence.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

RESPONSE:

GM obtained comprehensive general liability coverage from and through American International Specialty Lines Insurance Company, New York, New York. The coverage provided is adequate to satisfy any judgment that may be rendered against GM in this action. This coverage is in effect for all relevant times in this case. GM objects to providing any further information called for in this interrogatory as such information is irrelevant to the issues of this case and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant became aware of the existence of the disease.
- (c) Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

RESPONSE:

Asbestosis is related to exposure to asbestos by definition. Asbestosis can result from prolonged, excessive exposure to respirable asbestos fibers. The precise date or manner in which this was learned is unknown, but it was no later than 1940. GM cannot determine when any of its hundreds of thousands of current or past employees first heard of these "consequences or effects." However, to the best of GM's knowledge, there is no recognized, scientific substantiation that brake linings create an increased risk of illness to consumers or people who do repairs. GM objects to the rest of this interrogatory because it is vague, ambiguous, overly broad, unduly burdensome and irrelevant.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

RESPONSE:

There have been many general statements about asbestos exposure and lung cancer, but the precise role, if any, of exposure to various types of asbestos in the development of lung cancer is not yet known and is the subject of controversy in the medical and scientific community. GM cannot determine when any of its hundreds of thousands of current or past employees first heard of a report of a causal association between some form of lung cancer and some type of asbestos exposure. GM objects to the rest of this interrogatory because it is vague, ambiguous, overly broad, unduly burdensome and irrelevant.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

- (a) The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (f) Who is the custodian of such information.

RESPONSE:

Pleural disease, pleural thickening or pleural plaques can result from prolonged, excessive exposure to respirable asbestos fibers or from many other unrelated causes. GM cannot determine when any of its hundreds of thousands of current or past employees first heard of these "consequences or effects." However, to the best of GM's knowledge, there is no recognized, scientific substantiation that brake linings create an increased risk of illness to consumers or people who do repairs. GM objects to the rest of this interrogatory because it is vague, ambiguous, overly broad, unduly burdensome and irrelevant.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- (b) The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- (c) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- (d) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (e) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (f) Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- (g) Who is the custodian of such information.
- (h) Whether Defendant agrees that there is no known medical cure for mesothelioma.

RESPONSE:

Mesothelioma is found in persons who have had prolonged, excessive exposure to respirable amphibole asbestos fibers and in persons with no history or indications of asbestos exposure. GM is not aware of a cure for mesothelioma. GM cannot determine when any of its hundreds of thousands of current or past employees first heard of these "consequences or effects." However, to the best of GM's knowledge, there is no recognized, scientific substantiation that brake linings create an increased risk of illness to consumers

or people who do repairs. GM objects to the rest of this interrogatory because it is vague, ambiguous, overly broad, unduly burdensome and irrelevant.

INTERROGATORY NO. 29:

As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- (a) The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.
- (b) What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?
- (c) The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- (d) Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.
- (e) What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (f) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (g) Who is the custodian of such information.

RESPONSE:

Gastro-intestinal, laryngeal, pharyngeal, and lymphatic cancers have been theorized to have many different causes. GM cannot determine when any of its present or past employees may have first heard of a theory that one of these cancers was caused by or associated with some type of asbestos exposure. However, to the best of GM's knowledge, there is no recognized, scientific

substantiation that brake linings create an increased risk of illness to consumers or people who do repairs. GM objects to the rest of this interrogatory because it is vague, ambiguous, overly broad, unduly burdensome and irrelevant.

INTERROGATORY NO. 30:

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

RESPONSE:

GM does not make this contention about asbestos products in general. GM does not know of any study that establishes that potential exposure to asbestos during brake repair operations is a health hazard. To the contrary, the medical and scientific literature establishes that intermittent and low exposures to short chrysotile asbestos fibers, such as those that might occur during some brake repairs, do not result in any increased incidence of disease. After they are retained and designated, GM's experts will provide the information requested by this interrogatory. GM objects to this interrogatory because it is vague, ambiguous, overly broad, unduly burdensome and not likely to lead to admissible evidence.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package,

and providing a description of any printed material or trademarks that appeared thereon.

RESPONSE:

DRUM BRAKE LININGS:

Service parts were shipped in corrugated boxes sized closely to the size and configuration of the parts. The name "Delco" was used on some boxes containing service parts as early as 1936. Boxes with the name "Delco" and colors red and black on white were used commencing in 1958 and subsequently changed to red and blue on white. In addition to the brand name, the box or a label contains a boxmaker's certificate and box number.

DISC BRAKE LININGS:

Service parts were shipped in corrugated boxes sized closely to the size and configuration of the parts. Boxes with the name "Delco" and colors red and black on white were used commencing in 1958 and subsequently changed to red and blue on white. Boxes with the name "GM Parts" and colors black and aqua on white have been used since 1974. Boxes with the name "Goodwrench" and colors of black and gray on white have been used since 1985. In addition to the brand name, the box or a label contains a boxmaker's certificate and box number.

CLUTCH PLATES AND BANDS FOR AUTOMATIC TRANSMISSIONS:

Service parts were placed in pouches sized closely to size and configuration of the parts and then placed in master boxes.

Through 1976, the pouches (for clutch plates) were green and contained the name "United" and "General Motors corporation, Detroit, Michigan" and "Made and Printed in U.S.A." From 1977, the pouches are red and blue and contain the name "Delco" and "HydraMatic Part" and Hydra-Matic Division, General Motors Corp., Ypsilanti, Michigan 48197, Made and Printed in U.S.A." The master boxes are plain craft boxes. The bands were distributed in white boxes with yellow, red and black trim and the Allison name (1940's-1969) and Detroit Diesel Allison name (1970-1988), and Allison name (1988-present, logo, part name, and group and part number.

CLUTCH PLATES FOR MANUAL TRANSMISSIONS:

Service parts were shipped in corrugated boxes sized closely to part size and configuration during the entire period. The name "Delco" was used on some boxes containing service parts as early as 1936. Boxes with the name "Delco" and colors red and black on white were used commencing in 1958 and subsequently changed to red and blue on white. Boxes with the name "GM Parts" and colors black and aqua on white have been

used since 1974. Boxes with the name "Goodwrench" and colors of black and gray on white have been used since 1985. In addition to the brand name, the box or a label contains a boxmaker's certificate and box number.

INTERROGATORY NO. 32:

Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

- (a) The name of the company manufacturing the asbestos products.
- (b) The trade name affixed to those products.
- (c) The periods of time covered by each such agreement.
- (d) The volume, in dollar amount, of each transaction.
- (e) The initial purchaser of the products.

RESPONSE:

General Motors has not found agreements under which it relabeled asbestos-containing friction products that it manufactured so they could be sold by another company. GM objects to this interrogatory because it is vague, overly broad, burdensome and will not lead to admissible evidence.

INTERROGATORY NO. 33:

List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

RESPONSE:

Chrysotile for drum brake linings:

Asbestos Fibre Corp. Asbestos Corporation, Ltd. c/o C. L. Zimmerman Co. N-303 Cincinnati Union Terminal Cincinnati, Ohio 45203	1939 - 1975
Asbestos Corp., Ltd.	1967 - 1970
Johns Manville Corp. Box 517 Toledo, Ohio	1975 - 1984
Lake Asbestos of Quebec, Ltd. Box 608 Black Lake, Quebec	1977 - 1985
JM Asbestos Sales, Inc. Asbestos, Quebec	1984 - 1985

Chrysotile for disc brake linings:

Asbestos Corp., Ltd.	1967 - 1970
Lake Asbestos	1967 - 1970
Canadian Johns-Manville Asbestos, Quebec	1967 - 1984
National Gypsum Co. Cleveland, Ohio	1972
C. L. Zimmerman Co. 3655 Central Parkway Cincinnati, Ohio	1972 - 1977
Union Insulating Co. Parkersburg, W. Virginia	1976
Chrysler Chemical Division Trenton, Michigan	1978

Chrysotile for Extruded Clutch Bands:

Asbestos Corp. Ltd.
Johns-Manville

Clutch Plates and Bands for Automatic Transmissions:

The suppliers of plates since 1964 have been Raymark and Spring-Brummer Division of Borg-Warner Corporation. The suppliers of bands since 1964 have been Spring-Brummer Division or Borg-Warner Corporation and D.A.B Industries. Suppliers of clutch plates are Sheepbridge, Raybestos, Manhattan, Raymark, S.K.Wellman, Thermoset, Borg Warner, and Delco Moraine. Further delineation of dates is not possible without a search that would take an estimated 100 man-hours.

Clutch Plates for Manual Transmissions:

Suppliers of facings were (dates are approximate):

Raymark Industrial Division, Southfield, MI 1965 - 1985

H. K. Porter, Troy, Michigan, 1965 - 1971

Sources of assemblies were (dates approximate):

Borg Warner Corporation 1930 - 1985
Chicago, Ill.

Borg & Beck 1974 - 1984
Sterling Heights, MI

LUK, Inc. 1983 - 1985
Southfield, MI

Alma Products Co. 1974-1985
Alma, MI

Daikin (Asahi facings) Unknown
Troy, MI

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- (a) The name, address, and job title of each person having custody of each of those documents and their current location.
- (b) A brief description of each such document, including the dates and the parties signatory.

RESPONSE:

See response to 32.

INTERROGATORY NO. 35:

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- (a) A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- (b) The disease alleged in each such claim.
- (c) A brief summary of the disposition of each such claim.
- (d) The name, address and title of the person having custody of the records pertaining to each such claim.

RESPONSE:

Records about compensation claims are not all indexed in a way that would let General Motors isolate claims of a particular illness or among a particular occupation. In addition, General Motors does not maintain workers' compensation records in one central location, but rather, keeps them at or near the plant or office where the claimant worked. Therefore, there is no compilation from which General Motors can obtain the information necessary to respond to this interrogatory. General Motors will make workers' compensation claims records available for review by plaintiffs' lawyer, at the locations where they are maintained, at mutually convenient times. General Motors objects because this interrogatory asks for information that will not lead to admissible

evidence. The interrogatory is also overly broad, vague, burdensome and harassing and asks for documents that are protected by the attorney-client privilege and work product doctrine.

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- (a) The dates of each such meeting.
- (b) The general subject matter discussed at each meeting.
- (c) Who was in attendance at each meeting.
- (d) Where and by whom the written minutes are presently maintained.
- (e) By whom the minutes were taken and put into final format.
- (f) Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

RESPONSE:

No meeting minutes of the Board of Directors were found on the subject of asbestos and health. GM objects because this interrogatory is overly broad, vague, ambiguous, and not likely to lead to the discovery of admissible evidence.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- (a) As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- (b) The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- (c) The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- (d) The date each of the named products was placed on the market.
- (e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- (f) A description of the physical appearance of each product and its packaging.
- (g) A detailed description of the intended uses of each of the named products.
- (h) Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

RESPONSE:

See responses to 6 and 14.

INTERROGATORY NO. 38:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- (a) The location of such documents.
- (b) The name and address of the custodian of the documents.
- (c) The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- (d) In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

RESPONSE:

GM's usual business practice is to maintain records concerning the sale of replacement automotive parts, including friction parts, for approximately six years. Records of vehicle sales are generally kept for approximately ten years. Most, if not all, records of purchases for the relevant time periods are no longer available because of normal record retention policies. GM has different record retention policies for many different types of documents at many different locations. General Motors objects to this interrogatory because it is overly broad, unduly burdensome, and will not lead to admissible evidence.

INTERROGATORY NO. 39:

Will you call company representatives as witnesses at the trial of any of these cases? If so, list:

- (a) The name, address, and job title of each company representative who may be called.
- (b) A summary of the testimony expected to be given by each such witness.
- (c) List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

RESPONSE:

Discovery and investigation by General Motors are continuing. General Motors and its lawyers have not yet determined what witnesses, evidence or exhibits General Motors may use at trial. General Motors also objects to this interrogatory because it asks

for the trial strategies and tactics of counsel and other similar information that is protected by the attorney work product doctrine. GM also objects to this request because it is overly broad, unduly burdensome, and improper.

INTERROGATORY NO. 40:

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

- (a) Full and correct name;
- (b) Principal place of business;
- (c) State of incorporation;

RESPONSE:

GM acquired the assets of the Bondall Company, 500 Bittner Street, St. Louis, Missouri, in 1939. Bondall designed and manufactured brake linings and clutch facings. GM objects to this interrogatory because it asks for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 41:

Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

RESPONSES:

Yes.

INTERROGATORY NO. 42:

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasters, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

RESPONSES:

GM objects because the interrogatory is overly broad, vague, ambiguous and not likely to lead to admissible evidence.

INTERROGATORY NO. 43:

Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- (a) If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- (b) If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and year involved.

RESPONSES:

Brake linings are solid and the chrysotile fibers are locked in a plastic matrix.

INTERROGATORY NO. 44:

Was it foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

RESPONSES:

Brake linings wear out and it is expected that they will be replaced.

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

RESPONSES:

GM made measurements at its own facilities, but GM had no right to inspect work sites owned and operated by others.

INTERROGATORY NO. 46:

If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

RESPONSE:

See response to 8.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist

in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- (a) Name of the person or firm conducting such studies;
- (b) The date the studies began and the date they were completed;
- (c) Any publication or other written dissemination of the results of the studies;
- (d) The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

RESPONSE:

See response to 19.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- (a) The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- (b) What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
- (c) State in detail the purposes, duties, and responsibilities of such Research Department.

RESPONSE:

GM has many departments that do research on a very wide range of topics. The central research facility was the Research Laboratories, located in Michigan. GM objects to this interrogatory because it is vague, ambiguous, overly broad, and not likely to lead to admissible evidence.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- (a) The year such Medical Department was established;
- (b) Whether or not such Medical Department has operated continuously since being established;
- (c) The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- (d) State the duties and responsibilities of such Medical Department.

RESPONSE:

See response to 18.

INTERROGATORY NO. 50:

Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

RESPONSE:

See response to 14.

INTERROGATORY NO. 51:

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

RESPONSE:

Brake linings have contained an edge code and certification number since about 1967. For drum brake linings manufactured by GM, the edge code is "DELCO" and the certification code begins with "2." For disc brake linings, the edge code is "DM" and the certification code begins with "1" or "2." Disc brake shoes do not have identification markings.

Drum brake shoes manufactured by GM have contained the marks "Delco Moraine" or "DM" or a logo that depicts the outline of two brake shoes. Drum brake shoes with these markings may be relined by various manufacturers with non-GM linings.

Before 1974, some clutch facings that were assembled by GM had a "GM" marking on the facing. Current manual transmission clutch facings do not have identification markings.

INTERROGATORY NO. 52:

Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

RESPONSE:

Generally, GM manufactures or sells non-asbestos containing brake linings and clutch facings for use as replacement parts where

the original equipment part did not contain asbestos. For brake linings, the performance of asbestos-containing and non-asbestos-containing parts is different, so one cannot be substituted for the other without making other changes in the design of the brake system to obtain similar performance. Because of the large number of different cars and trucks GM has sold, identifying the dates of and reasons for the use of different kinds of parts would require extensive research. GM objects to this interrogatory because it is misleading, overly broad, unduly burdensome, and will not lead to admissible evidence.

INTERROGATORY NO. 53:

Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

- (a) All details of such recall;
- (b) The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;
- (c) The dates of recall;
- (d) The purpose for the recall.

RESPONSE:

GM has not recalled an asbestos-containing brake lining or clutch facing for any reason relating to its asbestos content.

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

RESPONSE:

Asbestos-containing friction products have different characteristics than non-asbestos friction products and, therefore, one is not a substitute for the other.

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

RESPONSE:

Not applicable.

INTERROGATORY NO. 56:

Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

RESPONSE:

See response to 8.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- (a) The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- (b) The name of the employee or official of the company receiving such advice;
- (c) How Defendant received notice of such limits or concentrations.

RESPONSE:

GM would have become aware of recommended threshold limit values or maximum allowable concentrations established by the American Conference of Governmental Industrial Hygienists shortly after their adoption and publication. GM objects to the rest of this interrogatory because it is vague, ambiguous, and not likely to lead to admissible evidence.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 63 for total dust, and not asbestos dust alone?

RESPONSE:

GM would have learned of threshold limit values and maximum allowable concentrations for asbestos or total dust when they were first adopted and published. Plaintiff should consult the documentation prepared by the ACGIH for this information.

INTERROGATORY NO. 59:

State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while

using, working with or around, or installing your asbestos-containing products.

RESPONSE:

See response to 8.

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness you that you may call during trial of these cases. Please designate with specificity the expert witnesses that you may call, including:

- (a) The name, address, and job classification of each such expert witness;
- (b) The subject matter on which the expert is expected to testify;
- (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify and produce each such document or report;
- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;
- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

RESPONSE:

Discovery and investigation by General Motors are continuing. General Motors and its lawyers have not yet determined what witnesses, evidence or exhibits General Motors may use at trial. General Motors also objects to this interrogatory because

it asks for the trial strategies and tactics of counsel and other similar information that is protected by the attorney work product doctrine.

INTERROGATORY NO. 61:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- (a) Identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.
- (b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
- (c) The negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- (d) Each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

RESPONSE:

This interrogatory asks for legal opinions or conclusions as to what constitutes "relevant facts," information protected by the work product doctrine.

INTERROGATORY NO. 62:

Please identify documents which will be used at time of trial, (Exhibit List, Deposition List, which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

RESPONSE:

See response to 60.

INTERROGATORY NO. 63:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

- (a) Identify the name and position of the employee or officer who received same;
- (b) Please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;
- (c) Please produce all documents upon which your responses above are based;
- (d) Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- (e) Did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- (f) If so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- (g) If your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above?

RESPONSE:

GM has no way of determining when one of its hundreds of thousands past and present employees may have received this article.

INTERROGATORY NO. 64:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos (sic) in the Asbestos Textile Industry", published in 1938 in Public Health Bill (sic), No. 241, U.S. Public Health Service and authored by W. C. Dreessen ("the Dreessen Report")?

- (a) Identify the name and position of the employee or officer who received same;
- (b) Please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- (c) Please produce all documents upon which your responses above are based;
- (d) Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- (e) Did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- (f) If so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- (g) If your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen report in whole' or in part for the proposition stated in 63(e) above?

RESPONSE:

A reference to the Dreessen article was made in an Industrial Hygiene Department report written in late 1939 or 1940. It is not known when the article was received.

INTERROGATORY NO. 65:

Please identify documents or things, including x-rays, MRI's, CT-scans or other materials which will be used at time of trial. (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

RESPONSE:

See response to 60.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

RESPONSE:

Illustrations or sketches of products are included in the service manuals and advertising samples described in GM's responses to interrogatories. GM objects to this request because it is overly broad, burdensome and oppressive in its scope and it is vague, ambiguous and not reasonably particular about what is being requested.

REQUEST FOR PRODUCTION NO. 2:

Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.

RESPONSE:

As one would expect in an organization that has existed since 1916, conducting operations throughout the U.S.A and several other countries, with numerous divisions that have in the past or now exist and/or that have been, in some manner over the years, reorganized, and conducts many different types of business operations, GM has many documents that might be considered to depict its organization format(s). However, the vast majority of

GM's operations have nothing to do with the manufacture or distribution of asbestos-containing products. Also, the number of possible documents that may be responsive to this request is unknown to GM, as is the extent to which such possible responsive documents covering the past 78 years have been retained. Because of this, GM objects to this request since it is overly broad, burdensome and oppressive in scope, both as to time and subject, and is not reasonably calculated to lead to the discovery of admissible evidence. GM also objects that this request is vague and ambiguous as to what is meant by records "indicating, stating, or detailing the existence of" any subsidiary, predecessor or division as those terms are defined by plaintiff in his preface to this request.

REQUEST FOR PRODUCTION NO. 3:

Please produce copies of all reports of Defendants' experts and any and all documents relied upon by such experts.

RESPONSE:

GM has not retained any experts or received any reports of the nature described by plaintiff. GM also objects to this request because it is vague, overly broad, unduly burdensome, and unlikely to lead to admissible evidence.

REQUEST FOR PRODUCTION NO. 3:

Please provide a copy of all documents and other materials and reports identified in Answer to Interrogatory No. 60(d), other than Depositions and Medical History provided by Plaintiff.

RESPONSE:

See response to Interrogatory 60.

REQUEST TO PRODUCE NO. 4:

Please provide a copy of all documents and reports other than Deposition and Medical History provided by Plaintiff identified in Answer to Interrogatory No. 60.

RESPONSE:

See response to Interrogatory 60.

REQUEST FOR PRODUCTION NO. 5:

Please provide a copy of all documents, reports, and other materials identified in Answer to Interrogatory No. 62.

RESPONSE:

See response to Interrogatory 60.

REQUEST FOR PRODUCTION NO. 6:

Please produce any and all x-rays, MRI's, CT-scans, videotapes or other electronically or technologically created representations, depictions, picturizations, imaging or imagery collected by Defendant in the course of discovery.

RESPONSE:

See response to Interrogatory 60.

REQUEST FOR PRODUCTION NO. 7:

All documents which support, contradict, or are otherwise relevant to Plaintiffs' claims of exposure to Defendants' products at any worksite identified in Plaintiffs' response to discovery.

RESPONSE:

GM cannot respond to this request because its investigation and discovery are not completed and plaintiffs have not provided sufficient information regarding their claims and work histories. GM objects to this interrogatory because it is vague, ambiguous, burdensome and unlikely to lead to admissible evidence.

Respectfully submitted,


J. MICHAEL MYERS
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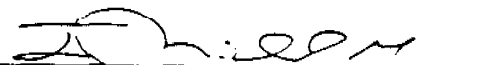
ATTORNEY FOR DEFENDANT,
GENERAL MOTORS CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been sent by certified mail, return receipt requested, postage prepaid, to:

Mr. Russell W. Budd
BARON & BUDD, P.C.
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

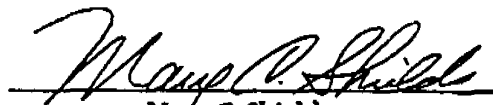
and by first class U.S. mail, postage prepaid, to all other known counsel of record on this the 22nd day of January, 1996.


J. MICHAEL MYERS

VERIFICATION

STATE OF MICHIGAN }
COUNTY OF WAYNE } ss.

Mary C. Shields says that she is authorized by General Motors Corporation under applicable law and rules to verify and does verify these RESPONSE TO PLAINTIFFS' MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION on behalf of General Motors Corporation.


Mary C. Shields
Authorized Agent

Subscribed and sworn to before me
this 16th day of January 1996.


Notary Public

Mary G. Freitas
Notary Public, Oakland County, Michigan
Acting in Wayne County, Michigan
Commission Expires: 01-07-99

