

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

PLAINTIFF'S EXHIBIT

AB-334

BEVERLY KATHLEEN HORSCH, etc.,	)	CASE NO. 409994
	)	
Plaintiff,	)	JUDGE RICHARD MCMONAGLE
	)	JUDGE HARRY A. HANNA
v.	)	(Asbestos Docket)
	)	
A-BEST PRODUCTS COMPANY, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT PNEUMO ABEX CORPORATION'S RESPONSES
TO PLAINTIFFS' MASTER SET OF INTERROGATORIES**

Pursuant to the Ohio Rules of Civil Procedure, defendant Pneumo Abex Corporation, as successor-in-interest to Abex Corporation ("Abex"), hereby responds to Plaintiffs' Master Set of Interrogatories, as follows:

INTRODUCTION AND GENERAL OBJECTIONS

Abex has neither mined asbestos, nor has Abex manufactured, processed, distributed, marketed or sold any asbestos-containing building products. The responses of Abex hereinafter set forth are limited to providing information concerning domestic automotive friction products manufactured, sold or distributed by Abex for the relevant time period only.

The information provided in the responses to these interrogatories is based upon such information as is presently available to Abex, and Abex expressly reserves the right to supplement or amend these responses when and if additional relevant information or documentation becomes available. Some information provided herein is based upon knowledge obtained through a review of Abex's documents and records. This review is continuing. Abex does not concede that any of its responses to these interrogatories are or will be admissible

evidence at a trial of this action, and Abex does not waive any objection, on any ground, whether or not asserted herein, to the use of any such response at trial.

The following General Objections are hereby explicitly incorporated into each and all of the responses hereinafter provided.

A. Abex objects to any interrogatory that purports to impose upon Abex any obligations not expressly set forth in the Ohio Rules of Civil Procedure.

B. Abex objects to these interrogatories on the grounds that they are burdensome, overly broad and harassing to the extent they request information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which can be ascertained or derived only from a page-by-page review of the existing voluminous documents and records of Abex. Many of the interrogatories call for Abex to provide responses concerning events and records without any limitation as to time. There is no compilation, abstract, index or summary of most records in Abex's possession which may be responsive to these interrogatories, and the burden of deriving or ascertaining the response to most interrogatories is substantially the same for plaintiffs as for Abex. Consequently, the entire set of interrogatories is overly broad, unduly burdensome, oppressive and harassing, and beyond the scope of proper discovery.

C. Abex objects to these interrogatories on the grounds that even if it were possible to supply such detailed and voluminous information, the process of doing so would be unduly burdensome to Abex and would not further plaintiffs' discovery of information that would be relevant to the subject matter of the claims in this action. In addition, Abex objects that these interrogatories are overly broad and irrelevant because the information sought is not in any way limited in time or to activities which concern the alleged exposure of the plaintiff. Accordingly, unless the context of the response indicates otherwise, these responses are limited to activities which transpired in or are reasonably related to this lawsuit. Moreover, these interrogatories

have been propounded indiscriminately to every defendant without any attempt to tailor them to any individual defendant.

D. Abex generally objects to these interrogatories on the grounds that they are unduly burdensome, oppressive, vague, overly broad as to time, scope and location, lack particularity, and are repetitive. The use of the words "any," "all" and "each" is overly broad and is objected to. Abex cannot determine the precise nature of the information sought and, therefore, is not required to respond or cannot respond without an unreasonable risk of inadvertently providing a misleading, confusing, inaccurate, or incomplete response.

E. Abex objects to the instructions and definitions supplied by plaintiffs with regard to these interrogatories on the basis that the definitions are overly broad, vague, and often inconsistent with the normal usage and meaning of such words, and the instructions are overly broad, burdensome, and constitute an unreasonable expansion of the interrogatories themselves. Abex therefore has responded to the interrogatories in the manner consistent with a normal understanding of the language used in the response and to the extent necessary to fairly and fully respond to the interrogatories.

F. To the extent that these interrogatories seek information regarding alleged potential health risks to individuals who worked at plants where Abex's asbestos-containing automotive friction products were manufactured, Abex objects on the grounds that such information is not relevant to this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to these interrogatories to the extent that they make no distinction among exposure to raw asbestos fibers, exposure to asbestos-containing building products and exposure to asbestos-containing automotive friction products.

G. Many of these interrogatories call for Abex to characterize the state of knowledge or awareness of a corporation at any given time with regard to a particular fact, event or subject.

Abex can only respond to such interrogatories, if at all, by stating on information and belief the degree of knowledge of a particular fact, event or subject as held by a person at a specific time. Such response, if given, is not intended and should not be deemed to constitute an acknowledgment by Abex that such knowledge is attributable to it.

H. Objection is also made to these interrogatories to the extent that they seek information or materials which have been gathered or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege. Abex further objects to these interrogatories to the extent these interrogatories seek or make inquiry into confidential, proprietary or trade secret information or materials.

I. Abex objects to these interrogatories on the ground that they seek information from and identification of each and every person with knowledge of a particular fact, event or subject matter and as such these interrogatories are overly broad, unduly burdensome, oppressive and harassing. The interrogatories are complex and vague and have overlapping subject matters. Hundreds of persons may have knowledge of some of the subjects into which inquiry is made. In other cases the subjects are too ill-defined to allow specification of persons with knowledge. Many of the persons who have or may have had knowledge of particular facts, events or subject matters of which inquiry is made are now deceased or cannot be located. Others, although they may be located, are not presently in the employ or under the control of Abex and cannot be compelled to assist in the preparation of responses to these interrogatories. Moreover, due to the extensive time covered by these interrogatories, in some instances open-ended, the persons who may have had knowledge of a particular fact or event may not be able to recall the extent of their knowledge, the source of such knowledge or the time at which such knowledge was acquired.

J. Abex objects to plaintiffs' interrogatories on the grounds that plaintiff has failed to identify Abex as the brand, trade name, and/or manufacturer of any asbestos products to which plaintiff was allegedly exposed. Without any identification by plaintiff of specific products, Abex cannot adequately determine which interrogatories are proper and relevant to this action.

K. In an effort to overcome these limitations, Abex's counsel has conducted a reasonably diligent review of records and inquiry of available persons. Abex has responded in good faith to these interrogatories based upon available information. Because of these limitations on Abex's information, the responses that follow are based only upon this limited information and belief. The statements contained in these responses, therefore, are not and cannot be deemed admissible evidence under the applicable rules of evidence as non-hearsay facts asserted by a party with first-hand knowledge. Abex continues to investigate issues relevant to this action and reserves the right to introduce additional evidence at trial which is produced in the course of its further investigation or review of information.

L. Abex states that these responses are accurate as of the date made. However, Abex's investigation of information that may be responsive to these discovery requests is continuing and Abex reserves the right to supplement or amend its responses as this investigation continues.

M. At the present time, Abex has not conducted discovery or made a review of discovery conducted by other parties. Abex reserves the right to supplement or amend its responses as this review and further discovery continues.

N. Abex does not concede that any of its responses to plaintiffs' interrogatories are or will be admissible evidence at a trial of this action, and Abex does not waive any objection, on any ground, whether or not asserted herein, to the use of any such response at trial.

O. To the extent the information contained herein differs in any respect from any prior answer or response to discovery, these responses shall be deemed to update and supersede any prior answers or responses in any and all actions.

RESPONSES

INTERROGATORY NO. 1:

For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include 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.

RESPONSE TO INTERROGATORY NO. 1:

See General Objections. Abex further objects to this interrogatory to the extent to which it purports to seek information which has been gathered, received or prepared in the course of litigation, or which is otherwise protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege.

Subject to and without waiving these objections, see Verification to follow.

INTERROGATORY NO. 1.1:

Please identify all documents used, related to, or referred to in connection with the preparation of or answers to these Interrogatories and state the number of the Interrogatory and its subpart to each such document.

RESPONSE TO INTERROGATORY NO 1.1:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this interrogatory to the extent to which it purports to seek information which has been gathered, received or prepared in the course of litigation, or which is otherwise protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege.

INTERROGATORY NO. 2:

Please state whether or not Defendant is a corporation. If so, please state:

- (a) Your correct corporate name;
- (b) The state of your incorporation;
- (c) The address of your principal of business;
- (d) Your registered agent for service in the State of Ohio;
- (e) For each Defendant claiming that this Court lacks personal jurisdiction, list year by year the total amount of income received by Defendant from entities in Ohio, any and all years that Defendant, as defined, has been licensed to do business in Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

RESPONSE TO INTERROGATORY NO. 2:

Yes.

RESPONSE TO INTERROGATORY NO 2. SUBPART (a):

Pneumo Abex Corporation.

RESPONSE TO INTERROGATORY NO. 2 SUBPART (b):

Delaware.

RESPONSE TO INTERROGATORY NO. 2 SUBPART (c):

Camden, New Jersey.

RESPONSE TO INTERROGATORY NO. 2 SUBPART (d):

Prentice-Hall Corporation Systems, Inc.

RESPONSE TO INTERROGATORY NO. 2 SUBPART (e):

See Answer of Pneumo Abex Corporation, as successor-in-interest to Abex Corporation, to plaintiffs' complaint.

INTERROGATORY NO. 3:

State Defendant's complete corporate or business history, including dates of incorporation, mergers, consolidations, reincorporations, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs. In addition:

- (a) if Defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos containing products into the stream of commerce or the insuring of asbestos related risks, then please state the following as to each acquisition:
- (b) the name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- (c) the manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (d) the date of each such acquisition;
- (e) the state in which each such acquisition was effected;
- (f) the state law governing each such acquisition if specified by contract;
- (g) whether Defendant became legally responsible for the past torts of each such corporation or entity;
- (h) identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory.

RESPONSE TO INTERROGATORY NO. 3:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the grounds that it is compound, unduly burdensome, oppressive, harassing, not reasonably limited in scope as to time, location, or products at issue, and is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Objection is also made to this interrogatory on the ground that the terms "the like," "asbestos," "risks" and "historical information" are undefined, and call for speculation.

Objection is made further to this interrogatory on the grounds that the terms "legally responsible" and "past torts" are argumentative, and call for a legal opinion or conclusion which Abex is unqualified to render. Abex further objects to this interrogatory on the ground that it otherwise calls for a legal opinion or conclusion which Abex is unqualified to render.

To the extent to which it seeks information concerning time periods and products which are not at issue in this case, this interrogatory is further objected to on the ground that such information is not relevant, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Objection is also made to this interrogatory to the extent to which it purports to seek information or materials which have been gathered, received or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the work-product doctrine, the rule protecting materials prepared in anticipation of an/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex responds that the former Abex Corporation, Pneumo Abex Corporation's predecessor, was incorporated as the American Brake Shoe and Foundry Company in New Jersey in 1902, and was reincorporated as that company in 1916 in Delaware. In 1926, the American Brake Shoe and Foundry Company caused to be incorporated a New York corporation named American Brake Materials Corporation. In 1933, American Brake Materials Corporation changed its name to American Brakeblok Corporation. In 1937, American Brakeblok

Corporation merged with the American Brake Shoe and Foundry Company, and was thereafter operated as the American Brakeblok Division of that company. In 1943, the American Brake Shoe and Foundry Company changed its name to the American Brake Shoe Company. In 1966, the American Brake Shoe Company changed its name to Abex Corporation. In 1968, Abex Corporation was acquired by IC Industries, Inc.

In 1990, Abex was absorbed into its parent corporation, now known as Pneumo Abex Corporation. Abex's principal place of business is Camden, New Jersey. Pneumo Abex Corporation was incorporated in Delaware in 1986.

INTERROGATORY NO. 4:

Please state whether or not the Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following:

- (a) the name or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- (b) the manner by which each such corporation, entity, or interest therein, was acquired (e.g. merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (c) the date of each such acquisition;
- (d) the state in which each such acquisition was effected;
- (e) the state law governing each such acquisition if specified by contract;
- (f) whether Defendant became legally responsible for the past torts of each such corporation or entity;
- (g) whether the acquisition concerned asbestos-containing products.

RESPONSE TO INTERROGATORY NO. 4:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, vague, ambiguous, speculative and repetitive.

Abex further objects to this interrogatory on the grounds that it is compound, unduly burdensome, oppressive, harassing, not reasonably limited in scope as to time, location, or products at issue, and is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Objection is made further to this interrogatory on the grounds that the terms "mining," "distribution" and "asbestos-containing products" are undefined or insufficiently defined, and call for speculation.

Objection is made further to this interrogatory on the grounds that the terms "legally responsible" and "past torts" are argumentative, and call for a legal opinion or conclusion which Abex is unqualified to render. Abex further objects to this interrogatory on the ground that it otherwise calls for a legal opinion or conclusion which Abex is unqualified to render.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 3, above.

INTERROGATORY NO. 4.1:

For each corporation, other than the answering Defendant, that has at any time in the past been involved in the placing of asbestos containing products into the stream of commerce for which officers of the answering Defendant's corporation have also served as officers, directors or served in any managerial position while employed by the answering defendant, state:

- (a) the name of the entity involved in the placing of asbestos products into the stream of commerce;
- (b) the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding, etc.);
- (c) the specific products placed into the stream of commerce by the entity, year by year and by brand or trade name;
- (d) the name, positions and a brief description of the responsibilities of the person or persons serving the answering Defendant and the entity simultaneously, including the positions held with the entity and with the answering Defendant.

RESPONSE TO INTERROGATORY NO. 4.1:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, vague, ambiguous, speculative, and repetitive.

Abex further objects to this interrogatory on the grounds that it is compound, unduly burdensome, oppressive, harassing, not reasonably limited in scope as to time, location, or products at issue, and is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Objection is made further to this interrogatory on the ground that the terms "distributing" and "rebranding" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to seek information about entities other than Abex.

Abex further objects to this interrogatory on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 5:

Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- (a) The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, Defendant's subsidiary or some other entity related to Defendant);
- (b) As to each product mined, manufactured, sold marketed, installed or distributed, please state the following:
 - (1) The trade or brand name.
 - (2) Its identification number (model, serial number, etc.).
 - (3) The time period it was manufactured, mined, marketed, distributed or sold.
 - (4) Its physical description including color, general composition, and form.

- (5) A detailed description of its intended use and purpose.
 - (6) A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
 - (7) The percent of asbestos which it contained.
 - (8) The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite, chrysotile).
- (c) The time period during which each of these products were on the market;
 - (d) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
 - (e) How each of these asbestos-containing product can be distinguished from those of competitors;
 - (f) A description of the physical appearance of such product;
 - (g) A detailed description of the intended uses.

RESPONSE TO INTERROGATORY NO. 5:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, vague, ambiguous, speculative and repetitive.

Abex further objects to this interrogatory on the grounds that it is compound, unduly burdensome, oppressive, harassing, not reasonably limited in scope as to time, location, or products at issue, and is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Objection is made further to this interrogatory on the ground that the terms "distribution," "distributed," "identification number," "general composition," "intended use," "purpose,"

"material components," "material . . . ingredients," "non-asbestos ingredients" and "distinguished" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information that is a matter of public record and, thus, equally available to plaintiffs as Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory:

RESPONSE TO INTERROGATORY NO. 5 SUBPART (a):

See objections and response to Interrogatory No. 3, above.

RESPONSE TO INTERROGATORY NO. 5 SUBPART (b)(1):

To the best of current and reasonably available information and belief, Abex manufactured and sold its asbestos-containing automotive friction products under one or more of the following trade names at various times

Abex
American Brake Materials
American Brakeblok
American Eagle
American Brake Shoe
Brakeblok
Crossing Guard
Esline

121 Super Brakes
Protector
Stopper
Velvetouch Organik

RESPONSE TO INTERROGATORY NO. 5 SUBPART (b)(2):

Abex further objects to this subpart on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent that it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex. Abex's corporate existence spans a period of almost one hundred years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name.

Abex further objects to this subpart on the grounds that the terms "identification number" are overly broad, vague, ambiguous, and speculative.

Abex further objects to this subpart on the ground that it attempts to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this subpart to the extent to which it purports to seek information which has been gathered, received or prepared in the course of litigation, or which is otherwise protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege.

Subject to and without waiving these additional objections, Abex responds that it no longer manufactures, distributes or sells asbestos-containing friction materials of any kind. Abex no longer operates any asbestos-containing friction product manufacturing facilities, and no longer employs any persons in this regard.

The existing business records and documents of Abex, which number in excess of ten (10) million and include an estimated three (3) million sales records, are preserved in the order in which they were found. There is no abstract or summary of most records and documents in Abex's possession which may be responsive to this subpart. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the response to this subpart is substantially the same for plaintiffs as Abex.

Furthermore, insofar as Abex understands this subpart, invoices relating to sales of Abex's asbestos-containing automotive friction products exist for a period beginning sometime in 1976 to 1987, only. Such invoices, which may or may not indicate the information sought in this request, are arranged for the most part numerically and chronologically by year and not by customer, product or state. Abex can provide plaintiffs with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this subpart and to which objection is not made through Abex's counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

RESPONSE TO INTERROGATORY NO. 5 SUBPART (b)(3):

Abex manufactured and sold various asbestos-containing automotive friction products during various periods from approximately 1927 to 1987.

RESPONSE TO INTERROGATORY NO. 5 SUBPART (b)(4):

Automobile brake lining is shaped into curved, linear segments in such dimensions as required by the specifications, characteristics and uses established by the manufacturer of the vehicle or the equipment on which the lining will be applied. Abex's asbestos-containing automotive friction products were generally sold in ready-to-use form.

RESPONSE TO INTERROGATORY NO. 5 SUBPART (b)(5):

Friction products are generally designed to assist in the stopping or control of a moving object.

RESPONSE TO INTERROGATORY NO. 5 SUBPART (b)(6):

Asbestos-containing automotive friction products manufactured and sold by Abex were generally packaged in cardboard boxes according to size. The brand name appeared on the package as did the product name.

Abex responds that in the mid-1970's, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

Caution
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause Serious
Bodily Harm

Abex does not believe the wording of this warning was ever changed.

RESPONSE TO INTERROGATORY NO. 5 SUBPARTS (b)(7) AND (b)(8):

Abex's asbestos-containing automotive friction products contained approximately 25 to 70 percent chrysotile, only.

RESPONSE TO INTERROGATORY NO. 5 SUBPART (c):

Abex further objects to this subpart on the ground that it is repetitive.

Subject to and without waiving this additional objection, see objections and response to Interrogatory No. 5 Subpart (b)(3), above.

RESPONSE TO INTERROGATORY NO. 5 SUBPART (d):

Abex further objects to this subpart on the ground that it is repetitive.

Subject to and without waiving this additional objection, see objections and response to Interrogatory No. 5 Subpart (b)(7) and (b)(8), above.

RESPONSE TO INTERROGATORY NO. 5 SUBPART (e):

Abex further objects to this subpart on the ground that the term "distinguished" is vague, ambiguous and undefined, and otherwise lacks particularity as to the information it purports to seek. Abex also objects to this interrogatory on the ground that it seeks information about entities other than Abex.

RESPONSE TO INTERROGATORY NO. 5 SUBPART (f):

Abex further objects to this subpart on the ground that it is repetitive.

Subject to and without waiving this additional objection, see objections and response to Interrogatory No. 5 Subpart (b)(4), above.

RESPONSE TO INTERROGATORY NO.. 5 SUBPART (g):

Abex further objects to this subpart on the ground that it is repetitive.

Subject to and without waiving this additional objection, see objections and response to Interrogatory No. 5(b)(5), above.

INTERROGATORY NO. 6:

Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

- (a) The date of each patent;
- (b) The date same was issued;
- (c) The number of each patent application that is pending.

RESPONSE TO INTERROGATORY NO. 6:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Objection is made to this interrogatory on the ground that it calls for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it purports to seek information that is a matter of public record and, thus, equally available to plaintiffs as Abex.

INTERROGATORY NO. 7:

Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

- (a) The trade name of each such product;
- (b) The date each such product was altered;
- (c) The nature of the alteration;
- (d) The reason for the alteration.

RESPONSE TO INTERROGATORY NO. 7:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, compound, ambiguous, and speculative.

Objection is made to this interrogatory on the ground that the terms "altered," "chemical composition" and "alteration" are undefined, and call for speculation.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it seeks or makes inquiry into confidential, proprietary or trade secret information or materials.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex's asbestos-containing automotive friction products were not manufactured pursuant to any single formula. Any variations in the formulas of Abex's asbestos-containing automotive friction products were made to meet specifications, characteristics and uses established by the manufacturer of the vehicle or equipment on which the product would have been applied.

INTERROGATORY NO. 8:

Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- (a) The name and address of each such company.
- (b) The names and address of Defendant's distributors in Ohio, West Virginia, Pennsylvania and Kentucky since 1940.
- (c) The date of each sale.
- (d) The name of the person at each location with whom you primarily dealt.

- (e) A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- (f) The amount of each asbestos product sold to each location during this period.
- (g) Please identify all documents relating to this distributor for the particular location.

RESPONSE TO INTERROGATORY NO. 8:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous.

Objection is made to this interrogatory on the ground that the terms "distributed," "packaged," "labeled," "distributors," "location" and "this distributor" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent that it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex. Abex's

corporate existence spans a period of almost one hundred years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name.

Subject to and without waiving these objections, Abex responds that it no longer manufactures, distributes or sells asbestos-containing friction materials of any kind. Abex no longer operates any asbestos-containing friction product manufacturing facilities, and no longer employs any persons in this regard.

The existing business records and documents of Abex, which number in excess of ten (10) million and include an estimated three (3) million sales records, are preserved in the order in which they were found. There is no abstract or summary of most records and documents in Abex's possession which may be responsive to this interrogatory. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the response to this interrogatory is substantially the same for plaintiffs as Abex.

Furthermore, insofar as Abex understands this interrogatory, invoices relating to sales of Abex's asbestos-containing automotive friction products exist for a period beginning sometime in 1976 to 1987, only. Such invoices, which may or may not indicate the information sought in this request, are arranged for the most part numerically and chronologically by year and not by customer, product or state. Abex can provide plaintiffs with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex's counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

INTERROGATORY NO. 8.01:

Has Defendant ever purchased asbestos-containing products from any other Defendant?

RESPONSE TO INTERROGATORY NO. 8.01:

See General objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague and ambiguous.

Abex further objects to this interrogatory on the ground that the terms "purchased" and "asbestos containing products" are undefined, and call for speculation.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 8.02:

If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each Defendant from whom this Defendant purchased any asbestos containing product;
- (b) list each product purchased from each co-Defendant;
- (c) list the dates of each purchase of asbestos-containing products from each co-Defendant.

RESPONSE TO INTERROGATORY NO. 8.02:

See General Objections. Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8.01, above.

INTERROGATORY NO. 8.03:

Has Defendant ever sold asbestos-containing products to any other Defendant?

RESPONSE TO INTERROGATORY NO. 8.03:

See General objections. Abex further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 8.04:

If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each Defendant to whom this Defendant sold any asbestos containing product;
- (b) list each product sold to each co-Defendant;
- (c) list the dates of each sale of asbestos-containing products to each co-Defendant.

RESPONSE TO INTERROGATORY NO. 8.04:

See General Objections. Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8.03, above.

INTERROGATORY NO. 8.05:

Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing products for use in connection with temperatures above 125° Fahrenheit since 1930. If so, please state:

- (a) the date such activity began;
- (b) the years during which such activity took place;
- (c) the date when such activity was terminated;
- (d) if such activity was terminated, the reason(s) why;
- (e) the geographical area into which you claim the product(s) were sold, purchased, or used;
- (f) identify the organizational unit of Defendant so engaged;
- (g) the site(s) at which each such product was manufactured;
- (h) the material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;
- (i) the temperature ranges for which each product(s) was intended to be used;
- (j) the product's generic name;

- (k) the product's trade or brand name;
- (l) the container in which the product was shipped (i.e., paper bags, cardboard boxes) including the size and amount of the container;
- (m) a description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared on the package;
- (n) whether the words "non-asbestos" or "asbestos free" were used on the package;
- (o) a detailed description of the intended method of preparation and application of the product;
- (p) a description of the physical appearance of the product, including size, shape, color and texture.

RESPONSE TO INTERROGATORY NO. 8.05:

See General objections. Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing, otherwise unduly burdensome, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the grounds that it is compound, unduly burdensome, oppressive, harassing, not reasonably limited in scope as to time, location, or products at issue, and is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that the terms "distribution" and "use" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it requires Abex to make a scientific conclusion, which it is not qualified to make.

Abex further objects to this interrogatory on the ground that it is unintelligible as stated.

INTERROGATORY NO. 8.06:

Did Defendant ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:

- (a) the name and address of the manufacturer;
- (b) the product's trade and brand name;
- (c) the organizational unit of Defendant who did so;
- (d) date(s) beginning, ending and during which the marketing or distributing took place;
- (e) whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution;
- (f) identify all documents relating [sic] the marketing or distribution.

RESPONSE TO INTERROGATORY NO. 8.06:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous.

Abex further objects to this interrogatory on the ground that the terms "market," "distribute," "asbestos-containing products," "organizational unit," "marketing," "distributing" and "channels of distribution" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or

control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, upon information and belief, Abex responds: No.

INTERROGATORY NO. 8.1:

Does Defendant have reason to believe that any of the asbestos-containing products listed in response to Interrogatory No. 5 were used at any of the sites listed on Exhibit A, attached hereto. If your answer is "yes", please state:

- (a) The basis of your answer.
- (b) Which of Defendant's asbestos-containing products listed in Interrogatory No. 5 were used at each job site listed on Exhibit A.

RESPONSE TO INTERROGATORY NO. 8.1:

See General Objections. Abex further objects to this interrogatory on the grounds that it is vague and ambiguous.

Abex further objects to this interrogatory on the ground that the term "used" is undefined, and calls for speculation.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects that this interrogatory may call for information subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting

materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving any of these objections, see objections and response to Interrogatory No. 5 Subpart (b)(2).

INTERROGATORY NO. 8.2:

For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold those products listed in response to Interrogatory No. 5, please state the following as to each job site listed on Exhibit A.

- (a) The name and address of each such company;
- (b) The date of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt.
- (d) Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.
- (e) Identify all documents relating to the sales to each such company.

RESPONSE INTERROGATORY NO. 8.2:

See General Objections. Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing, otherwise unduly burdensome, compound, vague and ambiguous.

Abex further objects to this interrogatory on the ground that the terms "marketed" and "distributed" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the grounds that the term "may have . . ." is over broad, oppressive, harassing, otherwise unduly burdensome and repetitive, and calls for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

INTERROGATORY NO. 8.3:

If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, installed and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- (a) Name and address of each such company;
- (b) The dates of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt;
- (d) The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

RESPONSE TO INTERROGATORY NO. 8.3:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous.

Abex further objects to this interrogatory on the ground that the terms "marketed" and "distributed" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome to the extent to which it requests knowledge,

information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 8.4:

Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to any of the sites listed on Exhibit A, attached hereto? If so, please state the following as to each job site listed on Exhibit A:

- (a) The names and last known addresses of those people with such knowledge.
- (b) The location of such records.

RESPONSE TO INTERROGATORY NO. 8.4:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and compound.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods, products and worksites that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving any of these objections, see objections and response to Interrogatory No. 5 Subpart (b)(2), above.

INTERROGATORY NO. 9:

Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on the sites listed on Exhibit A, attached hereto, from 1945 to 1975? If your response is yes, as to each site listed on Exhibit A, please state the following:

- (a) The name and last known address of each such representative and whether they are still employed by Defendant;
- (b) The period of time they acted as your representative;
- (c) Their general responsibility as to each facility;
- (d) Whether that person is still alive; and
- (e) Any documents relating, referring or pertaining thereto.

RESPONSE TO INTERROGATORY NO. 9:

See General Objections. Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory on the ground that it purports to seek information about entities other than Abex.

Subject to and without waiving these objections, see objections and responses to Interrogatories Nos. 8.1, 8.2 and 8.3, above.

INTERROGATORY NO. 9.1:

Identify all managers and sales personnel responsible for your sales or installation of any asbestos-containing products in Ohio from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

RESPONSE TO INTERROGATORY NO. 9.1:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, see objections and responses to Interrogatory No. 8, above.

INTERROGATORY NO. 10:

Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing products? If so, please state:

- (a) The name of each subdivision;
- (b) The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- (c) Whether said division or subsidiary conducted such business at any of the sites listed on Exhibit A from 1940 to 1975? If so, please state the following as to each job site listed on Exhibit A:
 - (1) The dates of such contracts;
 - (2) The specific asbestos-containing products that were used or removed in each contract.

RESPONSE TO INTERROGATORY NO. 10:

See General objections. Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, upon information and belief, Abex responds: No.

INTERROGATORY NO. 11:

Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

RESPONSE TO INTERROGATORY NO. 11:

See General objections. Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, upon information and belief, Abex responds: No.

INTERROGATORY NO. 12:

Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

RESPONSE TO INTERROGATORY NO. 12:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this interrogatory on the grounds that the term "product" is overly broad, vague, ambiguous, and speculative.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Abex's asbestos-containing automotive friction products were manufactured in Detroit, Michigan (approximately 1927 to early- to mid-1950s); Salisbury, North Carolina (1974 to 1987), and Winchester, Virginia (1947 to 1987).

INTERROGATORY NO. 13:

Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- (a) The name of the company manufacturing the asbestos products under such agreement;
- (b) The trade name affixed to such products;
- (c) The periods of time covered by each such agreement;
- (d) The volume (in dollars amounts) of each such transaction;
- (e) The purchaser of such products;
- (f) Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

RESPONSE TO INTERROGATORY NO. 13:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous.

Abex further objects to this interrogatory on the ground that the terms "rebranding" and "the purchaser" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it

requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and responses to Interrogatory No. 8, above.

INTERROGATORY NO. 13.1:

Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear out of furnaces, pipes, boilers, turbines, lehrs, ovens, kilns, etc? If so, please state:

- (a) the name of said business;
- (b) the date of commencing business and cessation of business, if applicable;
- (c) type of construction or tear out performed;
- (d) state whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e., gaskets, pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;
- (e) state the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Exhibit A.
- (f) provide the dates for the applicable construction, installation or tear-out project.

RESPONSE TO INTERROGATORY NO. 13.1:

See General Objections. Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, Abex responds: No.

INTERROGATORY NO. 13.2:

Do you have within your custody, possession, or control any packages that presently or formerly packaged asbestos-containing products or were produced for the purpose of packaging asbestos-containing products contemporaneous with your manufacture sale or distribution of such asbestos-containing products? If so, provide the following:

- (a) a description of each such package;
- (b) the present location and custodian of each such package;
- (c) the date or approximate date on which each such package was produced.

RESPONSE TO INTERROGATORY NO. 13.2:

See General Objections. Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing, otherwise unduly burdensome, compound, vague and ambiguous.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it

requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, Abex ceased the manufacture and sale of its asbestos-containing automotive friction products in 1987. See also objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 14:

What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed above in answer to Interrogatory No. 5?

RESPONSE TO INTERROGATORY NO. 14:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this interrogatory on the ground that the term "preparation" is undefined, and calls for speculation.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or

control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and responses to Interrogatory No. 8, above.

INTERROGATORY NO. 15:

As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.

RESPONSE TO INTERROGATORY NO. 15:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, oppressive, harassing, otherwise unduly burdensome, argumentative, compound, vague and ambiguous.

Abex further objects to this interrogatory on the ground that the terms "shaped," "scribed," "applied," "on the job" and "confined areas" are undefined, and call for speculation.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, Abex responds that most of the asbestos-containing products it manufactured in most instances were not intended by Abex to be cut, sawed, scribed, shaped or mixed in the application or installation of these products.

INTERROGATORY NO. 16:

Based upon the material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatories No. 5 could be applied by a worker without creating dust.

RESPONSE TO INTERROGATORY NO. 16:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, argumentative, vague and ambiguous.

Abex further objects to this interrogatory on the ground that the terms "material contents," "method of manufacturing," "method of application," "applied," "worker" and "dust" are undefined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory on the ground that it purports to call for a medical or scientific opinion or conclusion.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiver of these objections, Abex responds that it considers its brake products to be inherently safe when used properly because the asbestos in Abex's asbestos-containing automotive friction products was resin bound and encapsulated.

INTERROGATORY NO. 17:

Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

- (a) List each such written material or document;
- (b) Identify the person or persons presently in possession of each such document;
- (c) State where each such document is located.

RESPONSE TO INTERROGATORY NO. 17:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and repetitive.

Abex further objects to this interrogatory on the ground that the terms "other written materials" and "preparation" are undefined, and call for speculation.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 18:

Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

RESPONSE TO INTERROGATORY NO. 18:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "usage," "tests," "health hazards," "use" and "exposure" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such

information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory on the grounds that it is overly broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatories Nos. 8 and 35.

INTERROGATORY NO. 18.1:

Prior to releasing any products for sale and usage (whether asbestos-containing or not), were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

RESPONSE TO INTERROGATORY NO. 18.1:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory on the ground that the terms "usage," "tests," "said products," "health hazards," "use" and "exposure" are undefined or insufficiently defined, and call for speculation.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 19:

Does Defendant have or control 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 listed in Interrogatory No. 5 hereinabove (sic)?

- (a) Identify each such written material or document;
- (b) Identify each person who presently has possession of each such document;
- (c) State where each such document is located.

RESPONSE TO INTERROGATORY NO. 19:

See General Objections. Abex further objects to this interrogatory on the ground that it is repetitive.

Abex further objects to this interrogatory on the ground that the terms "other written materials" and "testing" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 20:

Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 hereinabove (sic)? If so, please state:

- (a) The trade name of the product changed or modified;
- (b) The nature of the change made and the date of such changes or modifications;
- (c) The name, address, and job classification of each person in charge of making a change.

RESPONSE TO INTERROGATORY NO. 20:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague and ambiguous.

Abex further objects to this interrogatory on the ground that the terms "design changes," "modifications" and "tests" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 18, above.

INTERROGATORY NO. 21:

After releasing for sale, distribution or marketing the products listed in answer to Interrogatories No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

- (a) The names of the products tested and the dates of said tests;
- (b) The name, address, and job classification of each person and/or agency conducting said tests;
- (c) The results of said tests;
- (d) Whether, as a result of any tests conducted, any products were removed from the market;
- (e) The names of all products removed from the market as a result of said tests.

RESPONSE TO INTERROGATORY NO. 21:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "distribution," "tests," "health hazards," "use" and "removed" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 18, above.

INTERROGATORY NO. 22:

Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

- (a) The dates and nature of such studies;
- (b) The names and addresses of persons conducting such studies;
- (c) The purpose of such studies;
- (d) Identify and list those persons to whom such reports were given and the date of such dissemination;
- (e) State any publication or other written dissemination of the results of such studies;
- (f) State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and
- (g) Attach a copy of reports based upon such studies.

RESPONSE TO INTERROGATORY NO. 22:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "studies," "effects," "inhalation," "asbestos dust," "fibers," "workers," "other persons applying," "using," "distributed," "relabelled," "distribution," "eliminate" and "minimize" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent it purports to seek information regarding the working conditions of Abex employees and safety information at Abex plants on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, to the best of current knowledge and belief, no. Discovery and investigation are continuing. Abex reserves the right to supplement this answer should additional information become available, at the appropriate time.

INTERROGATORY NO. 23:

Before placing in the market the asbestos containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- (a) The date of said studies;
- (b) What studies were done; and
- (c) The titles of each study.

RESPONSE TO INTERROGATORY NO. 23:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "marketed," "distributed," "studies," "hazardous" and "people" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, upon information and belief, Abex responds: No.

INTERROGATORY NO. 24:

Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- (a) The date, place and nature of each and every test;
- (b) The particular asbestos-containing products to which each test applied;
- (c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- (d) The persons to whom the results said tests were given and the date of such dissemination.

RESPONSE TO INTERROGATORY NO. 24:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, argumentative, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "in the field," "applied," "removed," "utilized," "asbestos dust," "fiber," "fellow employees," "other workers removing," "tearing out" and "other workers in the vicinity" are undefined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of

admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, to the best of current knowledge and belief, no. Discovery and investigation are continuing. Abex reserves the right to supplement this answer should additional information become available, at the appropriate time.

INTERROGATORY NO. 25:

Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- (a) When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- (b) The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- (c) What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- (d) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (e) The name, address and job classification of the custodian of such information.

RESPONSE TO INTERROGATORY NO. 25:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, argumentative, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "knowledge," "asbestos," "hazardous to . . . health," "hazardous potential," "asbestos dust" and "asbestos fibers" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods, products and medical conditions that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it seeks information regarding the working conditions of Abex employees, this interrogatory is objected to on the ground that such information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex does not know when or how it first became aware of statements linking prolonged massive exposures to raw asbestos fibers to potential adverse health effects.

INTERROGATORY NO. 26:

Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

RESPONSE TO INTERROGATORY NO. 26:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, argumentative, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "possible association," "inhalation," "asbestos dust," "fibers," "cancers" and "tests" are undefined or insufficiently defined, and call for speculation.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 25, above.

INTERROGATORY NO. 27:

Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

RESPONSE TO INTERROGATORY NO. 27:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "otherwise engaged," "research," "investigation," "study," "asbestos" and "asbestos-related diseases" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex has employed industrial hygienists and medical directors whose job duties have included ensuring a safe working environment for all Abex employees. Because these personnel dealt with the working conditions of Abex employees, further information concerning them is not relevant to the issues arising, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these additional objections, the following persons served as medical director for Abex Corporation:

Lloyd E. Hamlin	1941-1961
Charles C. Blackwell	1961-1976
Frederich W. Knoch	1976-1982
William F. Redman	1982
Dennis G. Egnatz	1982-1987

The following persons served as Industrial Hygienists for Abex Corporation:

J.B. Littlefield	1943-1945
H.J. Weber	1943-1954
R.H. Anderson	1946
Henry J. Gotmer	1947-1966
Albert Edwards	1950-1954
Richard Myles	1951
Donald R. Carlson	1952-1954
Jerome T. Siedlecki	1955-1960
James S. Holtaway	1954- 1966
John B. Mahoney	1963- 1966
John B. Mahoney	1977-1978
C. H. Borcharding, Jr.	1966- 1974; 1976
S. Gotceitas	1969
Fred L. Stanley	1970-1971
Norman J. Merczak	1969-1972
M.D. Gidley	1972-1976
Fred T. Szum	1971-1975
Kenneth J. Krotz	1974-1977
W. Philip Osen	1975-1976
Thomas F. Antonson	1976-1977
Rhonda S. Carpenter	1978-1980
Edward L. Miller	1979-1985
Lowell G. Wessa	1977-unknown

INTERROGATORY NO. 28:

As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

RESPONSE TO INTERROGATORY NO. 28:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "medical advisory capacity" and "asbestos" are undefined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 27, above.

INTERROGATORY NO. 29:

Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

RESPONSE TO INTERROGATORY NO. 29:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "medical consultant," "risks," "hazards," "persons," "use" and "asbestos products" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

To the extent to which it seeks information regarding the working conditions of Abex employees, this interrogatory is objected to on the ground that such information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it

requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 30:

Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

RESPONSE TO INTERROGATORY NO. 30:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "scientific," "medical," "research" and "consulting physicians" are undefined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex is aware that it received the American Industrial Hygiene Association Journal and the Journal of Occupation Medicine, Occupational Health and Safety.

INTERROGATORY NO. 30.1:

Please state whether Defendant, its medical officer or industrial hygienist or medical consultant or physicians were ever involved in testing or received literature or correspondence from the Mellon Institute.

RESPONSE TO INTERROGATORY NO. 30.1:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague and ambiguous.

Abex further objects to this interrogatory on the ground that the terms "medical consultant" and "testing" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, and to the best of current knowledge and belief, no.

INTERROGATORY NO. 30.2

Has Defendant, or any engineer, industrial hygienist or physician in Defendant's employ, been a member in any professional group, trade group or any of the following groups:

American Ceramics Society
Asbestos Textile Institute
National Insulation Manufacturers Association
Thermal Insulation Manufacturers Association
Quebec Asbestos Mining Association
Asbestos Information Association
Industrial Health Foundation
Industrial Hygiene Foundation
Iron and Steel Institute
National Safety Counsel
Refractories Institute
Air Hygiene Foundation of America, Inc.
Sprayed Mineral Fiber Association
American Society of Mechanical Engineers

If the answer is yes, state the following:

- (a) The name of the group or groups in which Defendant or individual(s) were members;
- (b) The name and position individual(s) within the Defendant, as defined, who were members;
- (c) The years Defendant or individual(s) were members of the groups;
- (d) Whether Defendant paid the individual(s) dues or membership fees or reimbursed the individual(s) for dues or membership fees in the group.

RESPONSE TO INTERROGATORY NO. 30.2:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and compound.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex responds that it was a member of the following trade associations at various times:

- Asbestos Information Association/ Asbestos Information Association of North America (AIA/NA) (1975 to 1980)
- The Brake Lining Manufacturing Association (from an unknown period to 1949)
- Friction Materials Standards Institute (1949 to 1994)
- The Air Hygiene Foundation of America (1937) (subsequently known as the Industrial Hygiene Foundation)
- The Industrial Hygiene Foundation (1946)
- The American Industrial Hygiene Association ("AIHA")
- The Air Pollution Control Association
- The Manufacturers Alliance for Productivity and Innovation (formerly the Machinery and Allied Products Institute).

See also objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 31:

State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

RESPONSE TO INTERROGATORY NO. 31:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "test," "asbestos dust," "fibers," "workers," "exposed," "using" and "applying" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiver of these objections, Abex responds that it had no control of job sites where its asbestos-containing products may have been used nor over the work at said

job sites. Therefore, upon information and belief, Abex did not perform, participate or finance tests or studies at said job sites.

INTERROGATORY NO. 32:

For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

RESPONSE TO INTERROGATORY NO. 32:

See General Objections. Abex further objects to this interrogatory on the ground that the term "studies" is undefined, and calls for speculation.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 31, above.

INTERROGATORY NO. 33:

Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

RESPONSE TO INTERROGATORY NO. 33:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "asbestos dust" and "total dust" are undefined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 33.1:

State whether Defendant at any time conducted, caused to be conducted, or had conducted on any job site, or at any of Defendant's plants or buildings, any air sampling, dust counts, dust observations, dust sampling tests or other activities to determine air quality. If your answer is in the affirmative, please indicate:

- (a) the date of any such air samples, tests, or activities;
- (b) by whom such activities were performed;
- (c) where such activities were performed;
- (d) the results of any such activities.

RESPONSE TO INTERROGATORY NO. 33.1:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "any job site," "air sampling," "dust counts," "tests," and "other activities," are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods, products and work sites that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it seeks information regarding the working conditions of Abex employees, this interrogatory is objected to on the ground that such information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent it purports to seek information regarding the working conditions of Abex employees and safety information at Abex plants on

the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 31, above.

INTERROGATORY NO. 34:

Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- (a) The date each such library was established;
- (b) The location of each library;
- (c) The name(s) of the librarian(s) since 1930;
- (d) List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- (e) List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

RESPONSE TO INTERROGATORY NO. 34:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "research," "asbestos" and "asbestos-related diseases" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex responds that it did not maintain an official medical library, although its medical department did have various books, articles, and journals relevant to industrial medicine. Any such books, articles, and journals, if they exist, are currently kept at Abex's document storage facility in Brooklyn, New York.

INTERROGATORY NO. 35:

Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

RESPONSE TO INTERROGATORY NO. 35:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "commission," "participate," "arrangements," "studies," "inhalation," "ingestion" and "asbestos fibers" are undefined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex is generally aware that it contributed monies for certain studies at the Saranac Laboratory, Saranac, New York. Abex documents reflect that any such studies performed by the Saranac Laboratory on behalf of Abex specifically pertained to siderosis and silicosis studies. Plaintiffs' counsel in a different case have produced in discovery unauthenticated photocopies of documents purporting to show that Abex agreed in the 1930's to pay \$250 per year for three years with respect to a single asbestos-related animal study at the

Saranac Laboratory. Abex records do not confirm any such agreement, nor do Abex records reflect any such payment.

INTERROGATORY NO. 36:

When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

RESPONSE TO INTERROGATORY NO. 36:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and speculative.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex does not know when, if ever, its management became aware of the above-referred article.

INTERROGATORY NO. 36.1:

Did Defendant ever contract with Saranac Laboratories to study the hazards of any dust producing product manufactured by you (whether asbestos containing or not)? If so, identify by date and author all documents concerning or any way related to such study.

RESPONSE TO INTERROGATORY NO. 36.1:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, speculative and repetitive.

Abex further objects to this interrogatory on the ground that the terms "contract," "study," "hazards" and "dust producing product" are undefined or insufficiently defined, and call for speculation.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 35, above.

INTERROGATORY NO. 36.2:

Did Defendant ever contract with Saranac Laboratories to analyze dust or products? If so, identify by date and author all documents concerning or any way related to such analysis.

RESPONSE TO INTERROGATORY NO. 36.2:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague, ambiguous, speculative and repetitive.

Abex further objects to this interrogatory on the ground that the terms "contract," "analyze," "dust" and "products" are undefined, and call for speculation.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 35, above.

INTERROGATORY NO. 37:

Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

RESPONSE TO INTERROGATORY NO. 37:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad as to time and scope, unduly burdensome and repetitive.

Subject to and without waiving these objections, see objections and response to Interrogatory No. 30.2, above.

INTERROGATORY NO. 38:

With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

RESPONSE TO INTERROGATORY NO. 38:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "hazards," "asbestos exposure" and "available" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 39:

Please identify by name the technical and trade association periodicals to which the Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- (a) The title of each such article;
- (b) The periodical in which each such article was published;
- (c) The date each such article was published;
- (d) A detailed explanation of the reason for withholding any such article for printing;
- (e) Produce documentation which refers, alludes or mentions articles which were withheld for publication.

RESPONSE TO INTERROGATORY NO. 39:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and repetitive.

Abex further objects to this interrogatory on the ground that the terms "hazards" and "asbestos" are undefined or insufficiently defined, and call for speculation.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 30, above.

INTERROGATORY NO. 40:

Please state whether, prior to 1975, the Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

RESPONSE TO INTERROGATORY NO. 40:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "any meeting," "occupational health," "exposure" and "asbestos" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it seeks information regarding the working conditions of Abex employees, this interrogatory is objected to further on the ground that such information lacks relevance to the issues arising in this case, and it not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 41:

As to each product listed in response to Interrogatories No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- (a) The name of each relevant product;
- (b) The wording of each such warning;
- (c) A description of each such printed material;
- (d) The method used to distribute the warning to persons who are likely to use the products;
- (e) The date each such warning was issued;
- (f) Whether any warning accompanied any of your asbestos-containing products sales literature, handout or pamphlets;
- (g) Please attach a copy of the warning and date said warning was issued;
- (h) The name, address, and job classification of each person who presently has possession of the above described documents;
- (i) The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

RESPONSE TO INTERROGATORY NO. 41:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Objection is also made to this interrogatory on the ground that the terms "directions," "possible health effects," "person" and "use" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, in the mid-1970's, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

Caution
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause Serious
Bodily Harm

Abex does not believe the wording of this warning was ever changed.

In addition, in 1979 and 1982, Abex participated in the preparation and distribution of a pamphlet published by the Friction Materials Standards Institute, Inc. entitled, "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing."

An excerpt of this pamphlet is reprinted below:

RECOMMENDED PROCEDURES FOR REDUCING
ASBESTOS DUST DURING BRAKE SERVICING

Because studies have indicated that exposure to excessive amounts of asbestos dust may be a potential health hazard, OSHA has set maximum limits of levels of airborne asbestos dust to which workers may be exposed. Since most automotive friction materials normally contain a sizeable amount of asbestos it is important that people who handle brake linings and clutch facings understand the nature of the problem and know the precautions to be taken.

Areas where brake work is done should be set aside if possible, and entrances should be posted with an asbestos exposure sign as follows:

Asbestos
Dust Hazard
Avoid Breathing Dust
Wear Assigned Protective Equipment
Do Not Remain in Area Unless Your Work
Requires It
Breathing Asbestos Dust May Be Hazardous
To Your Health

1. The amount of asbestos in the dust brake lining wear is normally at an extremely low level because of chemical breakdown during use, and if machining of friction material does not take place, simple procedures will minimize exposure. During brake servicing, the mechanic should wear a respirator approved by NIOSH for asbestos dust. It should be worn during all procedures starting with the removal of wheels and including reassembly.
2. When removing worn friction materials, remove the accumulated dust in the assemblies with an industrial vacuum cleaner equipped with a high efficiency filter system. If such equipment is not available, dust can be removed with a damp cloth. Do not use compressed air or dry brushing for cleaning unless the assembly is enclosed and properly exhausted.

3. Whenever possible, purchase friction materials preground and ready for installation. If matching is necessary, the precautions which must be taken are of extreme importance. This is the operation in brake service when exposure to asbestos dust may be at its highest. This increases the difficulty in complying with the OSHA standards. In addition to the approved respirator, there must be local exhaust ventilation such that worker exposures are maintained below the OSHA asbestos standards. If there is any question as to the efficiency of asbestos dust removal by the machine, the manufacturer should be contacted.
4. Industrial vacuum cleaner bags containing asbestos dust and cloths used for wiping brake assemblies should be sealed in plastic bags and labeled with the following warning label printed in letters of sufficient size and contrast to be readily visible and legible.

Caution
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause Serious
Bodily Harm

5. All asbestos waste should be disposed of in accordance with OSHA and EPA asbestos regulations. During removal of vacuum bags, an approved respirator, as described in (2) above should be worn.
6. Good housekeeping is essential in a workplace where asbestos containing materials are handled. Industrial vacuum cleaners equipped with multiple stage high efficiency filters should be used for removing accumulations of asbestos dust and waste. Never use compressed air or dry sweeping for cleaning. Water or other dust suppressants should be applied if brooms are used.
7. Good personal hygiene practices are important in minimizing asbestos dust exposure. Do not smoke. Wash before eating. Shower after work. Change to work clothes upon arrival at work and change from work clothes at conclusion of work. Work clothing should not be taken home. Laundering asbestos contaminated clothing shall be done so as to prevent release of airborne asbestos fibers in excess of the exposure limits.

CAUTION: DO NOT BREATHE ASBESTOS

INTERROGATORY NO. 42:

Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5. If so, please state:

- (a) The name and address of each person or entity who prepared same;
- (b) The name, address and job title of each person who presently has possession of same;

- (c) The date same was prepared;
- (d) The media used to disseminate the sales material.

RESPONSE TO INTERROGATORY NO. 42:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests knowledge, information or materials which are not within the personal possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Subject to and without waiving these objections, Abex does not know with certainty each material which was used to promote or advertise its asbestos-containing automotive friction products.

Furthermore, Abex does not have specific information concerning which advertising agents may have been employed to promote its products. However, documents generally

meeting the description of promotional and advertisement materials can be made available for inspection and copying. See also objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 43:

Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user or those working in facilities or at job sites where the product was used, installed or removed, including, but not limited to, those sites listed on the job site list attached as Exhibit A? If so, please state the following:

- (a) The name, address and job classification of each person who prepared same;
- (b) The name, address and job classification of each person who presently has possession of same;
- (c) The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

RESPONSE TO INTERROGATORY NO. 43:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Abex did not manufacture or sell "asbestos products." Objection is also made to this interrogatory on the grounds that the terms "used," "maintained," "ultimate user," "those working," "used," "installed" and "removed" are undefined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Subject to and without waiving these objections, see objections and response to Interrogatory No. 41, above.

INTERROGATORY NO. 44:

Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- (a) Identify the written material by content and date;
- (b) To whom was it delivered.

RESPONSE TO INTERROGATORY NO. 44:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Objection is also made to this interrogatory on the ground that the terms "written materials" and "of any kind" are overly broad and undefined, and call for speculation.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Subject to and without waiving these objections, see objections and response to Interrogatory No. 9, above.

INTERROGATORY NO. 45:

Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- (a) The date that Defendant first determined that another product could be used in place of asbestos;
- (b) The chemical of the substitute;
- (c) Whether the substitute is suitable for the purpose for which they are to be used;

- (d) Whether Defendant used the substitute for asbestos to 1971;
- (e) Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

RESPONSE TO INTERROGATORY NO. 45:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, argumentative, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "asbestos containing products," "eliminate," "potential health hazards," "installing," "applying," "in place of asbestos," "chemical," "purpose" and "use" are undefined or insufficiently defined, and call for speculation.

Objection is made to this interrogatory on the ground that the term "contend" is argumentative, and calls for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory on the ground that it purports to call for a medical or scientific opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

INTERROGATORY NO. 46:

Did Defendant give any warnings to any individuals at the sites listed on Exhibit A, including any individuals who owned, operated, or managed the facilities at the sites listed on Exhibit A, regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- (a) Name of person most knowledgeable about this communication.
- (b) Name of person at the sites listed on Exhibit A, attached hereto most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

RESPONSE TO INTERROGATORY NO. 46:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, argumentative, vague, ambiguous and speculative.

Objection is also made to this interrogatory on the ground that the term "health hazards" is insufficiently defined, and calls for speculation.

Objection is made to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

INTERROGATORY NO. 47:

Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- (a) A list of each such claim by claimant's name, date filed, the caption and jurisdiction involved;
- (b) The disease alleged in each such claim;
- (c) A brief summary of the disposition of each such claim; and
- (d) The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

RESPONSE TO INTERROGATORY NO. 47:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "disease," "exposure" and "asbestos" are undefined, and call for speculation.

Objection is also made to the extent this interrogatory seeks information regarding Abex employees on the ground that such information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek medical records or privileged personnel information, which Abex will not provide absent an appropriate waiver of the applicable privilege.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, upon information and belief, Abex responds: No.

INTERROGATORY NO. 47.1:

Please identify all documents concerning or in any way related to any decisions made by you to cease manufacturing asbestos-containing products.

RESPONSE TO INTERROGATORY NO. 47.1:

See General Objections. Abex further objects to this interrogatory on the grounds that it is over broad and unduly burdensome.

To the extent to which it seeks information concerning time periods and products which are not at issue in this case, this interrogatory is objected to on the ground that such information is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Objection is made to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Subject to and without waiving these objections, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 47.2:

Has any person or company from which you purchased asbestos-containing products ever issued a recall of their products or taken any action to take those products off the market after said products were in your possession? If so, provide:

- (a) the date of said recall;
- (b) the name of the company which issued the recall;
- (c) a copy of the recall.

RESPONSE TO INTERROGATORY NO. 47.2:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this interrogatory on the ground that the terms "asbestos containing products," "recall," "take" and "off the market" are undefined, and call for speculation.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it seeks information regarding the working conditions of Abex employees, this interrogatory is objected to on the ground that such information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request on the ground that it seeks information about entities other than Abex and this information should be obtained from such other entities. Information

concerning these products could best be discovered from the companies that manufactured, sold or distributed the products.

INTERROGATORY NO. 47.3:

State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the manufacture or production of asbestos-containing products.

RESPONSE TO INTERROGATORY NO. 47.3:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, speculative and repetitive.

Objection is also made to this interrogatory on the ground that the terms "minimize," "eliminate," "risk," "occupational disease" and "pneumoconiosis" are undefined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory on the ground that it seeks information regarding the working conditions of Abex employees which information lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 47.4:

State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of asbestos-containing or industrial insulation products or who were otherwise exposed to asbestos-containing or industrial insulation products.

- (a) describe such action;

- (b) state when such action was taken;
- (c) state what written material exists related to such action;
- (d) state the names, job titles and last known address of the individuals who undertook such actions.

RESPONSE TO INTERROGATORY NO. 47.4:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and speculative.

Objection is also made to this interrogatory on the ground that the terms "minimize," "eliminate," "risk," "occupational disease," "pneumoconiosis," "use," "exposed to the use," "asbestos-containing," "industrial insulation products" and "otherwise exposed" are undefined, and call for speculation.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it assumes the truth of matters not established or matters not in evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine,

the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, see objections and response to Interrogatory No. 22, above.

INTERROGATORY NO. 48:

Did Defendant receive notice prior to 1968 that any person was claiming injury or had sustained an abnormal x-ray reading as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please 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 representing the individuals making such claims;
- (f) The style and court number of each such claim;
- (g) The resolution of each claim.

RESPONSE TO INTERROGATORY NO. 48:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague and ambiguous.

Abex further objects to this interrogatory on the ground that the terms "injury," "using" and "distributed" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that the term "abnormal" is undefined or insufficiently defined, overly broad, vague, and calls for speculation, which renders this interrogatory incomprehensible.

Objection is made to this interrogatory on the ground that the term "notice" is argumentative, and calls for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory to the extent it seeks information regarding medical conditions that are not at issue in this case on the grounds that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to the defendant.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the ground that the information it seeks otherwise lacks relevance to the issues arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this Interrogatory on the grounds that it requires Abex to make a medical or scientific conclusion, which it is not qualified to make.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, there were no asbestos-related claims brought against Abex prior to 1968.

INTERROGATORY NO. 48.1:

Describe the method by which you have maintained records concerning the manufacture, sale, supply, distribution, use, advertising, delivery and/or installation or tear-out of each of asbestos-containing products. For each description provide the following:

- (a) each present and former company or corporate department, division or subdivision responsible for maintaining such records;
- (b) the manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.);
- (c) the inclusive dates of any such manufacturer, sale, supply, distribution, use, advertising, delivery, and/or installation or tear-out which such record keeping system covers;
- (d) the present location at which all such records are maintained;
- (e) the identity of each person employed by you at any time from 1930 to the present who is or was responsible for the collection and maintenance of such records.

RESPONSE TO INTERROGATORY NO. 48.1:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous.

Abex further objects to this interrogatory on the ground that the terms "supply," "distribution" and "use" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, there were numerous programs pertaining to records maintenance instituted by the former Abex Corporation, a diverse, highly decentralized corporation. It is impossible to give a meaningful response to the interrogatory as framed. If the interrogatory is narrowed to refer more clearly to specific categories or types of records, a meaningful response may be possible.

INTERROGATORY NO. 48.2:

State whether any records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation or tear-out of asbestos-containing products have been destroyed or discarded and if so, indicate:

- (a) the date and location of such destruction or discard;
- (b) the custodian and location of such records prior to their destruction or discard and the identity of each employee, representative, official or agent who ordered, authorized or supervised such destruction or discard.

RESPONSE TO INTERROGATORY NO. 48.2:

See General Objections. Abex further objects to this interrogatory on the grounds that it is vague and ambiguous.

Abex further objects to this interrogatory on the ground that the term "destroyed" is undefined, and calls for speculation.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, there were numerous record retention programs instituted by the former Abex Corporation, a diverse, highly decentralized corporation. It is impossible to give a meaningful response to the interrogatory as framed. If the interrogatory is narrowed to refer more clearly to specific categories or types of records, a meaningful response may be possible.

INTERROGATORY NO. 48.3:

For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

RESPONSE TO INTERROGATORY NO. 48.3:

See General Objections. Objection is made to this interrogatory to the extent to which it purports to seek information or materials which have been gathered, received or prepared in the course of the asbestos litigation, or which are otherwise subject to the attorney-client privilege, protected by the work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

INTERROGATORY NO. 48.4:

For all invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

RESPONSE TO INTERROGATORY NO. 48.4:

See General Objections. Abex further objects to this interrogatory on the ground that the information it seeks lacks relevance to the issues arising in this case, and is not calculated to lead to the discovery of admissible evidence.

Subject to and without waiving this objections, see objections and response to Interrogatory No. 8, above.

INTERROGATORY NO. 49:

Has Defendant obtained statements from any witnesses including the Plaintiffs? If so, please:

- (a) list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

RESPONSE TO INTERROGATORY NO. 49:

See General Objections. Abex further objects to this interrogatory on the grounds that it is premature. Discovery and investigation are continuing.

Subject to and without waiving these objections, Abex has obtained no such statements other than those that may have been provided by plaintiffs' counsel. Furthermore, Abex has not yet determined which witnesses it intends to call at trial of this matter and reserves the right to supplement or amend this answer once such a determination has been made, as appropriate.

INTERROGATORY NO. 50:

Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set forth in detail in what respect the product was improperly used.

RESPONSE TO INTERROGATORY NO. 50:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this interrogatory on the ground that the term "used" is undefined, and calls for speculation.

Objection is made to this interrogatory on the ground that the term "contend," is argumentative, and call for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory to the extent to which it purports to seek information which has been gathered, received or prepared in the course of litigation, or which is otherwise protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege.

Subject to and without waiving, Abex further expressly reserves the right to supplement or amend this response, as appropriate.

INTERROGATORY NO. 51:

As to the sites listed on Exhibit A, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed to or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- (a) The facts upon which you rely;
- (b) The identity of the sources upon which you rely which substantiate these facts.

RESPONSE TO INTERROGATORY NO. 51:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Abex further objects to this interrogatory on the ground that the terms "asbestos" and "injuries" are undefined, and call for speculation.

Objection is made to this interrogatory on the ground that the term "contend" is argumentative, and call for a legal opinion or conclusion which Abex is unqualified to render. Abex further objects to this interrogatory on the ground that it otherwise purports to call for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory on the ground that it purports to call for a medical or scientific opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, see objections and response to Interrogatory No. 50, above.

INTERROGATORY NO. 52:

Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5. If so, state:

- (a) When the respirator was sold;
- (b) A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- (c) The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- (d) Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- (e) List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

RESPONSE TO INTERROGATORY NO. 52:

See General Objections. Abex further objects to this interrogatory on the ground that it is over broad, unduly burdensome, argumentative, compound, vague, ambiguous and speculative.

Abex further objects to this interrogatory on the ground that the terms "respirator," "mask", "other breathing devices," "inhalation," "asbestos dust" and "fibers" are undefined, and call for speculation.

Abex further objects to this interrogatory on the ground that the term "allude" is undefined, and calls for speculation.

Objection is made to this interrogatory on the ground that the term "claim" is argumentative, and calls for a legal opinion or conclusion which Abex is unqualified to render. Abex further objects to this interrogatory on the ground that it otherwise purports to call for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory on the ground that it purports to call for a medical or scientific opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information that has been gathered, received or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

INTERROGATORY NO. 53:

Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity and last known address;
- (b) The subject matter on which the expert is expected to testify;
- (c) The expert's specific conclusion and specific opinions and the specific basis therefore;
- (d) The expert's qualifications to render the opinions set forth above;
- (e) Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- (f) Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- (g) Describe in detail the education and work history of, and identify any books, treaties, article, 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 answer.

RESPONSE TO INTERROGATORY NO. 53:

See General Objections. Abex further objects to this interrogatory on the grounds that it is speculative and premature. Discovery and investigation are continuing.

Abex further objects to this interrogatory on the ground that it purports to seek information or materials which have been gathered, received or prepared in the course of the asbestos litigation, or which are otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex expressly reserves the right to supplement or amend this answer, as appropriate.

INTERROGATORY NO. 54:

Please state the name and last known address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

RESPONSE TO INTERROGATORY NO. 54:

See General Objections. Subject to and without waiving these objections, see objections and response to Interrogatory No. 52, above.

INTERROGATORY NO. 55:

Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

RESPONSE TO INTERROGATORY NO. 55:

See General Objections. Subject to and without waiving these objections, see Answer of Pneumo Abex Corporation, as successor-in-interest to Abex Corporation, to plaintiffs' complaint.

INTERROGATORY NO. 55.1:

For each and every affirmative defense asserted in the answering Defendant's Answer to Plaintiffs' Complaint, or the cross-claims or counter-claims of any party against Defendant, state:

- (a) the facts upon which Defendant relies for each and every affirmative defense;
- (b) each and every document which will be offered to prove each and every affirmative defense; and
- (c) each and every witness who will testify in support of each and every affirmative defense.
- (d) the substance and subject matter of the anticipated testimony of each witness identified in the preceding response.

RESPONSE TO INTERROGATORY NO. 55.1:

See General Objections. Abex further objects to this interrogatory on the grounds that it seeks a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory on the ground that it is premature. Discovery and investigation are continuing.

Abex further objects to this interrogatory to the extent to which it purports to seek information which has been gathered, received or prepared in the course of litigation, or which is otherwise protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege.

Subject to and without waiving these objections, Abex further expressly reserves the right to supplement or amend this answer, as appropriate.

INTERROGATORY NO. 56:

Does Defendant have policies of insurance that might cover the claims that have been made by the Plaintiffs herein?

- (a) If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

RESPONSE TO INTERROGATORY NO. 56:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, lacks relevance to any issue arising in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Objection is made to this interrogatory on the ground that the term "might cover" calls for speculation and a legal opinion or conclusion which Abex is unqualified to render. Abex further objects to this interrogatory on the ground that it otherwise purports to call for a legal opinion or conclusion which Abex is unqualified to render.

Objection is also made to this interrogatory to the extent to which it seeks information which has been gathered, received or prepared in the course of the litigation, or which is otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex is currently in litigation with various insurance companies concerning the coverage available to Abex in asbestos personal injury actions.

INTERROGATORY NO. 56.1:

Has Defendant ever been involved in any litigation concerning potential insurance coverage for asbestos products liability matters? If so, please state:

- (a) the case caption, court and date of filing of each case in which you have been involved;
- (b) whether you were plaintiff or defendant;
- (c) a brief statement of the issues;
- (d) identify by date, author and recipient(s), (including recipients of carbon copies) all documents listed as exhibits by either party in this litigation;

- (e) identify by deponent and date all individuals who were deposed in these cases;
- (f) identify by date, author and recipient(s) all documents that have been placed on a protective order in such litigation;
- (g) identify all expert witnesses retained for use at trial in any of the above litigation by name, address and telephone number.

RESPONSE TO INTERROGATORY NO. 56.1:

See General Objections. Subject to and without waiving these objections, see objections and response to Interrogatory No. 56, above.

INTERROGATORY NO. 57:

Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

RESPONSE TO INTERROGATORY NO. 57:

See General Objections. Abex further objects to this interrogatory on the grounds that it is speculative and premature.

Objection is also made to this interrogatory on the ground that the term "relevant" calls for a legal opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory on the ground that it is premature. Discovery and investigation are continuing.

Abex also objects to this interrogatory on the ground that it purports to seek information or materials which have been gathered, received or prepared in the course of the asbestos litigation, or which are otherwise subject to the attorney-client privilege, the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex expressly reserves the right to supplement or amend this response, as appropriate.

INTERROGATORY NO. 58:

State the last date that Defendant sold, distributed, manufactured, installed, used and/or otherwise placed asbestos-containing products into the stream of commerce.

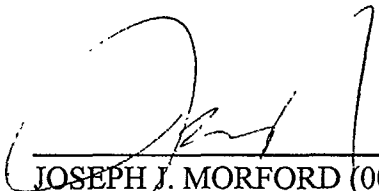
RESPONSE TO INTERROGATORY NO. 58:

See General Objections. Abex further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, compound and repetitive.

Abex further objects to this interrogatory on the ground that the terms "distributed," "used" and "otherwise placed" are undefined or insufficiently defined, and call for speculation.

Abex further objects to this interrogatory to the extent to which it seeks information regarding time periods and products that are not at issue in this case, on the ground that such information lacks relevance, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, see objections and response to Interrogatory No. 5 Subpart (b)(3), above.

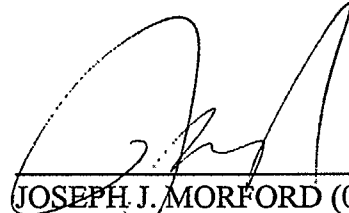


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Attorney for Separate Defendant
Pneumo Abex Corporation, Individually
and as Successor-in-Interest to
Separate Defendant Abex Corporation

CERTIFICATE OF SERVICE

The foregoing Defendant Pneumo Abex Corporation's Responses to Plaintiffs' Master Set of Interrogatories has been mailed by regular U.S. mail, postage prepaid, this 29th day of May, 2001, to Ladd R. Gibke, Esq., Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219, Attorneys for Plaintiff.



JOSEPH J. MORFORD (0067103)
Attorney for Separate Defendant
Pneumo Abex Corporation, Individually
and as Successor-in-Interest to
Separate Defendant Abex Corporation

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