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STATE OF INDIANA)
) SS MARION COUNTY SUPERIOR COURT
COUNTY OF MARION) CIVIL DIVISION ROOM NO. 13
CAUSE NO. 49D13-2012-MI-045060

DAVID CHAVIS and JEANNE CHAVIS,)
)
Plaintiffs,)
)
v.)
)
3M COMPANY, et al.,)
)
Defendants.)

**DEFENDANT BRAKE MATERIALS & PARTS, INC.'S RESPONSES TO
PLAINTIFFS' MASTER REQUEST FOR PRODUCTION TO DEFENDANT
MANUFACTURERS/DISTRIBUTORS**

COMES NOW Defendant Brake Materials & Parts, Inc. ("Defendant"), specifically reserving the right to protest the admissibility of these responses into evidence at the time of the trial, and says:

INTRODUCTION

These responses are based upon Defendant's present state of knowledge. Defendant has not yet completed its investigation, discovery and analysis, all of which are continuing in this action. All responses are based upon information and documents which are presently available to and specifically known to Defendant based on its investigation, discovery and analysis to date. Because the information and documents sought by these requests relate to events which occurred approximately fifty (50) years ago, it is difficult, if not impossible, for Defendant to retrieve or reconstruct some of the requested information. Defendant's responses to these requests are limited to knowledge, information and documents available at this time, and are based on the facts known and believed to be true at the time requests are provided.

It is anticipated that further discovery, independent investigation, legal research and analysis may supply additional facts, add meaning to known facts and possibly establish new factual conclusions and legal contentions, all of which may lead to additions to, changes in and variation from the following responses. These responses are given without prejudice to Defendant's right to produce evidence of any subsequently discovered facts. Any responses are based upon information now available to Defendant, and Defendant hereby reserves its right to revise, correct, amend, add to or otherwise clarify its objections or responses.

In responding to these requests, Defendant does not concede the relevance, materiality or admissibility of any information sought by the requests or of any responses thereto. These responses are specifically made subject to and without waiver of any objections in any proceedings, including trial. Defendant will attempt to respond to each interrogatory for the period of time of the alleged exposure of Plaintiff David Chavis (or "Plaintiff") as alleged against Defendant identified in the underlying complaint, his discovery responses, his deposition or these requests.

GENERAL OBJECTIONS

Defendant objects to these requests on the following bases and incorporates these General Objections by reference in its response to each request as though fully set forth in each response:

1. Defendant objects to each request to the extent that it is vague, ambiguous, overly broad, unduly burdensome, not sufficiently limited in time, oppressive, seeks information and documents that are palpably irrelevant to the subject matter of this litigation, and seeks information and documents that are not relevant to the claims or defenses asserted in a pending action and not proportional to the needs of the case.

2. Defendant objects to each request to the extent that it imposes greater obligations than those permitted or required under the Indiana Rules of Trial Procedure and other applicable Indiana State law.

3. Defendant objects to each request to the extent that it seeks information and documents protected by the attorney-client privilege and/or the attorney work product doctrine.

4. Defendant objects to each request to the extent that it seeks information and documents that are not within its custody or control, are otherwise within the public domain or are equally available to Plaintiffs.

5. Defendant objects to each request to the extent that it seeks information and documents regarding products, services or activities to which Plaintiffs have not alleged exposures in this action. Defendant's responses do not include information and documents concerning any such products, services or activities.

6. Defendant objects to each request as overly broad, vague and ambiguous insofar as it seeks information and documents that do not relate to the product(s) at issue or the alleged exposure(s) at issue in this case and as irrelevant and improper.

7. Defendant objects to each request to the extent that it calls for an expert opinion, which is not the proper subject of discovery at this stage of the legal proceedings.

8. Defendant objects to each request to the extent that it calls for a legal conclusion, which is not the proper subject of discovery.

9. Defendant objects to each request which is not the proper subject of discovery to the extent that it seeks confidential or private information, trade secret or proprietary information.

10. Defendant objects to each request to the extent it uses terms or phrases that are argumentative or ambiguous, and definitions which would give words meanings other than their usual commonly understood meanings, and Defendant further objects to Plaintiffs' definition of "asbestos products," "asbestos containing products," "your asbestos products" and "your asbestos containing products."

11. Defendant also objects to Plaintiffs' definition of "identify," "identity," or "identification" on the basis that they are overly broad and unduly burdensome.

12. Defendant objects to each request related to products beyond those to which Plaintiff David Chavis alleges exposure.

13. Defendant objects to each request concerning years outside of the time period during which Plaintiff David Chavis alleges any exposure relating to Defendant.

14. Defendant objects to each request to the extent that it seeks to require Defendant to provide information and documents other than that which may be obtained through a reasonably diligent search of its records.

15. The responses made herein are made without in any way waiving or intending to waive, but on the contrary reserving and intending to reserve (1) the right to object on any and all grounds to the use of information or documents, for any purpose, in whole or in part, in any subsequent step or proceeding in this action or any other action; (2) the right to object on any and all grounds to any other discovery procedure involving or relating to the subject matter of these document requests; and (3) the right to supplement these responses should additional information or documents be discovered.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All documents used, related to the subject matter of, or referred to in connection with the preparation of or answers to the Interrogatories.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Objection. Defendant objects to this request as vague, overly broad, unduly burdensome, unlimited in scope and time, and seeks information not relevant or reasonably calculated to lead to the discovery of relevant or admissible evidence. Defendant further objects to the extent this request seeks information that may be protected by the attorney-client privilege or the work product doctrine,

Subject to and without waiving the objections, see receipt regarding white and yellow pages listing and Grizzly/Maremont and Abex documents produced in response to Plaintiffs' Case-Specific Request for Production of Documents.

REQUEST FOR PRODUCTION NO. 2:

All documents detailing and governing defendant's complete corporate or business history, including all those related to any sale of an asbestos-containing product line or stock in a company dealing in asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Objection. Defendant objects to this request as vague, ambiguous, overly broad, excessive in scope and time, and as it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 3:

All documents governing the terms and conditions of the purchase, assumption, or acquisition of any assets and/or liabilities of any corporation or entity previously engaged in the manufacture or sale of asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

None.

REQUEST FOR PRODUCTION NO. 4:

Any partial or complete index or printout of past sales records of asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, ambiguous and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this request to the extent it is not limited to sales records to Plaintiff and Northern Indiana Public Service Company in Fort Wayne, Indiana (hereinafter "NIPSCO"). Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, Defendant has no records of sales of any kind to NIPSCO from 1970 through 1974 and has no records of sales of any kind to Mr. Chavis from for any period relevant to his allegations against Defendant in this case.

REQUEST FOR PRODUCTION NO. 5:

All documents pertaining to asbestos-containing product distributor or wholesaler relationships.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, Defendant has not located an agreement with Grizzly during the time period of 1970 to 1974.

REQUEST FOR PRODUCTION NO. 6:

All studies or inquiries of any kind concerning the potential release of asbestos fiber by an asbestos-containing product, whether it be during manufacturing, application, removal, or otherwise.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Objection. Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, unlimited in scope and time, vague, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and that is protected by the attorney-client and work product privileges.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 7:

All past directories, listings, organizational charts, etc., identifying sales and other personnel for defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Objection. Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, ambiguous, not proportional to the needs of this case and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, Defendant has no directories, listings or organizational charts of employees during the time period of 1970 to 1974.

REQUEST FOR PRODUCTION NO. 8:

All documents relating to the design, preparation, formulation, product mix or chemical composition of asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 9:

All documents reflecting or related to patents and patent applications concerning asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 10:

All documents reflecting or related to trademark applications and renewals concerning or affixed to asbestos-containing products, product packaging or product literature.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 11:

All documents reflecting or related to the purchase or receipt of raw asbestos fiber.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 12:

All documents relating to the marketing or distribution of asbestos-containing products manufactured in whole or part by someone else.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, see receipt regarding white and yellow pages listing and Grizzly/Maremont documents produced in response to Plaintiffs' Case-Specific Request for Production of Documents. Defendant has no additional documents potentially responsive to this request relating to Grizzly brake linings from 1970-1974.

REQUEST FOR PRODUCTION NO. 13:

All documents reflecting terms and conditions incident to the rebranding of asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 14:

All documents related to the sales by someone else of any of defendant's asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 15:

All documents related to any multi-state distribution agreement, and any licensing agreement.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, Defendant has not located an agreement with Grizzly during the time period of 1970 to 1974.

REQUEST FOR PRODUCTION NO. 16:

All sales brochures, promotional pamphlets, product manuals, specification sheets and other written sales materials of defendant pertaining to asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 17:

All documents related to advertisements of asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, Defendant has no documents relating to placing advertisements for Grizzly brake linings from 1970-1974. To the extent it may be responsive to this request, see receipt regarding white and yellow pages listing produced in response to Plaintiffs' Case-Specific Request for Production of Documents.

REQUEST FOR PRODUCTION NO. 18:

All insurance policies, indemnification, suretyship, guarantee, or bonding agreements, and all documents pertaining or relating in any fashion to the possible application or interpretation of these agreements to asbestos personal injury lawsuits.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Objection. Defendant objects to this request on the grounds that it is premature, overly broad, vague, ambiguous and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the extent this request seeks information that may be protected by the attorney-client privilege or the work product doctrine, or that may contain confidential and proprietary trade secret information and/or party communications.

REQUEST FOR PRODUCTION NO. 19:

Documents reflecting or relating to the adjudication, arbitration, settlement or any other form of resolution of any claim as to possible application or interpretation of all insurance policies, indemnification, suretyship, guarantee or bonding agreements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Objection. Defendant objects to this request on the grounds that it is premature, overly broad, vague, ambiguous and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the extent this request seeks information that may be protected by the attorney-client privilege or the work product doctrine, or that may contain confidential and proprietary trade secret information and/or party communications.

REQUEST FOR PRODUCTION NO. 20:

Documents filed, served or received by each party in each litigation or arbitration concerning insurance (i.e., the full civil or arbitration docket including all orders and opinions of the decision makers).

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Objection. Defendant objects to this request on the grounds that it is premature, overly broad, vague, ambiguous and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the extent this request seeks information that may be protected by the attorney-client privilege or the work product doctrine, or that may contain confidential and proprietary trade secret information and/or party communications.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 21:

All consolidated and non-consolidated financial reports, including Annual Reports, Shareholder Reports, Profit and Loss Statements, Balance Sheets, Statements of Cash Flow, Income Statements, SEC 10-Ks and 10-Qs, generated by defendant for the past ten calendar or fiscal years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Defendant objects to this request on the grounds that it is vague, ambiguous, over broad, compound, harassing and as it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 22:

All photographs of defendant's past asbestos-containing products and/or their packaging.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 23:

Any videotapes, movies, snapshots, or other photographic recordings (generated by anyone at any time) of the use of any of defendant's asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 24:

All Board of Directors meeting minutes and resolutions, Executive Committee meeting minutes and resolutions or other corporate records of top officers and directors, to the extent they mention or in any fashion relate explicitly or implicitly to asbestos and health or asbestos-related litigation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, ambiguous and vague.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 25:

All indices or document listings prepared by defendant of documents found in its possession potentially relevant to asbestos litigation, including indices of sale records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Objection. Defendant objects to this request on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this request to the

extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its response to this request accordingly.

Subject to and without waiving said objections, none.

REQUEST FOR PRODUCTION NO. 26:

All listings or indices of documents responsive to these requests which defendant asserts are subject to withholding due to some form of privilege.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Objection. Defendant objects to this request as overly broad, burdensome, harassing and seeks information rather than existing documents.

Subject to and without waiving the objections, Defendant is not withholding any documents based on any privilege other than privileged communications and the undersigned's attorney work product dated and/or created after the commencement of this action.

RILEY BENNETT EGLOFF LLP

/s/ Jeffrey B. Fecht

Jeffrey B. Fecht

Atty. No. 20875-29

Attorneys for Defendant,
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CERTIFICATE OF SERVICE

The undersigned attorney certified that the foregoing was electronically served on all counsel of record on the date shown on the file or service stamp on the first page of this document, by using eFile & Serve.

/s/ Jeffrey B. Fecht

Jeffrey B. Fecht