

**SUPREME COURT OF THE STATE OF NEW YORK
SEVENTH JUDICIAL DISTRICT**

**In Re: Seventh Judicial District
Asbestos Litigation**

**SEVENTH JUDICIAL DISTRICT
ASBESTOS LITIGATION**

This Document Applies to:

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONTARIO**

**ANNE M. TINKER, Executrix of the
Estate of TIMOTHY W. TINKER, Deceased,
and Individually as the Surviving
Spouse of TIMOTHY W. TINKER,**

Plaintiff,

CASE NO. 83778

vs.

**A.E. CLEVITE, INC.,;
et al.,**

Defendants

DEFENDANT MACK TRUCKS, INC.'S NOTICE TO ADMIT

Pursuant to CPLR § 3123, Defendant, Mack Trucks, Inc., herein requests that Plaintiff admit the truth of the following matters, about which Defendant, Mack Trucks, Inc. reasonably believes Plaintiff will not dispute at trial:

1. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, A.E. CLEVITE, INC.

2. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, A.E. CLEVITE, INC., was injurious and was a

substantial contributing factor to his development of peritoneal mesothelioma.

3. Defendant, A.E. CLEVITE, INC., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

4. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, J.P. INDUSTRIES, INC.

5. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, J.P. INDUSTRIES, INC., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

6. Defendant, J.P. INDUSTRIES, INC., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

7. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, ALLIED SIGNAL, INC.

8. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, ALLIED SIGNAL, INC., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

9. Defendant, ALLIED SIGNAL, INC., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

10. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, BORG WARNER CORP.

11. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, BORG WARNER CORP., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

12. Defendant, BORG WARNER CORP., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

13. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, BRIGGS & STRATTON CORPORATION.

14. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, BRIGGS & STRATTON CORPORATION, was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

15. Defendant, BRIGGS & STRATTON CORPORATION, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

16. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, CARLISLE COMPANIES, INC.

17. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, CARLISLE COMPANIES, INC., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

18. Defendant, CARLISLE COMPANIES, INC., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

19. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, CATERPILLAR, INC.

20. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, CATERPILLAR, INC., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

21. Defendant, CATERPILLAR, INC., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

22. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, CUMMINS ENGINE COMPANY.

23. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, CUMMINS ENGINE COMPANY, was injurious and was a substantial contributing factor to his development of peritoneal

mesothelioma.

24. Defendant, CUMMINS ENGINE COMPANY, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

25. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, BEAVER DAM PRODUCTS CORPORATION.

26. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, BEAVER DAM PRODUCTS CORPORATION, was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

27. Defendant, BEAVER DAM PRODUCTS CORPORATION, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

28. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, CHRYSLER CORPORATION.

29. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, CHRYSLER CORPORATION, was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

30. Defendant, CHRYSLER CORPORATION, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with

the use of asbestos-containing products.

31. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, DEERE & COMPANY.

32. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, DEERE & COMPANY, was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

33. Defendant, DEERE & COMPANY, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

34. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, DETROIT DIESEL CORPORATION.

35. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, DETROIT DIESEL CORPORATION, was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

36. Defendant, DETROIT DIESEL CORPORATION, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

37. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant,

GENERAL MOTORS CORPORATION.

38. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, GENERAL MOTORS CORPORATION, was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

39. Defendant, GENERAL MOTORS CORPORATION, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

40. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, DRESSER INDUSTRIES, INC. (WAUKESHA ENGINES DIV.).

41. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, DRESSER INDUSTRIES, INC. (WAUKESHA ENGINES DIV.), was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

42. Defendant, DRESSER INDUSTRIES, INC. (WAUKESHA ENGINES DIV.), either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

43. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, KOHLER CO.

44. Timothy Tinker's exposure to asbestos from working with asbestos-

containing products sold by Defendant, KOHLER CO., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

45. Defendant, KOHLER CO., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

46. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, FEL-PRO INCORPORATED.

47. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, FEL-PRO INCORPORATED, was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

48. Defendant, FEL-PRO INCORPORATED, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

49. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, FORD MOTOR COMPANY.

50. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, FORD MOTOR COMPANY, was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

51. Defendant, FORD MOTOR COMPANY, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with

the use of asbestos-containing products.

52. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, GARLOCK, INC.

53. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, GARLOCK, INC., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

54. Defendant, GARLOCK, INC., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

55. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, KENWORTH TRUCK COMPANY.

56. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, KENWORTH TRUCK COMPANY, was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

57. Defendant, KENWORTH TRUCK COMPANY, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

58. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, PACCAR

INC.

59. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, PACCAR INC., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

60. Defendant, PACCAR INC., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

61. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, LIPE-ROLLWAY CORPORATION.

62. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, LIPE-ROLLWAY CORPORATION, was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

63. Defendant, LIPE-ROLLWAY CORPORATION, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

64. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, NAVISTAR INTERNATIONAL TRANSPORTATION CORP.

65. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, NAVISTAR INTERNATIONAL

TRANSPORTATION CORP., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

66. Defendant, NAVISTAR INTERNATIONAL TRANSPORTATION CORP., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

67. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, OSHKOSH TRUCK CORP.

68. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, OSHKOSH TRUCK CORP., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

69. Defendant, OSHKOSH TRUCK CORP., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

70. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, PERKINS ENGINES, INC.

71. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, PERKINS ENGINES, INC., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

72. Defendant, PERKINS ENGINES, INC., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of

asbestos-containing products.

73. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, PNEUMO ABEX CORPORATION.

74. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, PNEUMO ABEX CORPORATION, was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

75. Defendant, PNEUMO ABEX CORPORATION, either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

76. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, TELEDYNE, INC.

77. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, TELEDYNE, INC., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

78. Defendant, TELEDYNE, INC., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

79. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, WIS-

CON TOTAL POWER CORP.

80. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, WIS-CON TOTAL POWER CORP., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

81. Defendant, WIS-CON TOTAL POWER CORP., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

82. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, WAGNER ELECTRIC CORP.

83. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, WAGNER ELECTRIC CORP., was injurious and was a substantial contributing factor to his development of peritoneal mesothelioma.

84. Defendant, WAGNER ELECTRIC CORP., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

85. During the period 1976 to 1980, Timothy Tinker was exposed to asbestos from working with asbestos-containing products sold by Defendant, W.R. GRACE & CO. - CONN.

86. Timothy Tinker's exposure to asbestos from working with asbestos-containing products sold by Defendant, W.R. GRACE & CO. - CONN., was injurious

and was a substantial contributing factor to his development of peritoneal mesothelioma.

87. Defendant, W.R. GRACE & CO. - CONN., either failed to warn or inadequately warned Timothy Tinker of the potential health hazards associated with the use of asbestos-containing products.

Dated: April 2, 1997
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