

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce copies of the minutes of any meetings of the board of directors of Defendant at which the following topics were discussed:

- (a) Asbestos-containing products;
- (b) Asbestosis;
- (c) other asbestos-related diseases, including but not limited to lung cancer, mesothelioma, pleural plaques; and
- (d) dust studies that measure asbestos dust and fibers.

RESPONSE:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, Dana limits its response to documents created or relating to a time after Smith & Kanzler Company was incorporated and prior to or contemporaneous with the alleged installation of SprayCraft but in no event later than February 18, 1969, when Dana sold the stock of Smith & Kanzler Company. Further objecting, the request is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, in February, 1969, less than eighteen months after acquiring the stock of Smith & Kanzler Company, Dana sold the stock of Smith & Kanzler Company to Philip Carey Corporation. At that time Smith & Kanzler Company's business records either remained with Smith & Kanzler Company or were passed to Philip Carey Corporation. Because Dana merely owned the stock of Smith & Kanzler Company for less than eighteen months and because Dana does not have possession of Smith & Kanzler Company's records, Dana does not have custody and control of documents, if any, sought by this request that were generated during or relate to the relevant time period described above.

REQUEST FOR PRODUCTION NO. 2:

Produce copies of the minutes of any safety meetings or any meetings at any plant or facility of Defendant where the following topics were discussed:

- (a) Asbestos-containing products;
- (b) Asbestosis;
- (c) other asbestos-related diseases, including but not limited to lung cancer, mesothelioma, pleural plaques; and
- (d) dust studies that measure asbestos dust and fibers.