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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
DODD, CONEY & SICKS, P.S. KING COUNTY

PLAINTIFF'S
EXHIBIT

NO. 80-2-09935-3

PLAINTIFF'S
EXHIBIT

DONALD L. HORN,

Plaintiff,

vs.

THE BENDIX CORP. et al

Defendants.

NO. 80-2-09935-3

ANSWERS OF DEFENDANT THE
BENDIX CORPORATION TO PLAINTIFF'S
FIRST INTERROGATORIES AND REQUESTS

COMES NOW, THE BENDIX CORPORATION, Defendant in the above-entitled and numbered cause, and having been served with Interrogatories, Requests for Production of Documents, and Requests for Admission by Plaintiff, files these, its answers thereto:

INTERROGATORIES

1.01 Identify each person by name, address and position of each person who prepared answers or was consulted with regard to answering these interrogatories or supplying information used in answering these interrogatories, including experts, and as to each interrogatory, please state either at the conclusion of the answer thereto or at the conclusion of all the answers the name, addresses and positions of the persons who answered, supplied the information

PLAINTIFF'S FIRST INTERROGS, ETC. - 6

1 and who drafted the answer.

2
3 ANSWER: Numerous employees of Defendant Bendix and retained counsel supplied
4 information used in answering these interrogatories which was compiled by searching
5 the files in the Engineering, Marketing, Material, Purchasing, Personnel, Health &
6 Safety, Law and other departments of Defendant Bendix, primarily Eugene Rogers, Manag-
7 Engineering, Sue Leader, Manager-Sales Administration, and Charles Mathias, Insurance
8 Claims Administrator.
9

10 1.02 State:

- 11 (a) Your correct corporate name;
12 (b) The state of your incorporation;
13 (c) The date of your incorporation;
14 (d) The address of your principal place of business;
15 (e) Whether or not you were registered to do
16 business in the State of Washington during the
17 Relevant Times, which has been defined as 1940
18 through the present;
19 (f) Whether or not you had a registered agent for
20 the purpose of accepting process in the State of
21 Washington during any period of the Relevant
22 Times and the name and present address of each
23 such agent;
24 (g) Whether or not you are challenging service of
25 process;
26 (h) Your corporate purposes;
(i) Identify the person(s) who incorporated
defendant;

1 — (j) Identify the custodian of the Articles of
2 Incorporation and By-Laws of defendant.

3 ANSWER: See Page 8a.

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9 1.03 State in what form, if any, business was conducted by
10 you or your corporate predecessor prior to incorporation.

11 ANSWER: Defendant Bendix objects to this interrogatory on the grounds that it
12 seeks information that is not relevant to the matters involved in this case and is not
13 reasonably calculated to lead to the discovery of admissible evidence.

14
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16
17
18 1.04 Identify each director of defendant from date of
19 incorporation by name and last known address and dates of service.

20 ANSWER: Defendant Bendix objects to this interrogatory as being overly broad
21 and unlimited in scope so as to be patently burdensome and onerous. The burden upon
22 Bendix in terms of cost and manhours to respond to this interrogatory with respect to
23 the information sought would far outweigh the benefits, if any, that said information
24 would provide. Defendant Bendix also objects to this interrogatory on the grounds it
25 seeks information not relevant to the matters involved in this action and not calculated
26 to lead to the discovery of admissible evidence.

ANSWER to Interrogatory 1.02:

- a) The Bendix Corporation
- b) Delaware
- c) April 13, 1929
- d) Bendix Center, P. O. Box 5060, Southfield, Michigan 48037
- e) Defendant Bendix has been qualified to do business in the State of Washington since April 30, 1957.
- f) C. T. Corporation System, 1218 Third Avenue, Seattle, Washington 98101
- g) No
- h) To manufacture, buy, sell, lease and deal in aircraft, motor vehicles and marine craft and in parts thereof and accessories thereto and in devices, apparatus and kindred articles used in connection therewith and generally in any way used in connection with the aviation, motor vehicle and marine transportation industry; and to manufacture, buy, sell, lease and deal in all kinds of machinery, electrical and mechanical devices and appliances.
- i) Defendant Bendix objects to this interrogatory on the grounds that it seeks information that is not relevant to the matters involved in this action and is not calculated to lead to the discovery of admissible evidence.
- j) Defendant Bendix objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix responds:
Andrew B. Samet, Esq.
P. O. Box 400R
Morristown, NJ 07960

1
2 1.05 Identify the custodian of the minutes of the meetings
3 of the Board of Directors and Articles of Incorporation of
4 defendant and/or its corporate predecessors.

5 ANSWER: Defendant Bendix objects to this interrogatory on the grounds that it
6 seeks information not relevant to the matters involved in this action and not
7 calculated to lead to the discovery of admissible evidence. However in the
8 spirit of cooperation and without waiving the foregoing objection, Defendant
9 Bendix responds: Andrew B. Samet, Esq.
10 P. O. Box 400R
11 Morristown, NJ 07960
12
13

14 REQUEST FOR PRODUCTION A: Pursuant to CR 34, attach or
15 produce according to the above instructions a copy of the minutes
16 of the meetings of the Board of Directors referred to in the
17 foregoing interrogatory.
18

19 RESPONSE: Defendant Bendix objects to this Request for Production as being
20 overly broad and unlimited in scope to as to be patently burdensome and onerous.
21 The burden upon Bendix in terms of cost and manhours to respond to this interrogatory
22 with respect to the information sought would far outweigh the benefits, if any,
23 that said information would provide. Defendant Bendix also objects to this inter-
24 rogatory on the grounds that it seeks information not relevant to the matters
25 involved in this action and not calculated to lead to the discovery of admissible
26 evidence.

1.06 Identify each director known to you who served as a
director, officer, employee or consultant to any other business,
corporation or co-defendant which manufactured, distributed, sold,
installed or otherwise dealt with asbestos products.

1
2 ANSWER: Defendant Bendix objects to this interrogatory as being overly broad and
3 unlimited in scope so as to be patently burdensome and onerous. The burden upon
4 Bendix in terms of cost and manhours to respond to this interrogatory with respect
5 to the information sought would far outweigh the benefits, if any, that said
6 information would provide. Defendant Bendix also objects to this interrogatory
7 on the grounds it seeks information not relevant to the matters involved in this
8 action and not calculated to lead to the discovery of admissible evidence.

9
10 1.07 As to the foregoing answer, list each such director,
11 together with each such business, including the name and address
12 thereof and the nature of its asbestos-related enterprise.

13 ANSWER: Defendant Bendix objects to this interrogatory as being overly broad
14 and unlimited in scope so as to be patently burdensome and onerous. The burden
15 upon Bendix in terms of cost and manhours to respond to this interrogatory with respect
16 to the information sought would far outweigh the benefits, if any, that said
17 information would provide. Defendant Bendix also objects to this interrogatory
18 on the grounds it seeks information not relevant to the matters involved in this
19 action and not calculated to lead to the discovery of admissible evidence.

20
21 1.08 State where defendant has maintained its principal
22 offices, including its corporate headquarters, since its inception,
23 including dates of such locations.

24 ANSWER: Defendant Bendix objects to this interrogatory on the grounds that it
25 seeks information not relevant to the matters involved in this action and not
26 calculated to lead to the discovery of admissible evidence. However, in the spirit
of cooperation and without waiving the foregoing objection, Defendant Bendix
responds as follows:

1929-1942	South Bend, Indiana
1942-1969	Detroit, Michigan
1969-present	Southfield, Michigan

1 1.09 Does defendant maintain an organization table or
2 tables? If you have answered this in the affirmative, identify the
3 custodian of each table.
4

5 ANSWER: Defendant Bendix objects to this interrogatory since the meaning of
6 "organization table or tables" is vague, ambiguous, unclear and incapable of being
7 intelligently answered in its present form. Defendant Bendix also objects to this
8 interrogatory on the grounds that it seeks information not relevant to the matters
9 involved in this action and not calculated to lead to the discovery of admissible
10 evidence.

11 REQUEST FOR PRODUCTION B: Pursuant to CR 34, attach or
12 produce according to the above instructions a copy of each such
13 identified table or organization.

14 RESPONSE: Defendant Bendix declines. See answer to Interrogatory 1.09.
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19 1.10 Has defendant or any of its subsidiary companies at
20 any time engaged in the mining, manufacturing, marketing,
21 assembling, rebranding, distributing or sale of any material or
22 product containing asbestos fibers? See instruction 12, page 6,
23 for definition of the terms "asbestos or asbestos product". The
24 scope of this interrogatory includes the manufacture, distribution,
25 assembling, marketing or sale of products into which
26 asbestos-containing products were incorporated.
PLAINTIFF'S FIRST INTERROGS, ETC. - 11

1 ANSWER: Yes as it relates to the manufacture, marketing, assembly, distribution
2 and sale of friction material brake linings and clutch facings containing chrysotile
3 asbestos fibers.

4
5
6 1.11 If the answer to the preceding interrogatory is in
7 the affirmative, state the following:

- 8 (a) The names of the companies mining,
9 manufacturing, marketing, distributing,
10 rebranding, assembling and/or selling each of
11 those products, and specify whether these
12 companies mined, manufactured, marketed,
13 distributed and/or sold material containing
14 asbestos fibers;
- 15 (b) The trade or brand name of each of those
16 products mined, manufactured, marketed,
17 distributed and/or sold;
- 18 (c) The date each of the named products was placed
19 on the market;
- 20 (d) The date each of the named products was
21 withdrawn from the market;
- 22 (e) A description of the physical (chemical)
23 composition of each of the named products,
24 including the type and percentage of asbestos
25 contained in each product and the purpose of
26 each ingredient for each year said product was
manufactured, sold, distributed, rebranded
and/or sold;
- (f) A description of the physical appearance of each
of the named products, including any identifying
color(s), stamp(s), stripe(s), texture, etc. for
each year said product was manufactured, sold,
distributed, rebranded and/or sold;
- (g) The sources of the asbestos ingredients
contained in each product;

1 (h) Where each asbestos ingredient was obtained;

2 (i) Where the asbestos ingredients were delivered;

3 (j) When the asbestos ingredients were obtained;

4 (k) A detailed description of the intended uses of
5 each of the asbestos-containing products;

6 (l) The date you controlled, purchased or acquired
7 any interest in any other corporation which
8 mined, manufactured, marketed, distributed or
9 sold asbestos-containing products;

10 (m) The manner of acquisition, including percentage
11 of ownership;

12 (n) The date of the sale of any such interest, or
13 portion of such interest and the purchaser;

14 (o) The date any such predecessor or subsidiary
15 corporation ceased doing business.

16 ANSWER: (a) Defendant Bendix manufactures, markets, distributes, assembles
17 and sells friction material brake linings, disc brake pads, brake assemblies, lined
18 brake shoes and lined disc brake shoes and clutch facings containing chrysotile
19 asbestos fibers.

(b)	(c)
Marshall	1939
Eclipse	1939
Bendix	1939
Master	1945
EDF	1946
FK	1955
Friction King	1960
Clutch Facings	1974

(See Page 13a and b)

20 1.12 Please identify by location and product produced each

21 plant in which the asbestos-containing products listed in the
22 previous answer were manufactured and/or assembled, rebranded or
23 otherwise produced and for each plant state:

24 (a) The dates each such plant was in operation;

ANSWER to Interrogatory 1.11 (continued)

(d) All are presently on the market except Bendix-woven molded friction material brake linings used in industrial applications (non-vehicular) withdrawn from the market in 1959 due to decreasing market demand and clutch facings sold only to Borg & Beck for use in Borg and Beck service clutch assemblies for light trucks beginning October 1974 and withdrawn from the market in the early part of 1979 due to lack of market penetration.

(e) Defendant Bendix objects to this interrogatory since the composition of the friction material brake linings is a trade secret and therefore proprietary. However, in the spirit of cooperation and without waiving the foregoing objection, the percentage by weight of chrysotile asbestos fibers in the friction material brake lining varies from 25% to 50% depending on the particular composition and in the clutch facings approximately 49-1/2%. The friction material brake linings and clutch facings also contain (or contained) a resin binder system and various friction modifiers and fillers.

(f) The color of friction material brake linings containing chrysotile asbestos fibers varies from tan to light gray depending on the composition. The dimensions of Arcuate brake segments vary from 7" to 15" in diameter; 1-1/2" to 7" in width; 3/16" to 3/4" in thickness and 57° to 125° in length. The dimensions of disc brake pads vary from 2" to 7" in length; 2" to 3" in width; and 1/4" to 1/2" in thickness.

Since 1939, Defendant Bendix' friction material brake linings have reflected the applicable Bendix trademark, part number, date code and color code (if pre-coated with adhesive cement to designate the latest date bonding by the rebuilder customer should occur). Since 1965, the edge of Defendant Bendix' friction material brake linings has also reflected the Bendix name, formula code and friction code as required by state law.

- (g) Canadian Johns-Manville Ltd.
Asbestos, Quebec J1T3N2 - Chrysotile - 1939 to present
- Vermont Asbestos Group
Hyde Park, Vermont 06566 - Chrysotile - 1975 to present
- The Ruberoid Co., New York, NY
Chrysotile - 1945 to 1975
- Lake Asbestos (Laq d'Amiante du Quebec Ltee)
120 Broadway, New York NY 10005
Chrysotile - 1967 to present
- Bell Asbestos Mines, Ltd.
P.O. Box 99, Thetford Mines, Quebec G6G554
Chrysotile - 1973 to 1983

(h) See answer to Interrogatory 1.11(g).

(i) Defendant Bendix' facilities in Green Island (Troy) New York and Cleveland, Tennessee.

(j) See answer to Interrogatory 1.11(g).

(k) To stop or slow motor vehicles relative to friction material brake linings. To connect and disconnect a driving or a driver's part of a mechanism smoothly relative to clutch facings.

(l) - (o) Defendant Bendix objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objection, relative to the manufacture, sale and distribution of brake linings, Defendant Bendix acquired Marshall Asbestos Corporation, Troy, New York on approximately May 16, 1933 which was a wholly owned subsidiary until it was converted into an operating division of Defendant Bendix on approximately July 1, 1939.

- 1
2 (b) The time span during which each named item was
3 produced;
4 (c) The amount of each product, expressed in pounds
5 or tons, which was produced by each plant during
6 the Relevant Times;
7 (d) The person(s) at each such plant in charge of
8 producing each such asbestos product;
9 (e) The person(s) in charge of packaging each
10 asbestos product;
11 (f) The person(s) in charge of labeling each such
12 product.

13 ANSWER: See Page 14a.
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1.13 During the Relevant Times, did you maintain or
distribute manuals, instructions, dealer handbooks or pricing
information pertaining to the sale, use, installation or removal of
asbestos or asbestos products?

ANSWER to Interrogatory 1.12

Defendant Bendix objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix is involved in the manufacture, sale or distribution of brake lining segments and brake lining pads, brake assemblies, lined brake shoes, disc brake shoes that contain asbestos, at the following locations:

FRICTION MATERIALS DIVISION
Troy, New York Plant

Manufacture and sale of arcuate brake lining segments (1939 to present) and disc pads (1966 to present).

Cleveland, TN. Plant

Manufacture and sale of arcuate brake lining segments (1964 to present) and disc pads (1971 to present).

BRAKE & STEERING DIVISION
South Bend, Indiana

Manufacture and sale of brake assemblies and lined brake shoes.

HYDRAULICS DIVISION
St. Joseph, Michigan

Manufacture and sale of lined disc brake shoes

AUTOMOTIVE AFTERMARKET
Jackson, Tennessee

Sale and distribution of brake lining segments, brake lining disc pads, lined brake shoes and lined disc brake shoes.

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2 ANSWER: See Page 15a.

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7 1.14 If the answer to the preceding interrogatory is in
8 the affirmative, state the present location of records or other
9 such materials and the name and address of the custodian.

10 ANSWER: See Page 15a.

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14
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16 REQUEST FOR PRODUCTION C: Pursuant to CR 34, attach or
17 produce according to the above instructions a copy of each such
18 manual, instruction, dealer handbook or pricing information.

19 RESPONSE: See Page 15a.

ANSWER to Interrogatory 1.13

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objection, Defendant Bendix responds: Yes.

ANSWER to Interrogatory 1.14

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix responds that current manuals, dealer handbooks or pricing information are located within the marketing department. Outdated materials are disposed of in accordance with Defendant Bendix' record retention procedure.

RESPONSE to Request For Production C

Defendant Bendix objects to this Request for Production on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. Defendant Bendix also objects to this Request as being overly broad and unlimited in scope so as to be patently burdensome and onerous. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix has made available to its customers, a tremendous volume of catalogs, literature or information relative to its automotive products. The burden upon Defendant Bendix in terms of cost and manhours to respond to the Request with respect to each such catalog, literature or information printed, pictorial or graphic would far outweigh the benefits, if any, that said information would provide to plaintiff.

1 1.15 During the period of time from 1940 to the present,
2 were any sales materials prepared by defendant or its agents for
3 the purposes of marketing or advertising defendant's asbestos or
4 asbestos-containing products anywhere in the United States?
5

6 ANSWER: Defendant Bendix objects to this interrogatory on the grounds that it
7 seeks information not relevant to the matters involved in this action and not
8 calculated to lead to the discovery of admissible evidence. However, in the
9 spirit of cooperation and without waiving the foregoing objection, Defendant
10 Bendix responds: Yes.

11 1.16 If your answer to the preceding interrogatory is in
12 the affirmative, state:

- 13 (a) The name and address of each person or entity
14 who prepared the same;
- 15 (b) The name, address and job title of each person
16 who presently has possession of same;
- 17 (c) The date same was prepared;
- 18 (d) The media used to disseminate the sales
19 material. Specify the names of the magazines,
20 trade publications, catalogs, trade shows and/or
21 sales staff involved in the dissemination;
- 22 (e) State whether any of the materials referred to
23 in your answer to this interrogatory were
24 mailed, circulated, distributed or otherwise
25 made available in the State of Washington during
26 the Relevant Times.

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2 ANSWER: See Page 17a.
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10 REQUEST FOR PRODUCTION D: Pursuant to CR 34, attach or
11 produce according to the above instructions a copy of each such
12 item of sales or marketing information, including but not limited
13 to books, movies, sales literature, training and/or marketing aids,
14 and an index thereto.

15 RESPONSE: See Page 17a.
16
17
18

19 1.17 State whether any of your agents, employees,
20 manufacturers, representatives or dealers during the Relevant Times
21 were instructed to advertise, solicit, sell or otherwise encourage
22 the purchase of your asbestos products or asbestos-containing
23 products for use in motor vehicle brake linings, brake pads or
24 brake facings.
25
26

ANSWER to Interrogatory 1.16

Defendant Bendix objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix has made available to its customers, a tremendous volume of brochures, catalogs, advertising literature or information relative to its automotive products and has included advertisements in numerous trade journals and other media. The burden upon Defendant Bendix in terms of cost and manhours to respond to the interrogatory with respect to each such brochure, catalog, advertising literature or information printed, pictorial or graphic would far outweigh the benefits, if any, that said information would provide to plaintiff. Defendant Bendix would have made such information available to its customers in the State of Washington.

RESPONSE TO Request for Production D

Defendant Bendix objects to this Request for Production as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this request with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this request on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objections, Attachments A, B and C are examples of sales and marketing information Defendant Bendix has from time to time made available to its customers.

1 ANSWER: Defendant Bendix objects to this interrogatory as being vague, ambiguous,
2 unclear and incapable of being intelligently answered in its present form.
3 However, in the spirit of cooperation and without waiving the foregoing objection,
4 and interpreting this interrogatory to mean that Defendant Bendix encouraged its
customers to purchase its friction material brake linings to be used with the
customers' brake shoes and disc brakes, the answer is: Yes.

5
6
7
8 1.18 If the answer to the preceding interrogatory is in
9 the affirmative, state the location of said promotional materials
10 and the name and address of the custodian.
11

12 ANSWER: Defendant Bendix objects to this interrogatory as being vague, ambiguous,
13 unclear and incapable of being intelligently answered in its present form. See also
14 answer to Interrogatory 1.17.
15
16
17

18 1.19 Identify the location, existence and present
19 custodian of any manuals, specifications or instructional materials
20 pertaining to the use, installation or removal of asbestos or
21 asbestos-containing products which were distributed or made
22 available to purchasers of your products during the Relevant Times.
23
24
25

1
2 ANSWER: See Page 19a.
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8 1.20 If asbestos or asbestos-containing products were sold
9 to or purchased from any of the other defendants in this suit state:

- 10 (a) The name of each such defendant(s);
11 (b) The date(s) of sale, purchase or rebranding of
12 each said product, including the amount and kind
13 of materials sold or purchased, specifying trade
14 names for each year of the Relevant Times;
15 (c) The name, address and job classification of the
16 individual currently having possession of such
17 records.

18
19
20 ANSWER: See Page 19a.
21
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20 1.21 State the names and addresses of all distributors,
21 dealers, agents or manufacturers' representatives of any of your
22 asbestos-containing products in the States of Washington, Oregon
23 and California during the period of 1950 through the present, and
24
25
26

ANSWER to Interrogatory 1.19

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objections, see answers to Interrogatories 1.13 and 1.14.

ANSWER to Interrogatory 1.20

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix has sold friction material brake linings containing chrysotile asbestos fibers to co-defendants General Motors, Ford and Chrysler. Defendant Bendix has on occasion purchased friction material from co-defendant Raybestos-Manhattan.

1 for each such person you have identified, state the time periods
2 each such person represented you.

3 ANSWER: Defendant Bendix objects to this interrogatory as being overly broad and
4 ~~unlimited~~ in scope so as to be patently burdensome and onerous. Defendant Bendix
5 also objects to this interrogatory on the grounds that it seeks information that is
6 not relevant to the matters involved in this action and not calculated to lead to
the discovery of admissible evidence. However, in the spirit of cooperation and
without waiving the foregoing objections, see Attachment D.

7
8
9
10 1.21.1 If you are a defendant manufacturer, seller or
11 distributor of motor vehicles, identify:
12

- 13 (a) The name and address of each and every
14 manufacturer from whom defendant or any of its
15 subsidiary companies obtained brake linings or
16 brake pads or brake facings for installation or
use in any motor vehicles manufactured or sold
by defendant from 1950 through 1978;
17
18 (b) The name and address of the distributor or
19 seller from whom defendant or any of its
20 subsidiary companies obtained brake linings,
brake facings or brake pads for use in any motor
vehicles manufactured or sold by defendant from
1950 through 1978;
21
22 (c) The type, including dimensions, and brand name
23 of each brake lining, brake facing or brake pad
24 defendant or any of its subsidiary companies
purchased or obtained for use in any motor
vehicles manufactured or sold by defendant from
1950 through 1978, and from whom each such
product was purchased or otherwise obtained;
25

- 1
- 2 (d) The dates (years) defendant or any of its
- 3 subsidiary companies purchased or obtained such
- 4 brake lining(s) or brake pad(s) from each
- 5 manufacturer, distributor and/or seller, and the
- 6 amounts expressed in pounds or tons which
- 7 defendant or any of its subsidiary companies
- 8 purchased or otherwise obtained;
- 9
- 10 (e) The type and percentage of asbestos contained in
- 11 each trade or brand named brake lining or brake
- 12 pad identified above which you obtained from
- 13 1950 through 1978;
- 14
- 15 (f) The physical characteristics of each kind of
- 16 brake lining, brake pad or brake facing
- 17 purchased or used by defendant or defendant's
- 18 subsidiaries for use in vehicles manufactured or
- 19 sold by you, including size, dimensions, weight,
- 20 color, identifying tags, stamps or markings on
- 21 said brake liners, pads or facings;
- 22
- 23 (g) The name, last known address and telephone
- 24 address of defendant's or defendant's
- 25 subsidiaries' purchasing agent(s) responsible
- 26 for obtaining brake linings and brake pads for
- use in any motor vehicles manufactured or sold
- by you from 1950 through 1978;
- (h) During the time period 1950 through 1978, did
- you maintain records relating to the purchase,
- sale and/or use of brake linings, brake pads or
- disc brake pads, including, but not limited to,
- records which indicate what brake linings were
- installed or to be installed on particular types
- or models of defendant's motor vehicles.
- (i) Describe all such records referred to in
- subsection (h) above;
- (j) Identify (by manufacturer, trade name, number
- and brand name) what brake linings, brake pads
- or brake facings were installed, assembled,
- placed in or otherwise used or furnished in each
- of the motor vehicles you manufactured, sold or
- distributed for the period 1950 through 1978.

1
2 Otherwise stated, identify what brake pads,
3 brake linings or brake facings went into which
4 of your motor vehicles during the period 1950
5 through 1978;

6 (k) State when and how you were first made aware of
7 health hazards associated with the use of
8 asbestos;

9 (l) When did you first become aware that warnings
10 were placed on asbestos products with respect to
11 the health hazards associated with the use of
12 asbestos;

13 (m) When did you first learn in any manner or from
14 any source that asbestos or asbestos products
15 are hazardous or dangerous to the health of
16 persons;

17 (n) From whom did you learn the information referred
18 to in the answer to the preceding interrogatory;

19 (o) State what documents reflect the information
20 given in answer to the two preceding
21 interrogatories, their date, and the present
22 custodian of said records;

23 (p) Did you at any time maintain or distribute
24 manuals, instructions or information relating to
25 the sale, use or removal of asbestos or asbestos
26 products, including, but not limited to, the use
or removal of asbestos-containing brake linings,
brake pads or brake facings;

(q) If the answer to the preceding interrogatory is
in the affirmative, state the present location
of records or other such materials and the name
and address of the custodian of said manuals,
instructions, directories or information.

1
2 ANSWER: Not applicable to Defendant Bendix.

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9 REQUEST FOR PRODUCTION E: Pursuant to CR 34, attach or
10 produce according to the above instructions a copy of all such
11 purchase or sale records, and such information, written directions
12 or instruction manual(s) identified in Interrogatories 1.21(h),(o)
13 (i), (p) and (q).

14 RESPONSE: Not applicable to Defendant Bendix.

15
16
17
18
19 1.22 Have any asbestos products identified in your answers
20 to Interrogatory 1.11 been, or are any of such asbestos products
21 now, distributed in interstate commerce?

22 ANSWER: Yes.

1 1.23 If the answer to the preceding interrogatory is
2 affirmative, state:

3 (a) Into which states of the United States of
4 American such product has been distributed;

5 (b) The quantity distributed into each state of the
6 U. S. for every year of the Relevant Times;

7 (c) The name and address of each company or other
8 business entity, in the states of Washington,
and Oregon to which such product has been
distributed and the dates of the distribution.

9 ANSWER: Defendant Bendix objects to this interrogatory as being overly broad and
10 unlimited in scope so as to be patently burdensome and onerous. The burden upon Bend
11 in terms of cost and manhours to respond to this interrogatory with respect to the
12 information sought to the extent it in fact exists would far outweigh the benefits,
13 if any, that said information would provide. Defendant Bendix also objects to this
14 interrogatory on the grounds it seeks information not relevant to the matters involve
in this action and not calculated to lead to the discovery of admissible evidence.
However, in the spirit of cooperation and without waiving the foregoing objections,
Defendant Bendix has distributed friction material brake linings containing chrysotil
asbestos fibers into every state of the United States of America. See also
Attachment D.

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20
21 1.24 During the time period from January 1, 1950 through
22 December 31, 1978, have you, directly or indirectly, sold,
23 distributed, delivered, installed or consigned any asbestos
24 products for use in brake renovation and repair such as brake
25

26 PLAINTIFF'S FIRST INTERROGS, ETC. - 24

1 lining, molded or roll linings, disc brake pads, or adhesives to
2 any of the following facilities, including their predecessors or
3 successors:
4

- 5 (a) Western Brake Industries Company, Seattle,
6 Washington;
- 7 (b) Western Brake Industries Company, Los Angeles,
8 California;
- 9 (c) Western Brake Industries Company, San Francisco,
10 California;
- 11 (d) Stewart-Western, Inc., Seattle, Washington;
- 12 (e) Stewart-Western, Inc., San Francisco, California;
- 13 (f) Stewart-Western, Inc., Los Angeles, California.

14 ANSWER: See Page 25a
15
16

17 1.25 If any portion of your answer to the preceding
18 interrogatory was in the affirmative, state:

- 19 (a) The name of the agency, or facility identified
20 in Interrogatory No. 1.24 to whom you sold,
21 distributed, delivered, installed or consigned
asbestos products;
- 22 (b) Whether sold by you directly or through an agent
23 manufacturers' representative, dealer or
subsidiary;
- 24 (c) The name and address of the agent manufacturers'
25 representative, dealer and/or subsidiary;

26 PLAINTIFF'S FIRST INTERROGS, ETC. - 25

ANSWER to Interrogatory 1.24

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objection, Defendant Bendix' records do not reflect Western Brake Industries Company or Stewart-Western, Inc. as customers. However, Defendant Bendix understands that Western Brake Industries Company may also be identified as Western Brake & Automotive Sales or Western Brake and that Stewart-Western Inc. may also be identified as Stewart Riddle. If so, Defendant Bendix responds as follows:

- (a) Yes since 5/3/82
- (b) Yes, 7/7/70 to 3/24/77
- (c) No
- (d) No
- (e) No
- (f) Yes (Conoga Park) since 2/7/69

1
2 (d) Specifically state the amount and kind of all
3 asbestos products sold, distributed, delivered,
4 installed or consigned to each facility referred
5 to herein, stating in detail for each facility
6 identified in Interrogatory No. 1.24 for every
7 year during the period 1950 through 1978:

- 8 1. The brand or trade name of the asbestos
9 products which were delivered;
10 2. The date of delivery of the products;
11 3. the volume of sales for every month during
12 the period 1950 through 1978 for each
13 product and facility expressed in pounds or
14 tons;
15 4. The dollar value of sales for every month
16 during the period 1950 through 1978 for
17 each product and facility;

18 (e) The ultimate purchaser or user of said products;

19 (f) State the name and present address of the person
20 or persons responsible for providing the answer
21 to this interrogatory.
22
23
24
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ANSWER: See Page 26a

ANSWER to Interrogatory 1.25

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would, if in fact it does exist, far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix sold and distributed under its tradename "Bendix" directly to Western Brake & Automotive Sales in Los Angeles, California from 7/7/20 to 3/24/77 and Western Brake in Seattle, Washington since 5/3/82 and Western Brake in Portland, Oregon since 5/3/82 and to Stewart Riddle in Canoga Park, California since 2/7/69. See also answer to Interrogatory No. 1.24 and Attachment D.

1
2 1.26 Identify by name, job title, current or last known
3 address, and phone number the persons that your records show to be
4 the purchasing agents for the companies or agencies listed in your
5 answer to Interrogatory No. 1.24 for each year during the period
6 January 1, 1950 through December 31, 1978.

7 ANSWER: Defendant Bendix objects to this interrogatory on the grounds that the
8 reference to "purchasing agents" is vague, ambiguous, unclear and incapable of being
9 intelligently answered in its present form. Defendant Bendix also objects to this
10 interrogatory as being overly broad and unlimited in scope so as to be patently burde
11 some and onerous. The burden upon Bendix in terms of cost and manhours to respond to
12 this interrogatory with respect to the information sought would, if in fact it exists
13 far outweigh the benefit, if any, that said information would provide. Defendant
14 Bendix further objects to this interrogatory on the grounds that it seeks information
15 not relevant to the matters involved in this action and not calculated to lead to
16 the discovery of admissible evidence.

17
18 1.27 During the period 1950 through the present, did you
19 or any of your predecessors or subsidiaries at any time sell brake
20 linings or brake lining components to companies engaged in the
21 manufacture and/or sale of motor vehicles?

22 ANSWER: Defendant Bendix objects to this interrogatory on the grounds that it seeks
23 information not relevant to the matters involved in this action and not calculated to
24 lead to the discovery of admissible evidence. However, in the spirit of cooperation
25 and without waiving the foregoing objection, Defendant Bendix responds: Yes.

26 1.28 If the answer to the preceding interrogatory is in
the affirmative, identify the name and address of the companies
engaged in the manufacture and/or sale to whom you sold
asbestos-containing brake linings or brake lining components to and

1 the dates of such sales, and identify by trade and brand name
2 exactly what product you sold and the quantity of the product you
3 sold to said companies.

4 ANSWER: Defendant Bendix objects to this interrogatory as being overly broad and
5 unlimited in scope so as to be patently burdensome and onerous. The burden upon
6 Bendix in terms of cost and manhours to respond to this interrogatory with respect
7 to the information sought would, if it in fact exists, far outweigh the benefit,
8 if any, that said information would provide. Defendant Bendix also objects to this
9 interrogatory on the grounds it seeks information not relevant to the matters
involved in this action and not calculated to lead to the discovery of admissible
evidence. However, in the spirit of cooperation and without waiving the foregoing
objections, the products sold to manufacturers of motor vehicles by Defendant
Bendix were under the tradename "Bendix".

10
11
12 1.29 Identify each medical director of defendant by name,
13 last known address, duration of service, and all previous and
14 subsequent employers of each such medical director.

15 ANSWER: Defendant Bendix objects to this interrogatory on the grounds it seeks
16 information not relevant to matters involved in this action and not calculated to
17 lead to the discovery of admissible evidence. However in the spirit of cooperation
18 and without waiving the foregoing objection, Defendant Bendix has never had a
19 medical director.
20
21

22 1.30 Identify by name and address the custodian of the
23 records of the various medical directors.
24
25

1 ANSWER: Not applicable to Defendant Bendix. See answer to Interrogatory 1.29.
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8 REQUEST FOR PRODUCTION NO. F: Pursuant to CR 34, attach
9 or produce according to the above instructions a copy of the most
10 current curriculum vitae for each and every medical director named
11 in answer to the preceding interrogatory.
12

13 RESPONSE: Not applicable to Defendant Bendix. See answer to Interrogatory 1.29.
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19 1.31 Have you at any time requested and/or received
20 information from medical officers, hygienists, or other employees
21 of your company pertaining to the possible existence of a
22 relationship between asbestos exposure and disease, or to the risks
23 or hazards to persons involved in the manufacture, installation, or
24 use of products containing asbestos?
25

ANSWER: Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix responds as follows:

Interpreting "hygienist" as an industrial hygienist who performs engineering and health studies to identify and evaluate potential occupational health hazards and suggest methods of dealing with same, Defendant Bendix has since 1973 employed industrial hygienists to assist Defendant Bendix in complying with OSHA regulations and to monitor and evaluate manufacturing facilities of Defendant Bendix relative to industrial hygiene matters.

1.32 If your answer to the preceding interrogatory is in the affirmative:

- (a) Identify the person(s) involved;
- (b) State the dates relevant to the collection or receipt of such information described above;
- (c) Describe in detail the nature of the study or information;
- (d) Identify all documents related to the study or information described above;
- (e) Identify the custodian of the documents identified in subpart (d) by name and address.

ANSWER: Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix further objects to this interrogatory on the grounds it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix has employed the following individuals in the capacity of industrial hygienist:

Charles C. Clarke (1973-74)	Stanford K. Christian (1974-76)
James R. Weber (1976-1983)	Ben Wong (1977-78)
Sondra Johnson (1980-present)	Tom Rancou (1980-present)
Linda Parrish (1982-present)	

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REQUEST FOR PRODUCTION G: Pursuant to CR 34, attach or

produce according to the above instructions a copy of all documents identified in your response to the preceding interrogatory.

RESPONSE: Defendant Bendix objects to this Request for Production as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this request with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this request on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

1.33 Have you at any time requested, received information from or participated in studies with persons outside your company pertaining to the possible existence of a relationship between asbestos exposure and disease, or to the risks and hazards to persons involved in the manufacture, installation or use of products containing asbestos?

ANSWER: Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix has no knowledge.

1
2 1.34 If your answer to the preceding interrogatory is in
3 the affirmative:

- 4 (a) Identify the person(s) involved;
5 (b) State the dates relevant to the collection or
6 receipt of such information described above;
7 (c) Describe in detail the nature of the study or
8 information;
9 (d) Identify all documents related to the study or
10 information described above;
11 (e) Identify the custodian of the documents
12 identified in subpart (d) with names and
13 addresses.

14 ANSWER: Not applicable. See answer to Interrogatory 1.33.
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21 REQUEST FOR PRODUCTION H: Pursuant to CR 34, attach or
22 produce according to the above instructions a copy of all documents
23 identified in your response to the preceding interrogatory.
24
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1 RESPONSE: Not applicable. See answer to Interrogatory 1.33

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7 1.35 Do you have or have you ever had person(s) in your
8 employ who were charged with responsibility for monitoring the
9 state of domestic knowledge of the safety and health aspects of
10 your industry?

11 ANSWER: Defendant Bendix objects to this interrogatory as being vague, ambiguous,
12 unclear and incapable of being intelligently answered in its present form.
13 Defendant Bendix also objects to this interrogatory on the grounds it seeks
14 information not relevant to matters involved in this action and not reasonably
15 calculated to lead to the discovery of admissible evidence. However in the spirit
16 of cooperation and without waiving the foregoing objections, see answers to
17 Interrogatories 1.31 and 1.32.

18 1.36 If your answer to the preceding interrogatory is in
19 the affirmative:

- 20 (a) Identify all such person(s) with names and
 addresses;
21 (b) State the dates of service of each such
22 person(s);
23 (c) State the formal title, if any, of the person(s)
 described above;
24 (d) Identify all documents relevant to the
25 position/person described above.

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ANSWER: See Page 34a.

REQUEST FOR PRODUCTION I: Pursuant to CR 34, attach or produce according to the above instructions a copy of all documents identified in subparagraph (d) above.

RESPONSE: See Page 34a.

1.37 Do you have or have you ever had person(s) responsible for monitoring the state of current foreign knowledge of the safety and health aspects of your industry?

ANSWER: See Page 34a.

ANSWER to Interrogatory 1.36

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objections, see answer to Interrogatories 1.31 and 1.32.

RESPONSE to Request for Production I

Defendant Bendix objects to this Request for Production as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this request with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this request on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

ANSWER to Interrogatory 1.37

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objection, Defendant Bendix responds: No.

1 1.38 If your answer to the preceding interrogatory is in
2 the affirmative:

3 (a) Identify all such person(s) with names and
4 addresses;

5 (b) State the dates of service of each such
6 person(s);

7 (c) State the formal title, if any, of the person(s)
8 described above;

9 (d) Identify all documents relevant to the
10 position/person described above.

11 ANSWER: Not applicable. See answer to Interrogatory 1.37.
12
13
14
15

16 REQUEST FOR PRODUCTION J: Pursuant to CR 34, attach or
17 produce according to the above instructions a copy of all documents
18 identified in subparagraph (d) above.

19 RESPONSE:

20 Not applicable. See answer to Interrogatory 1.38.
21
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1
2 1.39 Describe your record retention program from 1935 to
3 the present date and state:

- 4 (a) Where records are kept;
5 (b) Location and existence of written materials
6 concerning your program and date of adoption;
7 (c) Description of the information contained in such
8 records;
9 (d) The length of time purchase, bid, shipping
and/or sale records are maintained by your
company.

10 ANSWER: See Page 36a.
11
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18 1.40 Did the defendant at any time assign, license or
19 otherwise allow any of their asbestos-containing friction products,
20 trademarks or copyrights to be used by any person, firm or
21 corporation?

22 ANSWER: See Page 36a.
23
24
25
26

)

ANSWER to Interrogatory 1.39

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix has over the years had various sets of guidelines relative to record retention with actual record retention programs to be implemented determined at the divisional level.

ANSWER to Interrogatory 1.40

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objection, Defendant Bendix has no domestic license relative to these products.

)

1 1.41 If your answer to the preceding interrogatory is in
2 the affirmative:

3 (a) State the name of the product, trademark or
4 copyright so assigned or licensed;

5 (b) The time period of the assignment or license;

6 (c) The nature of the assignment or license (whether
7 exclusive or not);

8 (d) The terms and conditions of each such agreement
 (you may attach said material to these
 interrogatory answers).

9 ANSWER:

See answer to Interrogatory 1.40.

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16 1.42 At the time of such assignment or license, was there
17 any agreement between the parties concerning liability in the event
18 of future litigation concerning the product?

19 ANSWER:

See answer to Interrogatory 1.40.

1
2 1.43 If your answer to the preceding interrogatory is in
3 the affirmative, state:

4 (a) The nature and substance of such agreement;

5 (b) The location of said agreement and/or copies.

6 ANSWER: Not applicable. See answer to Interrogatory 1.42.
7
8
9

10 1.44 State the location of your national and Washington,
11 California and Oregon State warehouse, warehouse facilities, or
12 distribution centers for your asbestos-containing products during
13 the Relevant Times.
14

15 ANSWER: Defendant Bendix objects to this interrogatory on the grounds it seeks
16 information not relevant to matters involved in this action and not calculated to
17 lead to the discovery of admissible evidence. However in the spirit of cooperation
18 and without waiving the foregoing objection, Defendant Bendix responds as follows:

19 1976-present West Coast Distribution Center, Santa Fe Springs, CA
20 1973-76 Automotive Aftermarket Operations, Jackson, TN
21 1963-73 Automotive Aftermarket Operations, South Bend, IN
22 Prior to 1973 Brake & Steering Division, South Bend, IN
23
24
25
26

27 1.45 Specify the corporate relationship between you and
28 local dealers and/or manufacturer's representatives of asbestos
29 products who sold products containing your corporate identification
30 or trademark during each year of the Relevant Times.

1
2 ANSWER: See Page 39a.
3
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7

8 SECTION 2.0
9

10
11 2.01 Have any of the asbestos-containing products listed
12 in Interrogatory No. 1.11 been altered in chemical composition
13 since first being manufactured, sold or marketed?

14 ANSWER: See Page 39a.
15
16
17

18
19 2.02 If the answer to the preceding interrogatory is in
20 the affirmative, please state:

- 21 (a) The trade name of each of those products;
22 (b) The date each of the named products was altered;
23 (c) The nature of the alteration;
24 (d) The reason for the alteration.
25

ANSWER to Interrogatory 1.45

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objection, Defendant Bendix responds: None

SECTION 2.0

ANSWER to Interrogatory 2.01

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation and without waiving the foregoing objection, motor vehicle manufacturers make changes in vehicle design (weight, chassis, length, engine performance, etc.) and brake performance criteria (noise, durability and stopping distance limits) which require Defendant Bendix to make changes in its friction material brake linings to meet these changes and criteria.

1

ANSWER:

2

See Page 40a.

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7

2.03 State the name, address and job title of each person

8

who participated in the design and preparation of manufacturing

9

specifications for each product listed in Interrogatory No. 1.11.

10

ANSWER:

See Page 40a.

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PLAINTIFF'S FIRST INTERROGS, ETC. - 40

ANSWER to Interrogatory 2.02

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However in the spirit of cooperation and without waiving the foregoing objections, the tradename is "Bendix". See also answer to Interrogatory 2.01.

ANSWER to Interrogatory 2.03

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

1 2.04 Do any documents, including written memoranda,
2 specifications, recommendations, blueprints or other written
3 materials of any kind or character relating to the design and
4 preparation of the asbestos products listed in Interrogatory No.
5 1.11 now exist?

6 ANSWER: See Page 41a
7

8
9 2.05 If the answer to the preceding interrogatory is in
10 the affirmative:
11

12 (a) List each document;

13 (b) State the name, address and job title of each
14 person who currently has possession of each
15 document, and where the documents are presently
16 located.

17 ANSWER: See Page 41a
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ANSWER to Interrogatory 2.04

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objection, Defendant Bendix responds: Yes.

ANSWER to Interrogatory 2.05

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

1
2 REQUEST FOR PRODUCTION K: Pursuant to CR 34, you are
3 hereby requested to produce and/or make available for inspection
4 and copying all such correspondence or other material pertaining to
5 your answer supplied in the previous interrogatory.

6 RESPONSE: See Page 42a.
7
8

9 2.06 Before releasing the products listed in Interrogatory
10 No. 1.11 to the public, were any tests conducted on them to
11 determine potential health hazards involved in the use of the
12 asbestos materials contained in those products?

13 ANSWER: See Page 42a.
14
15
16
17

18 2.07 If the answer to the preceding interrogatory is in
19 the affirmative, state:

- 20 (a) The names of the products tested;
21 (b) When the products were tested;
22 (c) The name, address, and job title of each person
23 who conducted those tests;
24 (d) The results of those tests.
25
26

RESPONSE to Request for Production K

Decline. Defendant Bendix objects to this Request for Production as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this request with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this request on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. Defendant Bendix objects to this request since many documents reflect trade secrets and therefore are proprietary.

ANSWER to Interrogatory 2.06

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation and without waiving the foregoing objection, and except tests relative to the Federal Motor Vehicle Safety Act and various State brake lining requirements, Defendant Bendix responds: No.

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2 ANSWER: Not applicable. See answer to Interrogatory 2.06.
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8 2.08 Do any documents, including written memoranda,
9 specifications, recommendations, blueprints, or other written
10 materials of any kind or character relating to the testing of the
11 products identified or in Interrogatory No. 1.11 now exist?

12 ANSWER: Defendant Bendix objects to this interrogatory as being vague, ambiguous
13 unclear and incapable of being intelligently answered in its present form. However,
14 in the spirit of cooperation and without waiving the foregoing objection, if testing
15 referred to in this interrogatory is that testing referred to in Interrogatory No. 2.
16 Defendant Bendix responds "not applicable". If the testing referred to in this
17 interrogatory is testing other than that referred to in Interrogatory 2.06,
18 Defendant Bendix responds as follows: (see Page 43a)
19
20
21

22 2.09 If the answer to the preceding interrogatory is in
23 the affirmative, state:
24

25 (a) List each document;

26 (b) State the name, address and job title of each
person who currently has possession of each
document, and where it is presently located.

ANSWER: See answer to Interrogatory 2.08.

ANSWER to Interrogatory 2.08 (continued)

Defendant Bendix objects to this interrogatory on the grounds it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. However, in the spirit of cooperation, and without waiving the foregoing objections, hundreds of tests on Bendix' friction material brake linings containing asbestos are conducted annually to meet federal, state and vehicle manufacturers' requirements relative to effectiveness (friction level), friction stability, durability and noise level. Tests are conducted in high and low temperature environments, low and high humidity situations on vehicles and under controlled conditions on laboratory dynamometers.

1
2 REQUEST FOR PRODUCTION L: Pursuant to CR 34, you are
3 hereby requested to produce according to the above instructions a
4 copy of all documents identified in your response to the preceding
5 interrogatory.

6 RESPONSE: See answer to Interrogatory 2.08
7
8
9

10 2.10 Did defendant or any of its subsidiary companies make
11 any design changes as a result of the tests referred to in
12 Interrogatory No. 2.06?

13 ANSWER: See answers to Interrogatories 2.01 and 2.08.
14
15
16

17 2.11 If the answer to the preceding interrogatory is in
18 the affirmative, state:

- 19 (a) The trade names of the products changed;
20 (b) The nature of the changes made;
21 (c) The name, address and job title of each person
22 responsible for having made a change.
23
24
25
26

1 ANSWER: — See answer to Interrogatory 2.10
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7 2.12 After releasing the products listed in Interrogatory
8 No. 1.11 to the public, were any tests conducted on them or were
9 any on-site inspections conducted to determine potential health
10 hazards involved in the use and/or removal of the asbestos
11 materials contained in those products?

12 ANSWER: Defendant Bendix objects to this interrogatory as being vague, ambiguous,
13 unclear and incapable of being intelligently answered in its present form. Defendant
14 Bendix also objects to this interrogatory on the grounds it seeks information not
15 relevant to matters involved in this action and not calculated to lead to the discover
16 of admissible evidence. However, in the spirit of cooperation and without waiving
17 the foregoing objections, Defendant Bendix has no knowledge.

18 2.13 If the answer to the preceding interrogatory is in
19 the affirmative, state:
20

21 (a) The names of the products tested;

22 (b) The name, address, and job title of each person
23 who conducted those tests;

24 (c) The results of those tests.

25 ANSWER: Not applicable. See answer to Interrogatory 2.12.
26

1 2.14 Do any documents, including written memoranda,
2 specifications, recommendations, blueprints or other written
3 materials of any kind or character relating to the potential health
4 hazards of the products listed in Interrogatory No. 1.11 now exist?

5 ANSWER: Defendant Bendix objects to this interrogatory as being vague,
6 ~~ambiguous~~, unclear and incapable of being intelligently answered in its present
7 form.. Also see answer to Interrogatories 2.06 and 2.08.

8
9 2.15 If the answer to the preceding interrogatory is in
10 the affirmative, state:

11 (a) Name each product;

12 (b) List each document;

13 (c) State the name, address and job title of each
14 person who currently has possession of each
15 document and where it is presently located.

16 ANSWER: Not applicable. See answer to Interrogatory 2.14.

17
18
19
20
21 REQUEST FOR PRODUCTION M: Pursuant to CR 34, attach or
22 produce according to the above instructions a copy of each such
23 document or test.
24

25
26 PLAINTIFF'S FIRST INTERROGS, ETC. - 46

1 RESPONSE: Not applicable. See answer to Interrogatory 2.14.
2
3
4
5

6 2.16 Did defendant or any of its subsidiary companies make
7 any design changes as a result of those tests?

8 ANSWER: Defendant Bendix objects to this interrogatory as being vague,
9 ambiguous, unclear and incapable of being intelligently answered in its present
10 form. However, in the spirit of cooperation and without waiving the foregoing
11 objection, see answers to Interrogatories 2.06, 2.08 and 2.14.
12

13 2.17 If the answer to the preceding interrogatory is in
14 the affirmative, state:

15 (a) The names of the products changed;

16 (b) The name, address and job title of each person
17 responsible for having made a change.

18 ANSWER:
19 Not applicable. See answer to Interrogatory 2.16.
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1
2 REQUEST FOR PRODUCTION N: Pursuant to CR 34, you are
3 hereby requested to produce according to the above instructions a
4 copy of all documents pertaining to design changes as identified in
5 your response to the preceding interrogatory.

6 RESPONSE: Not applicable. See answer to Interrogatory 2.16.
7
8
9

10 SECTION 3.0
11

12 3.01 Did you provide instructions and/or warnings
13 concerning the potential health hazards of asbestos exposure to
14 plaintiff's employer Stewart-Western, Inc. or Western Brake Ind.
15 Company at any time?

16 ANSWER: See Page 48a.
17
18
19

20 3.02 If the answer to the preceding interrogatory is in
21 the affirmative, state the following:

- 22 (a) Whether the employer was expected or requested
23 to transfer the instructions and/or warnings to
24 its employees such as plaintiff;
25 (b) The date(s) you provided instructions and/or
26 warnings to plaintiff's employer;

SECTION 3.0

ANSWER to Interrogatory 3.01

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. However, in the spirit of cooperation and without waiving the foregoing objection, and except tests relative to the Federal Motor Vehicle Safety Act and various State brake lining requirements, Defendant Bendix responds as follows:

Defendant Bendix' records do not reflect Stewart-Western, Inc. or Western Brake Ind. Company as customers. If they were in fact customers of Defendant Bendix, cartons of friction material products containing chrysotile asbestos fibers shipped to customers effective October 1973 reflected the OSHA warning.

Further, in 1977 Defendant Bendix mailed to its rebuilder customers, the Friction Materials Standards Institute Brake Lining & Clutch Facing Automotive Data Book or a Supplement thereto which contained a page entitled "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing" (Attachment E). In March 1979, Defendant Bendix mailed to its distributor and rebuilder customers a Friction Materials Standards Institute, Inc. publication dated October 1978 entitled "Friction Materials Work Practices Guide" (Attachment F) and transmitted Attachment F by means of a General Bulletin (Attachment G).

1 (c) Who prepared the instructions and/or warnings;

2 (d) To whom the instructions and/or warnings were
3 addressed;

4 (e) The manner in which the instructions and/or
5 warnings were transmitted to plaintiff's
6 employers (i.e., orally, printed, pamphlets,
7 printed on carton, etc.);

8 (f) The precise wording used in the instructions
9 and/or warnings, or in lieu thereof, attach an
10 authenticated copy of the instructions and/or
11 warnings.

12 ANSWER: See answer to Interrogatory 3.01.
13
14
15
16
17

18 3.03 Did you, at any time, provide instructions and/or
19 warnings concerning the potential health hazards of asbestos
20 exposure to either (a) plaintiff and/or (b) his co-workers?

21 ANSWER: Defendant Bendix objects to this interrogatory as being vague,
22 ambiguous, unclear and incapable of being intelligently answered in its present
23 form. However, in the spirit of cooperation and without waiving the foregoing
24 objection, see answers to Interrogatories 3.01, 3.07 and 3.08.
25
26

1 3.04 If the answer to the preceding interrogatory is in
2 the affirmative, state the following:

- 3 (a) The date(s) you provided instructions and/or
4 warnings to each plaintiff and/or his co-workers;
5 (b) Who prepared the instructions and/or warnings;
6 (c) To whom the instructions and/or warnings were
7 addressed;
8 (d) The manner in which the instructions and/or
9 warnings were transmitted to plaintiff and/or
10 his co-workers (i.e., orally, printed,
11 pamphlets, printed on carton, etc.);
12 (e) The precise wording used in the instructions
 and/or warnings, or in lieu thereof, attach an
 authenticated copy of the instructions and/or
 warnings.

13 ANSWER: See answers to Interrogatories 3.01, 3.07 and 3.08.
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1 3.05 Did you provide instructions and/or warnings
2
3 concerning the potential health hazards of asbestos exposure to any
4 persons at plaintiff's work place during the time period during
5 which plaintiff was employed at Stewart-Western, Inc. or Western
6 Brake Ind. Company, Seattle, Washington?

7 ANSWER: If in fact Stewart-Western, Inc. and Western Brake, Inc.
8 Company, Seattle, Washington were customers of Defendant Bendix, see
9 answer to Interrogatories 3.01, 3.07 and 3.08.
10

11 3.06 If the answer to the preceding interrogatory is in
12 the affirmative, state the following:

- 13 (a) The date(s) you provided instructions and/or
14 warnings to plaintiff and/or his co-workers;
15 (b) Who prepared the instructions and/or warnings;
16 (c) To whom the instructions and/or warnings were
17 addressed;
18 (d) The manner in which the instructions and/or
19 warnings were transmitted to plaintiff and/or
20 his co-workers (i.e., orally, printed,
21 pamphlets, printed on carton, etc.);
22 (e) The precise wording used in the instructions
23 and/or warnings, or in lieu thereof, attach an
24 authenticated copy of the instructions and/or
25 warnings.
26

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2 ANSWER: — See answer to Interrogatory 3.05.
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9 3.07 Did you at any time place any kind of an instruction
10 or warning label on any container, shipping tag, invoice or product
11 of any kind which purported to warn a user of your product of the
12 danger of using asbestos?

13 ANSWER: Yes, the OSHA cautionary warning.
14
15
16

17 3.08 If the answer to the preceding interrogatory is in
18 the affirmative, state:

- 19 (a) When the warning, notice or instruction first
20 appeared;
21 (b) On what asbestos-containing products did the
22 caution, warning, notice or instruction appear,
23 and where were such warnings located on each of
24 the products or packages;
25 (c) For each individual product when did the warning
26 first appear;

- 1 (d) The exact wording of each such warning, notice
2 or instruction for each individual
3 asbestos-containing product;
4 (e) The time period each such warning was used for
5 each asbestos-containing product;
6 (f) Who prepared the instructions or warnings.
7 (g) Has the warning notice, statement or instruction
8 ever been altered, amended or changed in any
9 manner; if so:
10 1. For each product warning that was altered
11 or amended, indicate how and when it was
12 amended and the reason for such amendment
13 or change, and the identity of the person
14 responsible for such amendment or change.

15 ANSWER: See Page 53a.
16
17
18

19 REQUEST FOR PRODUCTION O: Pursuant to CR 34, attach or
20 produce according to the above instructions an authenticated copy
21 of each warning label or notice used on any asbestos-containing
22 product sold, manufactured or incorporated in any product
23 manufactured or distributed by you.
24
25
26

ANSWER to Interrogatory 3.08

- (a) October 1973
- (b) On a major panel of the carton in which friction material products containing chrysotile asbestos fibers were shipped to Defendant Bendix' customers.

(c) October 1973

(d)

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

(e) October 1973 to present

(f) The identity of the author of the instruction or warning is unknown to Defendant Bendix except that the warning is set forth in the OSHA Regulations.

(g) No.

1
2 RESPONSE:— See answer to Interrogatory 3.08.
3
4
5

6 3.09 Did you provide respirators to plaintiff, plaintiff's
7 employers or persons at plaintiff's job sites during the time
8 period plaintiff was employed at Stuart-Western, Inc. or Western
9 Brake Industries, Seattle, Washington?

10 ANSWER: No.
11
12
13
14

15 3.10 If the answer to the preceding interrogatory is in
16 the affirmative, state the following:

- 17 (a) The date(s) respirators were provided;
18 (b) To whom the respirators were provided;
19 (c) The type of respirators provided;
20 (d) The instructions and/or warnings provided with
21 respirators, if any.
22
23
24
25
26

1 ANSWER: — Not applicable to Defendant Bendix. See answer to Interrogatory 3.09.
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10 3.11 Did you receive any comments or complaints concerning
11 asbestos dust and/or asbestos health hazards from any persons who
12 were co-employees or employed at plaintiff's place of employment
13 during the time period plaintiff was employed at Stuart-Western,
14 Inc. or Western Brake Industries, Seattle, Washington?

15 ANSWER: Defendant Bendix has no knowledge.
16
17
18

19 3.12 If the answer to the preceding interrogatory is in
20 the affirmative, state the following:

- 21 (a) The name and address of the person commenting or
complaining;
22 (b) The precise wording of the comment and/or
23 complaint;
24 (c) The date the comment and/or complaint was
received by you;
25 (d) What action, if any, was taken in response to
26 the comment and/or complaint.

PLAINTIFF'S FIRST INTERROGS, ETC. - 55

1
2 ANSWER: — Not applicable to Defendant Bendix. See answer to Interrogatory 3.11.
3
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10
11 3.13 Did you receive notice of any workmen's compensation
12 claims alleging injury as a result of asbestos exposure?

13 ANSWER: Defendant Bendix objects to this interrogatory on the grounds it seeks
14 information not relevant to matters involved in this action and not calculated
15 to lead to the discovery of admissible evidence. However, in the spirit of
16 cooperation and without waiving the foregoing objection, Defendant Bendix responds:
17 Yes.
18

19 3.14 If the answer to the preceding interrogatory is in
20 the affirmative, state the following for each year from the date of
21 your incorporation:

- 22 (a) The name and address of each claimant;
23 (b) The date you received notice;
24 (c) The state in which the claim was filed;
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- (d) The injury alleged in the claim;
- (e) The outcome of the claim (i.e., settled, dismissed, etc.).

ANSWER: See Page 57a. and b.

3.15 State the total number of product liability, third party cases which have been filed naming you as a party defendant, in which it was alleged in any way that your asbestos-bearing product caused harm.

ANSWER: See Page 57b.

ANSWER to Interrogatory 3.14

Defendant Bendix objects to this interrogatory on the grounds that it seeks information not relevant to matters involved in this action and not calculated to lead to the discovery of admissible evidence. However in the spirit of cooperation and without waiving the foregoing objection, Defendant Bendix has been involved in worker's compensation cases beginning in 1978 in which Bendix employees claim exposure to or injury from products containing asbestos, namely:

1. (a) Flora G. Rootes
(b) On or about 11/8/78
(c) New York
(d) asbestosis
(e) pending
2. (a) Thomas J. Walsh
(b) On or about 3/23/79
(c) New York
(d) asbestosis
(e) pending
3. (a) Charles E. Lewis
(b) Filed 3/28/80
(c) New York
(d) asbestosis
(e) pending
4. (a) Willis Green Gonterman (pipefitter)
(b) Filed on or about 11/22/80
(c) Missouri
(d) asbestosis
(e) settled
5. (a) Daniel L. Sullivan (steam/boiler room engineer)
(b) Filed 1/4/82
(c) Baltimore, Md.
(d) mesothelioma
(e) pending
6. (a) Melvin E. Donelson (operating engineer/heating-cooling equipment)
(b) Filed 10/4/82
(c) Missouri
(d) mesothelioma
(e) pending

7. (a) Ann M. (Ryan) Von Fricken
(b) 6/24/83
(c) New York
(d) asbestosis
(e) pending
8. (a) Raymond A. Zehner
(b) Filed 2/29/84
(c) Indiana
(d) cancer of larynx
(e) pending

ANSWER to Interrogatory 3.15

Defendant Bendix objects to this interrogatory on the grounds it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix has been involved in 516 cases beginning in 1975 in which plaintiffs allege exposure to and injury from asbestos exposure, with 347 cases pending and no cases reduced to judgment against Bendix. Some economically induced settlements have been made.

1 REQUEST FOR ADMISSION A: Over 10,000 cases described in
2 Interrogatory No. 3.17 are pending or have been filed naming you as
3 a defendant.

4 RESPONSE: Denied.
5
6
7

8 3.16 When were you first served with a summons and
9 complaint in which it was alleged that asbestos-related damages
10 were sustained by a third party as a result of alleged exposure to
11 an asbstos product manufactured, distributed or incorporated into a
12 product manufactured or distributed by you?
13

14 ANSWER: Defendant Bendix objects to this interrogatory on the grounds
15 that it seeks information not relevant to the matters involved in this action
16 and not calculated to lead to the discovery of admissible evidence. However,
17 in the spirit of cooperation and without waiving the foregoing objection,
18 Defendant Bendix responds as follows: November 12, 1975
19
20
21
22

23 3.17 State the court, cause number, attorney
24 identification, and ultimate resolution of such lawsuit identified
25 above.
26

1 ANSWER: See Page 59a.
2
3
4
5

6 3.18 For each and every year from 1930 to present, state
7 the number of such suits which were served upon you.
8

9 ANSWER: See Page 59a.
10
11
12
13
14

15 3.19 Identify by name and address the person or persons
16 who act as corporate custodian of documents pertaining to the third
17 party litigation in which asbestos-related damage is alleged.

18 ANSWER: See Page 59a.
19
20
21
22
23
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1
2 3.20 When was defendant first served with a third party
3 summons and complaint in which it was alleged then or later that a
4 plaintiff or a plaintiff's decedent sustained mesothelioma as a
5 result of exposure to asbestos products manufactured, distributed
6 or incorporated into a product manufactured or distributed by you?

7 ANSWER: Defendant Bendix objects to this interrogatory as being overly broad
8 ~~and~~ unlimited in scope so as to be patently burdensome and onerous. The burden
9 upon Bendix in terms of cost and manhours to respond to this interrogatory with
10 respect to the information sought would far outweigh the benefits, if any, that
11 said information would provide. Defendant Bendix also objects to this interrogatory
12 on the grounds that it seeks information not relevant to the matters involved
13 in this action and not calculated to lead to the discovery of admissible evidence.

14 3.21 State the court, cause number, attorney
15 identification and ultimate resolution of such lawsuit identified
16 above.

17 ANSWER:
18 See answer to Interrogatory 3.20.
19
20

21 3.22 For each and every year from 1930 until the present,
22 state the number of such suits which were served upon you.
23
24
25

1 ANSWER: See Page 61a.
2
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8 3.23 When was defendant first served with a summons and
9 complaint in which it was then or later alleged that a plaintiff or
10 plaintiff's decedent sustained lung cancer as a result of exposure
11 to asbestos products manufactured, distributed or incorporated into
12 a product manufactured or distributed by you?
13

14 ANSWER: See Page 61a.
15
16
17
18
19

20 3.24 State the court, cause number, attorney
21 identification and ultimate resolution of such lawsuit identified
22 above.
23
24
25
26

ANSWER to Interrogatory 3.22

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

ANSWER to Interrogatory 3.23

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

1 ANSWER: See answer to Interrogatory 3.23.
2
3
4
5
6
7

8 3.25 For each and every year from 1930 to the present,
9 state the number of such suits which were served upon you.

10 ANSWER: Defendant Bendix objects to this interrogatory as being overly
11 ~~broad~~ and unlimited in scope so as to be patently burdensome and onerous. The
12 burden upon Bendix in terms of cost and manhours to respond to this interrogatory
13 with respect to the information sought would far outweigh the benefits, if any,
14 that said information would provide. Defendant Bendix also objects to this
15 interrogatory on the grounds that it seeks information not relevant to the
16 matters involved in this action and not calculated to lead to the discovery of
17 admissible evidence.

18 3.26 When was defendant first served with a summons and
19 complaint in which it was then or later alleged that a plaintiff or
20 plaintiff's decedent sustained asbestosis as a result of exposure
21 to asbestos products manufactured, distributed or incorporated into
22 products manufactured or distributed by you?

23 ANSWER: See Page 62a.
24
25

26 3.27 State in detail the court, cause number, attorney
 identification and ultimate resolution of such lawsuit identified
 above.

ANSWER to Interrogatory 3.26

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

1 ANSWER: See answer to Interrogatory 3.25.
2
3
4
5
6

7 3.28 For each and every year since 1930 to the present,
8 state the number of such suits which were served upon you.

9 ANSWER: See Page 63a.
10
11
12
13

14 3.29 Do you retain records of the worker's compensation or
15 third party claims described in the foregoing interrogatories?
16

17 ANSWER: See Page 63a.
18
19
20

21 3.30 Identify with name and address the corporate
22 custodian of records concerning claims of workers.
23
24
25

26 PLAINTIFF'S FIRST INTERROGS, ETC. - 63

ANSWER to Interrogatory 3.27

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

ANSWER to Interrogatory 3.28

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form in that Defendant Bendix does not know what "records" are being referred to. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objection, Defendant Bendix' Law and Insurance Departments retain some information relative to claims which have been filed against Defendant Bendix as does Defendant Bendix' insurance carrier.

1
2 ANSWER: See answer to Interrogatory 3.29.
3
4
5

6
7 3.31 Identify all documents relating to the information
8 kept on worker's compensation claims.

9 ANSWER: See Page 64a.
10
11
12
13
14
15

16 REQUEST FOR PRODUCTION P: Pursuant to CR 34, attach or
17 produce according to the above instructions a copy of all documents
18 identified in the preceding interrogatory.

19 RESPONSE: See Page 64a.
20
21
22
23
24
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ANSWER to Interrogatory 3.31

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix further objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

ANSWER to Request for Production P

Defendant Bendix objects to this request as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this request as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this request with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix further objects to this request on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

1 REQUEST FOR ADMISSION B: You were aware as early as 1900
2 that one or more individuals had filed workmen's compensation
3 claims alleging injury or disease as a result of exposure to
4 asbestos while employed at one or more of your facilities.

5 RESPONSE: Denied.
6
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9

10 REQUEST FOR ADMISSION C: You were aware as early as 1910
11 that one or more individuals had filed workmen's compensation
12 claims alleging injury or disease as a result of exposure to
13 asbestos while employed at one or more of your facilities.

14 RESPONSE:
15 Denied.
16
17
18

19 REQUEST FOR ADMISSION D: You were aware as early as 1920
20 that one or more individuals had filed workmen's compensation
21 claims alleging injury or disease as a result of exposure to
22 asbestos while employed at one or more of your facilities.
23
24
25

1 RESPONSE: Denied.

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6 REQUEST FOR ADMISSION E: You were aware as early as 1930
7 that one or more individuals had filed workmen's compensation
8 claims alleging injury or disease as a result of exposure to
9 asbestos while employed at one or more of your facilities.

10 RESPONSE:
11 Denied.

12
13
14
15 REQUEST FOR ADMISSION F: You were aware as early as 1940
16 that one or more individuals had filed workmen's compensation
17 claims alleging injury or disease as a result of exposure to
18 asbestos while employed at one or more of your facilities.

19 RESPONSE:
20 Denied.

1 REQUEST FOR ADMISSION G: You were aware as early as 1950
2 that one or more individuals had filed workmen's compensation
3 claims alleging injury or disease as a result of exposure to
4 asbestos while employed at one or more of your facilities.

5 RESPONSE: Denied.
6

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9
10 REQUEST FOR ADMISSION H: You were aware as early as 1960
11 that one or more individuals had filed workmen's compensation
12 claims alleging injury or disease as a result of exposure to
13 asbestos while employed at one or more of your facilities.

14 RESPONSE: Denied.
15

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18
19 REQUEST FOR ADMISSION I: You were aware as early as 1965
20 that one or more individuals had filed workmen's compensation
21 claims alleging injury or disease as a result of exposure to
22 asbestos while employed at one or more of your facilities.
23

1 RESPONSE: Denied.
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6 REQUEST FOR ADMISSION J: You were aware as early as 1970
7 that one or more individuals had filed workmen's compensation
8 claims alleging injury or disease as a result of exposure to
9 asbestos while employed at one or more of your facilities.
10

11 RESPONSE: Denied.
12
13
14
15

16 REQUEST FOR ADMISSION K: You were aware as early as 1975
17 that one or more individuals had filed workmen's compensation
18 claims alleging injury or disease as a result of exposure to
19 asbestos while employed at one or more of your facilities.
20

21 RESPONSE: Denied.
22
23
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25
26

1 REQUEST FOR ADMISSION L: You were aware as early as 1979
2 that one or more individuals had filed workmen's compensation
3 claims alleging injury or disease as a result of exposure to
4 asbestos while employed at one or more of your facilities.

5 RESPONSE: Admitted.
6
7
8

9 REQUEST FOR ADMISSION M: You were aware as early as 1980
10 that one or more individuals had filed workmen's compensation
11 claims alleging injury or disease as a result of exposure to
12 asbestos while employed at one or more of your facilities.

13 RESPONSE: Admitted.
14
15
16
17

18 REQUEST FOR PRODUCTION Q: Pursuant to CR 34, attach or
19 produce according to the above instructions annual summaries of
20 compensation claims analyzed by nature of claims, lost time,
21 disposition and the like.

22 RESPONSE: Defendant Bendix objects to this Request as being overly broad and
23 unlimited in scope so as to be patently burdensome and onerous. The burden upon
24 Bendix in terms of cost and manhours to respond to this request with respect to
25 the information sought would far outweigh the benefits, if any, that said
information would provide. Defendant Bendix also objects to this request
on the grounds it seeks information that is not relevant to matters involved
in this action and not calculated to lead to the discovery of admissible evidence.

SECTION 4.0

4.01 Does or did defendant provide pulmonary function tests on its asbestos-exposed workers?

ANSWER: Defendant Bendix objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objection, Defendant Bendix responds as follows; Yes.

4.02 If the answer to the foregoing interrogatory is in the affirmative, state:

- (a) The nature of such program(s);
- (b) Whether such program was optional or mandatory; if mandatory, when it became so;
- (c) The location(s) of such program(s);
- (d) The date of service of such program(s);
- (e) If any of the program(s) have undergone modification, the nature and dates of such modification;
- (f) The custodian (by name, address and position) of records of such pulmonary function test program(s);
- (g) The highest level of management (by name, address and position) who participated in the decision to institute such program(s).

1 ANSWER: See Page 71a.
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9 REQUEST FOR PRODUCTION R: Pursuant to CR 34, attach or
10 produce according to the above instructions a copy of the records
11 pertaining in any way to the implementation of the previously
12 identified pulmonary function test programs.
13

14 RESPONSE:
15 See Page 71a.
16
17
18

19 4.03 With reference to the pulmonary function testing
20 program described in your answer to Interrogatory No. 4.02, state
21 the frequency (e.g., tests per year or per month) such tests were
22 administered to individual employees (and if frequency varies by
23 categories of employee or if testing policy was modified, indicate
24 when and where the modifications occurred and by what categories).
25

26 PLAINTIFF'S FIRST INTERROGS, ETC. - 71

ANSWER to Interrogatory 4.02

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix further objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix provides for its employees exposed to chrysotile asbestos fibers, on an optional basis, annual medical examinations (chest x-ray, pulmonary function test (PFI)).

RESPONSE to Request for Production R

Defendant Bendix objects to this request as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this request as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this request with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix further objects to this request on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

1 ANSWER: See Page 72a
2
3
4
5

6 4.04 Did you ever institute a program of chest x-rays for
7 asbestos-exposed workers?
8

9 ANSWER: See Page 72a
10
11
12

13 4.05 If the answer to the foregoing interrogatory is in
14 the affirmative, state:

- 15 (a) The nature of such program(s);
16 (b) Whether such program was optional or mandatory;
17 if mandatory, when it became so;
18 (c) The location(s) of such program(s);
19 (d) The date of service of such program(s);
20 (e) If any of the program(s) have undergone
21 modification, the nature and dates of such
22 modification;
23 (f) The custodian (by name, address and position) of
24 records of such x-ray test program(s);
25 (g) The highest level of management (by name,
26 address and position) who participated in the
27 decision to institute such program(s).

ANSWER to Interrogatory 4.03

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

ANSWER to Interrogatory 4.04

Defendant Bendix objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objection, Defendant Bendix responds as follows: Yes.

1 ANSWER: See answer to Interrogatory 4.02.
2
3
4
5
6

7 4.06 For each and every such program identified in your
8 answer to the preceding interrogatory, describe in detail the
9 method by which the results of such testing was made available to
10 the employees.

11 ANSWER: Abnormal results of the tests are communicated orally to the
12 employee with a recommendation that the employee consult his/her physician.
13
14
15
16

17 REQUEST FOR PRODUCTION S: Pursuant to CR 34, attach or
18 produce according to the above instructions a copy of the records
19 of the implementation of the afore-identified chest x-ray
20 programs.

21 RESPONSE: Defendant Bendix objects to this Request as being overly broad and
22 unlimited in scope so as to be patently burdensome and onerous. The burden upon
23 Bendix in terms of cost and manhours to respond to this request with respect to
24 the information sought would far outweigh the benefits, if any, that said
25 information would provide. Defendant Bendix also objects to this request on the
26 grounds it seeks information not relevant to the matters involved in this action
27 and not calculated to lead to the discovery of admissible evidence.

1 4.07 Did defendant ever institute a safety program other
2 than pulmonary function tests and x-ray exams for its
3 asbestos-exposed workers?
4

5 ANSWER: See Page 74a.
6
7
8
9
10
11

12 4.08 If the answer to the foregoing interrogatories is in
13 the affirmative, state:

- 14 (a) The nature of such program(s);
15 (b) Whether such program was optional or mandatory;
 if mandatory, when it became so;
16 (c) The location(s) of such program(s);
17 (d) The date of service of such program(s);
18 (e) If any of the program(s) have undergone
19 modification, the nature and dates of such
 modification;
20 (f) The custodian (by name, address and position) of
21 records of such x-ray test program(s);
22 (g) The highest level of management (by name,
23 address and position) who participated in the
 decision to institute such program(s).
24
25
26

ANSWER to Interrogatory 4.0

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form in that Defendant Bendix does not know what is intended by the undefined term "safety program". Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix has implemented engineering controls, air sampling and respiratory protection programs, housekeeping and facility cleaning standards and employee training and warning signs as well as medical surveillance in its overall approach to employee protection.

1 ANSWER: — See answer to Interrogatory 4.07.
2
3
4
5
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8 REQUEST FOR PRODUCTION T: Pursuant to CR 34, attach or
9 produce according to the above instructions a copy of the records
10 of the implementation of the afore-identified chest safety program.

11 RESPONSE: See Page 75a.
12
13
14

15 4.09 Did defendant ever institute a no-smoking program for
16 its asbestos-exposed workers?

17 ANSWER: See Page 75a.
18
19
20

21 4.10 If the answer to the preceding interrogatory is in
22 the affirmative, state:

23 (a) The nature of such program(s);

24 (b) Whether such program was optional or mandatory;
25 if mandatory, when it became so;

26 PLAINTIFF'S FIRST INTERROGS, ETC. - 75

RESPONSE to Request for Production T

Defendant Bendix also objects to this request as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this request with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix further objects to this request on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

ANSWER to Interrogatory 4.09

Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objection, Defendant Bendix responds that Defendant Bendix has designated certain areas, including those areas where friction material products containing chrysotile asbestos fibers are in production, as no smoking areas. Such areas are marked and "no smoking" signs are posted. Defendant Bendix has also offered to its employees and encouraged its employees to attend smoking cessation clinics.

- 1 (c) The location(s) of such program(s);
2
3 (d) The date of service of such program(s);
4
5 (e) If any of the program(s) have undergone
6 modification, the nature and dates of such
7 modification;
8 (f) The custodian (by name, address and position) of
9 records of such x-ray test program(s);
10
11 (g) The highest level of management (by name,
12 address and position) who participated in the
13 decision to institute such program(s).
14

15 ANSWER: See answer to Interrogatory 4.10.
16
17
18
19

20 4.11 Identify all records which pertain to the
21 implementation of the above-described program(s).
22

23 ANSWER: Defendant Bendix objects to this interrogatory as being overly broad
24 and unlimited in scope so as to be patently burdensome and onerous. The burden
25 upon Bendix in terms of cost and manhours to respond to this interrogatory with
26 respect to the information sought would far outweigh the benefits, if any, that
said information would provide. Defendant Bendix also objects to this interrogator
on the grounds that it seeks information not relevant to matters involved in this
action and not calculated to lead to the discovery of admissible evidence.

1
2 REQUEST FOR PRODUCTION U: Pursuant to CR 34, attach or
3 produce according to the above instructions a copy of the records
4 of the implementation of the above-identified no-smoking programs.

5 RESPONSE: See Page 77a.
6
7
8
9

10 REQUEST FOR ADMISSION N: Prior to 1900, dust counts, air
11 sampling surveys, or other types of studies or tests were conducted
12 at one or more of your facilities where products containing
13 asbestos were manufactured to determine the levels of dust or
14 asbestos fiber concentrations in the air.

15 RESPONSE: Denied.
16
17
18
19

20 REQUEST FOR ADMISSION O: Prior to 1910, dust counts, air
21 sampling surveys, or other types of studies or tests were conducted
22 at one or more of your facilities where products containing
23 asbestos were manufactured to determine the levels of dust or
24 asbestos fiber concentrations in the air.
25
26

RESPONSE to Request for Production U

Defendant Bendix objects to this request as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this request with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this request on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

1
2 RESPONSE: Denied.

3

4

5

6 REQUEST FOR ADMISSION P: Prior to 1920, dust counts, air
7 sampling surveys, or other types of studies or tests were conducted
8 at one or more of your facilities where products containing
9 asbestos were manufactured to determine the levels of dust or
10 asbestos fiber concentrations in the air.

11 RESPONSE:
12 Denied.

13

14

15

16

17 REQUEST FOR ADMISSION Q: Prior to 1930, dust counts, air
18 sampling surveys, or other types of studies or tests were conducted
19 at one or more of your facilities where products containing
20 asbestos were manufactured to determine the levels of dust or
21 asbestos fiber concentrations in the air.

22 RESPONSE: Denied.

23

24

25

26

1 REQUEST FOR ADMISSION R: Prior to 1940, dust counts, air
2 sampling surveys, or other types of studies or tests were conducted
3 at one or more of your facilities where products containing
4 asbestos were manufactured to determine the levels of dust or
5 asbestos fiber concentrations in the air.

6 RESPONSE:

7 Denied.

8
9
10
11 REQUEST FOR ADMISSION S: Prior to 1950, dust counts, air
12 sampling surveys, or other types of studies or tests were conducted
13 at one or more of your facilities where products containing
14 asbestos were manufactured to determine the levels of dust or
15 asbestos fiber concentrations in the air.

16 RESPONSE:

17 Denied.
18
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1 REQUEST FOR ADMISSION T: Prior to 1960, dust counts, air
2 sampling surveys, or other types of studies or tests were conducted
3 at one or more of your facilities where products containing
4 asbestos were manufactured to determine the levels of dust or
5 asbestos fiber concentrations in the air.
6

7 RESPONSE:

8 Denied.
9
10
11

12 REQUEST FOR ADMISSION U: Prior to 1970, dust counts, air
13 sampling surveys, or other types of studies or tests were conducted
14 at one or more of your facilities where products containing
15 asbestos were manufactured to determine the levels of dust or
16 asbestos fiber concentrations in the air.

17 RESPONSE:

18 Denied.
19
20

21 REQUEST FOR ADMISSION V: Prior to 1979, dust counts, air
22 sampling surveys, or other types of studies or tests were conducted
23 at one or more of your facilities where products containing
24 asbestos were manufactured to determine the levels of dust or
25 asbestos fiber concentrations in the air.

1
2 RESPONSE:

3 Admitted pursuant to OSHA Regulations.
4
5

6
7 4.12 Was defendant ever involved in a suit or claim by an
8 individual (or a union on behalf of an individual) instituted to
9 gain access to the medical or exposure records of defendant's
10 employees?

11 ANSWER: Defendant Bendix objects to this interrogatory as being vague,
12 ambiguous, unclear and incapable of being intelligently answered in its present
13 form. Defendant Bendix also objects to this interrogatory on the grounds that
14 it seeks information not relevant to the matters involved in this action and
15 not calculated to lead to the discovery of admissible evidence. However, in
16 the spirit of cooperation and without waiving the foregoing objections, Defendant
17 Bendix has no knowledge.

18
19 4.13 If the answer to the foregoing interrogatory is in
20 the affirmative, state:

- 21 (a) When such a suit occurred;
22 (b) The attorneys involved in representing each
23 party, together with the cause number and court
24 where filed;
25 (c) The individual and/or union involved;
26 (d) The nature of the medical records in question;
(e) Identify the custodian (by name, address and
position) of records relating to the above
subject.

1
2 ANSWER:

Not applicable to Defendant Bendix. See answer to Interrogatory 4.12.

3
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9
10 REQUEST FOR PRODUCTION V: Pursuant to CR 34, attach or
11 produce according to the above instructions a copy of all records
12 relating to the above subject.

13 RESPONSE: Not applicable to Defendant Bendix. See answer to interrogatory 4.12
14
15
16
17

18 4.14 Does defendant now, or have you in the past, ever
19 contributed money or other support toward the research of the
20 biological effects of asbestos?

21 ANSWER: Defendant Bendix objects to this interrogatory as being vague,
22 ambiguous, unclear and incapable of being intelligently answered in its present
23 form. Defendant Bendix also objects to this interrogatory on the grounds that it
24 seeks information not relevant to matters involved in this action and not calculate
25 to lead to the discovery of admissible evidence. However, in the spirit of
26 cooperation and without waiving the foregoing objections, Defendant Bendix responds
No.

1 4.15 If the answer to the preceding interrogatory is in
2 the affirmative, state:

- 3 (a) the date(s) of such contribution;
4 (b) The substance, either monetary amount or other,
5 of such contribution;
6 (c) The type of project or projects contributed to;
7 (d) The recipient of such contribution by name,
8 address and affiliation for study;
9 (e) Identify by name, address and title the person
10 or persons in highest responsibility post for
11 such a decision to contribute toward such
12 research;
13 (f) Identify all documents which pertain to the
14 decision to contribute to such research;
15 (g) Identify the name and address of the custodian
16 of all documents relating to such research.

17 ANSWER: Not applicable to Defendant Bendix. See answer to Interrogatory 4.14.
18
19
20

21 REQUEST FOR PRODUCTION W: Pursuant to CR 34, attach or
22 produce according to the above instructions all documents relating
23 to the research identified in response to Interrogatory No. 4.14.
24
25

1 RESPONSE: Not applicable to Defendant Bendix. See answer to Interrogatory 1.11
2
3
4
5

6 REQUEST FOR ADMISSION X: You conducted or caused to be
7 conducted no tests before 1900 on your products containing asbestos
8 to determine whether asbestos or asbestos particles might be
9 harmful to human beings if inhaled.
10

11 RESPONSE:

12 Admitted.
13
14
15

16 REQUEST FOR ADMISSION Y: You conducted or caused to be
17 conducted no tests before 1910 on your products containing asbestos
18 to determine whether asbestos or asbestos particles might be
19 harmful to human beings if inhaled.

20 RESPONSE:

21 Admitted.
22
23
24
25
26

1 REQUEST FOR ADMISSION Z: You conducted or caused to be
2 conducted no tests before 1920 on your products containing asbestos
3 to determine whether asbestos or asbestos particles might be
4 harmful to human beings if inhaled.

5 RESPONSE:
6 Admitted.

7
8
9
10 REQUEST FOR ADMISSION AA: You conducted or caused to be
11 conducted no tests before 1930 on your products containing asbestos
12 to determine whether asbestos or asbestos particles might be
13 harmful to human beings if inhaled.

14 RESPONSE:
15 Admitted.

16
17
18
19 REQUEST FOR ADMISSION BB: You conducted or caused to be
20 conducted no tests before 1940 on your products containing asbestos
21 to determine whether asbestos or asbestos particles might be
22 harmful to human beings if inhaled.

1 RESPONSE:

2
3 Admitted.

4
5
6 REQUEST FOR ADMISSION CC: You conducted or caused to be
7 conducted no tests before 1950 on your products containing asbestos
8 to determine whether asbestos or asbestos particles might be
9 harmful to human beings if inhaled.

10 RESPONSE:

11
12 Admitted.

13
14
15 REQUEST FOR ADMISSION DD: You conducted or caused to be
16 conducted no tests before 1960 on your products containing asbestos
17 to determine whether asbestos or asbestos particles might be
18 harmful to human beings if inhaled.

19 RESPONSE:

20
21 Admitted.

22
23
24
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26 PLAINTIFF'S FIRST INTERROGS, ETC. - 86

1
2 REQUEST FOR ADMISSION EE: You conducted or caused to be
3 conducted no tests before 1970 on your products containing asbestos
4 to determine whether asbestos or asbestos particles might be
5 harmful to human beings if inhaled.

6 RESPONSE:

7 Admitted.

8
9
10 4.16 State in detail when you first became aware of the
11 existence of articles on the subject of the relationship between
12 asbestos exposure and
13

14 (a) asbestosis;

15 (b) lung cancer;

16 (c) mesothelioma;

17 (d) forms of cancer other than lung cancer.

18 ANSWER: Defendant Bendix objects to this interrogatory on the grounds that it
19 seeks information not relevant to matters involved in this action and not calculated
20 to lead to the discovery of admissible evidence. However, in the spirit of
21 cooperation and without waiving the foregoing objection, Defendant Bendix
22 responds as follows: Defendant Bendix recognizes that there are medical theories
23 that such relationships exists and became aware of such theories in early 1970 through
24 published information, which theories Defendant Bendix believes to be speculative.

25 4.17 For each disease mentioned in subparts a through d of
26 the preceding interrogatory, state in what manner you gained
27 awareness of each.

1 ANSWER: See answer to Interrogatory 4.16
2
3
4
5
6

7 4.18 Identify all documents which pertain in any way to
8 your answer to the preceding interrogatory.
9

10 ANSWER: See Page 88a.
11
12
13
14

15 REQUEST FOR PRODUCTION X: Pursuant to CR 34, attach or
16 produce according to the above instructions a copy of all documents
17 identified in response to the preceding interrogatory.
18

19 RESPONSE: See answer to Interrogatory 4.18.
20
21
22
23
24
25

ANSWER to Interrogatory 4.18

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix further objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. Also see answer to Interrogatory 4.16.

1 —REQUEST FOR ADMISSION FF: You were aware as early as 1900
2 of research, studies and/or articles indicating a causal connection
3 between asbestos exposure and
4

5 (a) asbestosis;

6 (b) lung cancer;

7 (c) mesothelioma;

8 (d) forms of cancer other than lung cancer.

9 RESPONSE:

10 Denied.

11
12 REQUEST FOR ADMISSION GG: You were aware as early as 1910
13 of research, studies and/or articles indicating a causal connection
14 between asbestos exposure and
15

16 (a) asbestosis;

17 (b) lung cancer;

18 (c) mesothelioma;

19 (d) forms of cancer other than lung cancer.

20 RESPONSE:

21 Denied.

1 REQUEST FOR ADMISSION HH: You were aware as early as 1920
2 of research, studies and/or articles indicating a causal connection
3 between asbestos exposure and

- 4 (a) asbestosis;
5 (b) lung cancer;
6 (c) mesothelioma;
7 (d) forms of cancer other than lung cancer.

8 RESPONSE:

9 Denied.
10

11
12 REQUEST FOR ADMISSION II: You were aware as early as 1930
13 of research, studies and/or articles indicating a causal connection
14 between asbestos exposure and

- 15 (a) asbestosis;
16 (b) lung cancer;
17 (c) mesothelioma;
18 (d) forms of cancer other than lung cancer.

19 RESPONSE:

20 Denied.
21

22

23

24

25

26

1 REQUEST FOR ADMISSION JJ: You were aware as early as 1940
2 of research, studies and/or articles indicating a causal connection
3 between asbestos exposure and

- 4 (a) asbestosis;
5 (b) lung cancer;
6 (c) mesothelioma;
7 (d) forms of cancer other than lung cancer.

8 RESPONSE:

9
10 Denied.

11
12 REQUEST FOR ADMISSION KK: You were aware as early as 1950
13 of research, studies and/or articles indicating a causal connection
14 between asbestos exposure and

- 15 (a) asbestosis;
16 (b) lung cancer;
17 (c) mesothelioma;
18 (d) forms of cancer other than lung cancer.

19 RESPONSE:

20
21 Denied.

22

23

24

25

26

1 REQUEST FOR ADMISSION LL: You were aware as early as 1960
2 of research, studies and/or articles indicating a causal connection
3 between asbestos exposure and

- 4 (a) asbestosis;
5 (b) lung cancer;
6 (c) mesothelioma;
7 (d) forms of cancer other than lung cancer.

8 RESPONSE:
9

10 Denied.
11

12 REQUEST FOR ADMISSION MM: You were aware as early as 1970
13 of research, studies and/or articles indicating a causal connection
14 between asbestos exposure and

- 15 (a) asbestosis;
16 (b) lung cancer;
17 (c) mesothelioma;
18 (d) forms of cancer other than lung cancer.

19 RESPONSE:
20

21 Denied.
22
23
24
25
26

1 REQUEST FOR ADMISSION NN: You were aware as early as 1975
2 of research, studies and/or articles indicating a causal connection
3 between asbestos exposure and

4 (a) asbestosis;

5 (b) lung cancer;

6 (c) mesothelioma;

7 (d) forms of cancer other than lung cancer.

8 RESPONSE: Defendant Bendix is unable to admit or deny. Defendant Bendix
9 believes that breathing excessive concentrations of asbestos fibers may
10 present health hazards.

11
12 4.19 Have you ever lobbied for or participated in the
13 lobbying for, or in the creation of, governmental/legislative
14 remedies for asbestos-related lung diseases?

15 ANSWER:

16
17
18 No.

19
20 4.20 If your answer to the preceding interrogatory is in
21 the affirmative, state in detail:

22 (a) The form such lobbying took;

23 (b) All person(s) acting on behalf of defendant;

24
25
26 PLAINTIFF'S FIRST INTERROGS, ETC. - 93

- 1 (c) The amount of monies spent on the above lobbying;
2
3 (d) The intended and actual results of such lobbying.

4 ANSWER:

5 Not applicable to Defendant Bendix. See answer to Interrogatory 4.19
6
7
8

9 4.21 Were you involved in any stage of the preparation of
10 the bill H.R. 2740 introduced by Millicent Fenwick, Republican-New
11 Jersey, in the House of Representatives?
12

13 ANSWER:

14 No.
15
16
17

18 4.22 If your answer to the preceding interrogatory is in
19 the affirmative, identify:

- 20 (a) the manner in which defendant was involved;
21 (b) The person(s) so involved;
22 (c) The time spent in contribution to the creation
of the Fenwick bill;
23 (d) All documents generated by your involvement in
24 the preparation of H.R. 2740.
25
26

1
2 ANSWER:

3 Not applicable to Defendant Bendix. See answer to Interrogatory 4.21
4
5
6
7

8
9 REQUEST FOR PRODUCTION Y: Pursuant to CR 34, attach or
10 produce according to the above instructions a copy of all documents
11 identified in subpart (d) of your answer to the preceding
12 interrogatory.

13 RESPONSE:

14 Not applicable to Defendant Bendix. See answer to Interrogatory 4.22.
15
16

17 4.23 Was defendant involved in any aspect or stage of
18 preparation of the Senate bill, S. 2847, introduced by Senator
19 Hart, Democrat-Colorado, to the Senate of the United States?

20 ANSWER:

21 No.
22
23
24
25

1 4.24 If your answer to the preceding interrogatory is in
2 the affirmative, identify and describe in detail:

3 (a) The manner in which defendant was involved;

4 (b) The person(s) so involved;

5 (c) The time spent in contribution to the creation of
6 the Hart bill.

7 ANSWER:

8 Not applicable to Defendant Bendix. See answer to
9 Interrogatory 4.23.

10
11
12
13 4.25 With respect to liability insurance, identify each
14 and every insurance policy actually, potentially or arguably
15 effective for each year after the founding of defendant.

16 ANSWER: Defendant Bendix objects to this interrogatory on the
17 grounds it seeks information not relevant to the matters involved
18 in this action and not calculated to lead to the discovery of admissible
19 evidence. However in the spirit of cooperation and without waiving the foregoing
20 objection, see Page 96a.

Fidelity & Casualty of N.Y.	1/1/39-40	P216269
"	1/1/40-	XP236500
"	10/1/41	
"	10/1/41-	XAP1457
"	10/1/44	
"	10/1/44-	XP20619
"	10/1/47	
"	10/1/47-	XP25711
"	10/1/50	
"	10/1/50-53	XP84943
"	10/1/53-56	XP88153
"	10/1/56-69	XP226030
"	10/1/59-62	XP323487
"	10/1/62-65	XP389303
Continental Ins. Co., N.Y.	10/1/65-67	LZ49509
"	10/1/67-70	CBP048567
"	10/1/70-75	CBP048568
"	10/1/75-	L6348763
"	12/31/75	
"	12/31/75-	L6348763
"	10/1/77	
"	10/1/77-78	L6348763
"	10/1/78-79	L6348763
"	10/1/79-83	SRL6348763

1
2 4.26 For each insurance policy identified in your answer
3 to the above interrogatory, state:

- 4 (a) The name of the insurance company;
5 (b) The policy number of each;
6 (c) The name and address of the agent who sold the
7 insurance policy;
8 (d) The dollar limits of coverage and scope of
9 coverage for liability of each such insurance
10 policy and the deductibles of each such
11 insurance policy;
12 (e) Effective date and expiration date of each such
13 insurance policy;
14 (f) The name insured;
15 (g) The name, address and title of the employee of
16 the insurance company and/or agent who has
17 supervisory responsibility for plaintiff's
18 claims in this litigation;
19 (h) Dollar limits of coverage for any medical
20 payment personal injury protecting benefits
21 which are the same as available to the plaintiff
22 and under what condition;
23 (i) The name of the attorney defending this
24 litigation who represents each such carrier,
25 identifying each;
26 (j) Subsequent to the issuance of each policy or
 policies identified in the preceding
 interrogatory, was the original policy amended,
 changed or otherwise modified;
 (k) If so, for each modification, for each such
 policy, identify:
 1. The substance of the modification;
 2. The date it became effective.

1
2 ANSWER:

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10 See Page 98a.

11 4.27 Has a claim or suit involving policy limits, reserved
12 rights or disputed coverage been initiated against any of the
13 insurance companies identified in your answer to the preceding
14 interrogatory?

15 ANSWER:

16 No.

17
18
19 4.28 If your answer to the preceding interrogatory is in
20 the affirmative, state:

21 (a) The insurance company(ies) against whom the
claim or lawsuit has been initiated;

22 (b) The date upon which it was initiated;
23
24
25

26 PLAINTIFF'S FIRST INTERROGS, ETC. - 98

ANSWER to Interrogatory 4.26

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objections, see answer to Interrogatory 4.25.

1 (c) The contentions therein;

2 (d) The claim number, cause number, court, parties
3 to the litigation, attorneys representing the
4 parties in the litigation, and any other
5 identifying information, including but not
6 limited to the disposition of such litigation,
7 claim or contention.

8 ANSWER:

9 Not applicable to Defendant Bendix. See answer to Interrogatory 4.27.

10
11
12
13 REQUEST FOR PRODUCTION 2: Pursuant to CR 34, attach or

14 produce according to the above instructions a copy of all documents
15 which pertain in any way to your answers to the preceding insurance
16 interrogatories.

17 RESPONSE:

18 Not applicable to Defendant Bendix. See answer to Interrogatory 4.27.

19
20
21 4.29 Identify any other disputed matters with respect to
22 any other insurance policies, including but not limited to:

23 (a) The name of the insurance company;

24 (b) The policy number;

1 ANSWER: Defendant Bendix did not receive Interrogatories 4.30 to 4.37.
2 In that there is no gap in pagination, Bendix understands that no such interrogatori
3 were intended by plaintiff.

4
5
6 4.38 Do you have or have you had liability coverage other
7 than that previously identified, such as umbrella or excess
8 liability policies or secondary policies or self-insurance reserve
9 pools?

10 ANSWER: Defendant Bendix objects to this interrogatory on the grounds that
11 it seeks information that is not relevant to the matters involved in this action
12 and not calculated to lead to the discovery of admissible evidence.

13
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15
16
17 4.39 If your answer to the preceding interrogatory is in
18 the affirmative, state for each:

- 19
20 (a) The name of the insurance company;
21 (b) The policy number and other identification;
22 (c) The name, address, telephone number, job title,
23 or capacity of the agent who sold the insurance;
24 (d) The dollar limits of coverage and scope of
25 coverage for liability;

1 (e) Effective date and expiration;

2 (f) Dollar limits of coverage and scope of coverage
3 for any medical or personal injury protection or
4 benefits, and whether same is available to
plaintiffs and under what conditions;

5 (g) The name, address, and title of the employee who
6 has supervisory responsibility for the
disposition of plaintiff's claims.

7 ANSWER: Not applicable to Defendant Bendix. See answer to Interrogatory 4.38

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13
14 REQUEST FOR PRODUCTION AA: Pursuant to CR 34, attach or
15 produce, according to the above instructions, a copy of all
16 documents which pertain in any way to your answer to the foregoing
17 interrogatory.

18 RESPONSE:

19 Not applicable to Defendant Bendix. See answer to Interrogatory 4.39.
20
21

22 4.40 Identify all trade publications that have been
23 subscribed to by your employers or agents, including all such
24 publications for which you have paid employee subscription.
25

26 PLAINTIFF'S FIRST INTERROGS., ETC. - 102

ANSWER to Interrogatory 4.40

Defendant Bendix objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Defendant Bendix in terms of cost and manhours to respond to this interrogatory with respect to each trade association periodical that Defendant Bendix subscribed to would far outweigh the benefit, if any, that said periodicals would provide. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix subscribes, for example, to "Automotive Aftermarket News", "Warehouse Distribution Jobber Topics", "Warehouse Distributor News", "Motor Age", and "Brake and Front End".

ANSWER to Interrogatory 4.41

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

ANSWER to Interrogatory 4.42

Defendant Bendix objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence.

1
2 4.43 Identify all organizations connected with the
3 asbestos products industry which your company has belonged to,
4 participated in and/or financially supported from 1920 to the
5 present.

6 ANSWER: See Page 104a.
7
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11

12 4.44 Did your company or any of your employees, agents,
13 personnel, directors, or officers ever belong to, participate in,
14 or financially support the Asbestos Textile Institute?

15 ANSWER: See Page 104a.
16
17
18
19
20

21 4.45 If the answer to the preceding interrogatory is in
22 the affirmative, state:

23 (a) The date(s) of such membership, participation,
24 or financial support;
25

ANSWER to Interrogatory 4.43

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. Defendant Bendix further objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix has been a member of the following:

Friction Materials Standards Institute, Inc.
Bergen Mall Office Center, Paramus, NJ 07652 (since 1949)

Asbestos Information Association
1745 Jefferson Davis Highway, Arlington, VA 22202 (since 1974)

ANSWER to Interrogatory 4.44

Defendant Bendix has no knowledge.

- 1 (b) The nature of your company's relationship with
2 the Asbestos Textile Institute;
- 3 (c) The name(s), address(es), and nature of duties
4 of the person(s) in your company with any
responsibilities regarding the Asbestos Textile
Institute;
- 5 (d) In what committee(s) of the Asbestos Textile
6 Institute your company or persons in your
company participate;
- 7 (e) Whether any documents pertaining to such
8 membership, participation, or financial support
9 exist, and, if so, identify the custodian of
such documents.

10 ANSWER:

11 Not applicable to Defendant Bendix. See answer to Interrogatory 4.44.

12

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21 4.46 State whether any safety precautions are or were
22 needed by workers handling any asbestos product.

23

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2 ANSWER: See Page 106a.
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8 4.47 If safety precautions are or were needed, as to each
9 asbestos product, state the following:

- 10 (a) What safety precautions are or were needed;
11 (b) Why these precautions are or were needed;
12 (c) What safety precautions are or were recommended
to workers or others by you;
13 (d) State the date(s) such recommendations were made;
14 (e) State the manner in which such recommendations
15 were made, whether oral or written;
16 (f) Identify the person(s) in your company making
such recommendations;
17 (g) If in writing, identify the custodian or
possessor of such recommendations.

18 ANSWER:

19 See Page 106a.
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ANSWER to Interrogatory 4.46

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix responds as follows: See answer to Interrogatory 3.01.

ANSWER to Interrogatory 4.47

Defendant Bendix objects to this interrogatory as being vague, ambiguous, unclear and incapable of being intelligently answered in its present form. Defendant Bendix also objects to this interrogatory as being overly broad and unlimited in scope so as to be patently burdensome and onerous. The burden upon Bendix in terms of cost and manhours to respond to this interrogatory with respect to the information sought would far outweigh the benefits, if any, that said information would provide. Defendant Bendix further objects to this interrogatory on the grounds that it seeks information not relevant to the matters involved in this action and not calculated to lead to the discovery of admissible evidence. However, in the spirit of cooperation and without waiving the foregoing objections, Defendant Bendix responds as follows: See answer to Interrogatory 3.01.

1
2 4.48 Identify all persons in your company who are
3 delegated to attend asbestos or asbestos product safety hearings or
4 meetings, or be familiar with asbestos or asbestos product safety.

5 ANSWER: Defendant Bendix objects to this interrogatory as being vague, ambiguous
6 unclear and incapable of being intelligently answered in its present form. Defendant
7 Bendix also objects to this interrogatory on the grounds that it seeks information
8 that is not relevant to matters involved in this action and not calculated to lead
9 to the discovery of admissible evidence.
10
11
12

13 4.49 Has any buyer or user of any asbestos product
14 manufactured or distributed by you ever been given instructions by
15 anyone to discontinue using such asbestos product?

16 ANSWER: Defendant Bendix has no knowledge.
17
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1 4.50 If the answer to the preceding interrogatory is in
2 the affirmative:

- 3 (a) Identify the date of such instructions;
4 (b) Identify the buyer or user;
5 (c) State the reason(s) for such instructions being
6 given;
7 (d) Identify the person(s) giving such instructions
8 to the buyer or user;
9 (e) If written, identify the custodian of such
 instructions.

10 ANSWER:

11 Not applicable to Defendant Bendix. See answer to Interrogatory 4.49.
12
13
14
15

16 4.51 Have you ever engaged in any joint venture or
17 cooperative arrangement with any company, corporation, or other
18 business entity concerning the manufacture or distribution of
19 asbestos or any asbestos product, including, but not limited to,
20 any technical assistance arrangement, any research regarding
21 asbestos or asbestos products or any marketing arrangement?
22
23
24
25

1
2 ANSWER: — Defendant Bendix objects to this interrogatory as being vague,
3 ambiguous, unclear and incapable of being intelligently answered in its present
4 form. Defendant Bendix also objects to this interrogatory as seeking information
5 not relevant to the matters involved in this action and not calculated to lead
6 to the discovery of admissible evidence. However, in the spirit of cooperation
7 and without waiving the foregoing objections, Defendant Bendix has no knowledge.

8 4.52 If your answer to the preceding interrogatory is in
9 the affirmative, state:

- 10 (a) The date(s) of any such joint venture or
11 cooperative arrangement;
12 (b) With what business entity you engaged in any
13 such joint venture or cooperative arrangement;
14 (c) Describe in detail the nature of any such joint
15 venture or cooperative arrangement;
16 (d) Whether any documents exist regarding any such
17 joint venture or cooperative arrangement, and,
18 if so, state:
19 1. The date(s) of any such documents;
20 2. The custodian or possessor of any such
21 documents.

22 ANSWER:

23 Not applicable to Defendant Bendix. See answer to Interrogatory 4.51.
24
25
26

1 4.53 When did you first learn in any manner or from any
2 source that asbestos or asbestos products are hazardous or
3 dangerous to the health of persons?
4

5 ANSWER:

6 OSHA Regulations published in THE FEDERAL REGISTER in 1972. 
7
8
9

10 4.54 From whom did you learn the information referred to
11 in the answer to the preceding interrogatory?
12

13 ANSWER:

14 OSHA Regulations published in THE FEDERAL REGISTER.
15
16
17
18

19 4.55 State what documents reflect the information given in
20 answer to the two preceding interrogatories, their date, and the
21 present custodian of said records.
22
23
24
25
26

1
2 ANSWER: —

3 1972 Code of Federal Regulations.
4
5
6
7

8 SECTION 5.0

9 5.01 Do you contend that any other party defendants in
10 this litigation caused or contributed to the damage or damages
11 sustained by plaintiff or plaintiff's decedent? ANSWER:
12

13 Unknown to Defendant Bendix at the present time since discovery
14 has not been completed and investigation continues.
15
16

17 5.02 If your answer to the preceding interrogatory is in
18 the affirmative:

- 19 (a) Identify each such party;
20 (b) State the manner and means of such contribution;
21 (c) Indicate the quantification thereof in
22 percentage terms;
23 (d) Identify each document which supports such a
24 contention, including the custodian thereof;
25 (e) Identify each person(s) who has/have knowledge
26 concerning such contribution by name, address,
phone number, and relationship to defendant.

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2 ANSWER: See answer to Interrogatory 5.01

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REQUEST FOR PRODUCTION NO. AA: Pursuant to CR 34, attach
9 or produce, according to the above instructions, a copy of all
10 documents identified in your answer to the foregoing interrogatory.

11 RESPONSE:

12 See answer to Interrogatory 5.01.

13

14

15

16

5.03 Do you contend that any person, business, or entity
17 not a party to this litigation contributed to the damage or damages
18 to plaintiff?

19

ANSWER:

20 Unknown to Defendant Bendix at the present time since
21 discovery has not been completed and investigation continues.

22

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27

2 5.04 If your answer to the preceding interrogatory is in
3 the affirmative:

- 4 (a) Identify each such party;
5 (b) State the manner and means of such contribution;
6 (c) Indicate the quantification thereof in
7 percentage terms;
8 (d) Identify each document which supports such a
9 contention, including the custodian thereof;
10 (e) Identify each person(s) who has/have knowledge
concerning such contribution by name, address,
phone number, and relationship to defendant.

11 ANSWER:

12 See answer to Interrogatory 5.03

14
15
16
17
18 REQUEST FOR PRODUCTION NO. CC: Pursuant to CR 34, attach

19 or produce, according to the above instructions, a copy of all
20 documents identified in the preceding interrogatory.

21 RESPONSE:

22 See answer to Interrogatory 5.03.
23

24 5.05 Do you contend that the plaintiff contributed to his
25 own harm?

1 ANSWER: —
2
3

4 Unknown to Defendant Bendix at the present time since
5 discovery has not been completed and investigation continues.
6
7

8 5.06 If your answer to the preceding interrogatory is in
9 the affirmative:

- 10 (a) Specifically indicate the nature of the conduct;
11 (b) Identify each document which in any way bears
12 upon this issue;
13 (c) Identify any eye-witness or other person who has
14 information of any kind concerning such
15 contention.

16 ANSWER:
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See answer to Interrogatory 5.05.

5.07 Do you contend that plaintiff voluntarily and/or knowingly assumed the risk of an asbestos-related injury?

ANSWER:

Unknown to Defendant Bendix at the present time since discovery has not been completed and investigation continues.

5.08 If your answer to the preceding interrogatory is in the affirmative:

- (a) Specifically indicate the nature of the conduct;
- (b) Identify each document which in any way bears upon this issue;
- (c) Identify any eye-witness or other person who has information of any kind concerning such contention.

ANSWER:

See answer to Interrogatory 5.07.

1 5.09 Do you contend that the plaintiff's asbestos-related
2 injuries were caused or contributed to, in whole or in part, by
3 improper and/or negligent actions of any of the respective
4 plaintiff's fellow servants?

5 ANSWER:

6
7 Unknown to Defendant Bendix at the present time since
8 discovery has not been completed and investigation continues.
9

10
11 5.10 If your answer to the preceding interrogatory is in
12 the affirmative:
13

- 14 (a) Specifically indicate the nature of the conduct;
15 (b) Identify each document which in any way bears
16 upon this issue;
17 (c) Specifically identify any eye-witness or other
18 person who has information of any kind
19 concerning such contention.

20 ANSWER:

21 See answer to Interrogatory 5.09.
22
23
24
25

1 5.11 Do you contend that the plaintiff failed to use
2 reasonable precautions for his own safety or otherwise failed to
3 mitigate or minimize his damages?
4

5 ANSWER:

6 Unknown to Defendant Bendix at the present time since
7 discovery has not been completed and investigation continues.
8

9 5.12 If your answer to the preceding interrogatory is in
10 the affirmative:

- 11 (a) Specifically indicate the nature of the conduct;
12 (b) Identify each document which in any way bears
 upon this issue;
13 (c) Specifically identify any eye-witness or other
14 person who has information of any kind
 concerning such contention.

15 ANSWER:

16 See answer to Interrogatory 5.11.
17
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19
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21

22 5.13 Do you contend that the plaintiff misused your
23 product?
24
25

1
2 ANSWER: — Unknown to Defendant Bendix at the present time since discovery
3 has not been completed and investigation continues.

4
5 5.14 If your answer to the preceding interrogatory is in
6 the affirmative:

- 7 (a) Specifically indicate the nature of the conduct;
8 (b) Identify each document which in any way bears
9 upon this issue;
10 (c) Specifically identify any eye-witness or other
11 person who has information of any kind
12 concerning such contention.

13 ANSWER:

14 See answer to Interrogatory 5.13
15
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17
18

19 5.15 Do you contend that the plaintiff or any other person
20 materially altered your asbestos-containing products prior to their
21 use by the plaintiff?
22

23 ANSWER: Unknown to Defendant Bendix at the present time since discovery
24 has not been completed and investigation continues.
25
26

1
2 —5.16 If your answer to the preceding interrogatory is in
3 the affirmative:

- 4 (a) Specifically indicate the nature of the conduct;
5 (b) Identify each document which in any way bears
6 (c) Specifically identify any eye-witness or other
7 person who has information of any kind
 concerning such contention.

8 ANSWER:

9
10 See answer to Interrogatory 5.15
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15

16 5.17 Do you contend that the damages sustained by the
17 plaintiff was caused by third parties not named as parties in this
18 action?
19

20 ANSWER:

 Unknown to Defendant Bendix at the present time since discovery
 has not been completed and investigation continues.
21
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1 5.18 If your answer to the preceding interrogatory is in
2 the affirmative:

- 3 (a) Specifically indicate the nature of the conduct;
4 (b) Identify each document which in any way bears
5 upon this issue;
6 (c) Specifically identify any eye-witness or other
7 person who has information of any kind
 concerning such contention.

8 ANSWER:

9 See answer to Interrogatory 5.17
10
11
12
13

14 5.19 Do you contend that plaintiff or any named defendant
15 voluntarily and/or knowingly assumed the risk of an
16 asbestos-related injury?

17 ANSWER:

18 Unknown to Defendant Bendix at the present time since discovery
19 has not been completed and investigation continues.

20 5.20 If your answer to the preceding interrogatory is in
21 the affirmative:

- 22 (a) Identify who you contend voluntarily and/or
23 knowingly assumed the risk of an
 asbestos-related injury;
24 (b) Indicate the exact reason(s) why you believe
25 he/they assumed such risk.

1
2 ANSWER: See answer to Interrogatory 5.19

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7
8 5.21 Do you contend that this court lacks jurisdiction
9 over you on the grounds that there is an insufficiency of process
10 or an insufficiency of service of process?

11 ANSWER:

12 Unknown to Defendant Bendix at this time since discovery
13 has not been completed and investigation continues.
14

15 5.22 If your answer to the preceding interrogatory is in
16 the affirmative, indicate the exact reason(s) why you believe that
17 process has been insufficient and/or why the service of process was
18 insufficient.

19 ANSWER:

20 See answer to Interrogatory 5.21
21
22
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1
2 5.23 Do you contend that the plaintiff failed to commence
3 the action herein within the time required by the applicable
4 statute of limitations?

5 ANSWER:

6 Unknown to Defendant Bendix at the present time since discovery
7 has not been completed and investigation continues.
8

9 5.24 If your answer to the preceding interrogatory is in
10 the affirmative, state in detail each and every fact you rely on in
11 raising that defense, and state exactly which statute of
12 limitations you are relying upon for that defense and the date of
13 commencement of the statute of limitations.

14 ANSWER:

15 See answer to Interrogatory 5.23.
16
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21 5.25 Do you contend that the plaintiff's claim against you
22 is barred by any doctrine of laches and/or waiver and/or estoppel?
23
24
25
26

1 ANSWER: —

2
3 Unknown to Defendant Bendix at the present time since discovery
4 has not been completed and investigation continues.

5 5.26 If your answer to the preceding interrogatory is in
6 the affirmative, for each such plaintiff specify the facts,
7 circumstances, documents, or other evidence upon which you rely for
8 that defense.

9 ANSWER:
10 See answer to Interrogatory 5.25.

11
12
13 5.27 Do you contend that the claim of plaintiff has been
14 barred by state and/or federal industrial insurance and/or worker's
15 compensation laws?

16
17 ANSWER: Unknown to Defendant Bendix at the present time since discovery
18 has not been completed and investigation continues.

19
20
21 5.28 If your answer to the preceding interrogatory is in
22 the affirmative, specify the applicable state and/or federal
23 industrial insurance law and/or worker's compensation law upon
24 which you rely, and specify the facts, circumstances, documents, or
25 other evidence upon which you rely for this defense.

26 PLAINTIFF'S FIRST INTERROGS., ETC. - 123

1
2 ANSWER:

3 See answer to Interrogatory 5.27.
4
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10 5.29 Do you contend that your sales and distribution of
11 products containing asbestos was consistent with the
12 state-of-the-art, industry practice or custom, general scientific
13 and/or medical knowledge and standards existing at any particular
14 time pertinent to this lawsuit?

15 ANSWER:

16 Unknown to Defendant Bendix at this time since discovery has
17 not been completed and investigation continues.
18
19

20 5.30 If your answer to the preceding interrogatory is in
21 the affirmative, state:

- 22 (a) The facts and circumstances upon which you rely;
23 (b) Identify each document which in any way bears
24 upon this issue;
25

(c) Specifically identify any eye-witness who has information of any kind concerning such a contention.

ANSWER:

See answer to Interrogatory 5.29

5.31 Do you contend that the claim of the plaintiff is barred by improper venue and/or lack of jurisdiction?

ANSWER:

Unknown to Defendant Bendix at this time since discovery has not been completed and investigation continues.

5.32 If your answer to the preceding interrogatory is in the affirmative, indicate the reason(s) why you assert there is improper venue and/or lack of jurisdiction.

ANSWER:

See answer to Interrogatory 5.31

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5.33 List any person with knowledge of facts material to this case, including any persons you presently consider may be called as witnesses at trial, including their names, addresses, occupations, and telephone numbers.

ANSWER:

Unknown to Defendant Bendix at this time since discovery has not been completed and investigation continues.

5.34 List the names, addresses, occupations, professional qualifications, and telephone numbers of all expert witnesses whom you will call at trial of this case, and as to each further state:

- (a) The subject matter upon which each such witness is expected to testify;
- (b) The substance of the facts and opinions to which the expert is expected to testify;
- (c) A summary of the grounds for each such opinion.

1 ANSWER:

2
3 Unknown to Defendant Bendix at the present time since
4 discovery has not been completed and investigation continues.
5
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12 5.35 Identify each document reviewed and/or generated by
13 each expert identified in your answer to the preceding
14 interrogatory in connection with this specific litigation, and
15 identify the documents which each expert has reviewed with respect
16 to this case.
17

18 ANSWER:

19 Unknown to Defendant Bendix at the present time since discovery
20 has not been completed and investigation continues.
21
22
23
24
25

1 5.36 Identify each document reviewed and/or generated by
2 each expert identified in your answer to Interrogatory No. 5.34
3 above in connection with any asbestos claim or lawsuit.
4

5 ANSWER:

6 See answers to Interrogatories 5.34 and 5.35.
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9

10 REQUEST FOR PRODUCTION NO. DD: Pursuant to CR 34, attach
11 or produce, according to the above instructions, all documents
12 identified in your response to the preceding interrogatory.

13 RESPONSE:

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15 See answer to Interrogatory 5.36.

16 5.37 With respect to each such expert identified above:

- 17 (a) Indicate the total number of claims or lawsuits
18 for which said expert has been retained;
19 (b) Identify the person(s) responsible for the
20 decision to retain;
21 (c) Identify the trial court, worker's compensation
22 cause number, or other information which
23 identifies where any sworn testimony (including
24 affidavits, depositions, or other testimony) was
25 given;
26 (d) State in detail the nature of such testimony.

1 ANSWER: —

2 Unknown to Defendant Bendix at the present time since discovery
3 has not been completed and investigation continues.

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7 5.38 Have you, your attorneys or agents, any written,
8 otherwise recorded, or oral statements from any witnesses or
9 persons who have or claim to have any knowledge of facts relevant
10 to or arising out of this lawsuit? If so, for each such statement:

11 (a) Identify each person, with name and address,
12 making the statement;

13 (b) Identify each statement;

14 (c) Identify each person, with name and address, at
15 whose request such statement was made;

16 (d) Identify each person, with name and address, who
17 prepared such statement;

18 (e) Identify each person, with name and address, now
19 in possession of each statement.

20

21 ANSWER:

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23 Unknown to Defendant Bendix at the present time since discovery
24 has not been completed and investigation continues.

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1 5.39 Have you conducted or caused to be conducted any
2 surveillance or investigation of any of the facts pertaining to
3 this lawsuit?
4

5 ANSWER:

6 No.
7

8 5.40 If your answer to the foregoing interrogatory is in
9 the affirmative, state:

- 10 (a) Who was investigated or surveilled;
11 (b) Who conducted such surveillance;
12 (c) The form of the reporting of such investigation
 or surveillance;
13 (d) Identify all tapes, reports, photos, statements,
14 and the like so generated;
15 (e) Identify the name and address of the custodian
16 of the tapes, reports, photos, statements, etc.,
 referred to in your answer to subpart (d) hereof.

17 ANSWER:

18 Not applicable to Defendant Bendix. See answer to Interrogatory 5.39.
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3 REQUEST FOR PRODUCTION NO. EE: Pursuant to CR 34, attach
4 or produce, according to the above instructions, all tapes,
5 reports, photos, statements, or other documents and the like
6 identified or related to Interrogatories No.'s 5.01 through the
7 preceding interrogatory herein.

8 RESPONSE:

9 Not applicable to Defendant Bendix at the present time since
10 discovery has not been completed and investigation continues.

11 REQUEST FOR PRODUCTION NO. FF: You are hereby requested,
12 pursuant to CR 34, to produce for inspection and copying any and
13 all sales records pertaining to the sale, delivery, or use of your
14 asbestos-containing products at the facilities identified in answer
15 to Interrogatories No. 1.20 and 1.24 herein.

16 RESPONSE:

17 Defendant Bendix objects to this Request as being overly broad and
18 unlimited in scope so as to be patently burdensome and onerous. The
19 burden upon Bendix in terms of cost and manhours to respond to this
20 request with respect to the information sought would far outweigh the
21 benefits, if any, that said information would provide. Defendant*

22 5.41 State whether or not you have ever made any
23 asbestos-containing canisters or filters for use in respirators or
24 masks. If you have made such filters, state:

25 (a) The brand name and type of filter;

26 (b) The years of production;

*Bendix also objects to this request on the grounds it seeks information
not relevant to matters involved in this action and not calculated to
lead to the discovery of admissible evidence.

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(c) The location of any documents or materials
pertaining to the production, distribution, or
advertising information concerning said filters,
respirators and/or masks.

ANSWER:

No

1 REQUEST FOR PRODUCTION NO. GG: Pursuant to CR 34, produce
2
3 such study or report for inspection and copying in the office of
4 the plaintiff's counsel pursuant to the instructions in these
5 interrogatories.

6 RESPONSE:

7 Defendant Bendix objects to this request as being vague, ambiguous,
8 unclear and incapable of being intelligently responded to in its
9 present form.

10 INTERROGATORIES SUBMITTED this 13th day
11 of January, 1984.

12 DODD, CONEY & BISHOP, P.S.

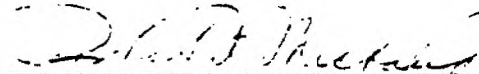
13 By Mary Ellen Keegan
14 Mary Ellen Keegan
15 Attorneys for Plaintiff

16 ANSWERS SUBMITTED this _____ day of _____, 1984.

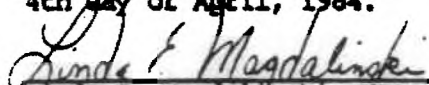
17 By _____
18 Attorneys for Defendant(s)

STATE OF INDIANA)
) ss:
COUNTY OF ST. JOSEPH)

I, Robert H. Michaud, being first duly sworn, depose and say that I am Automotive Group Operations Counsel for the Defendant, The Bendix Corporation; that while I do not have personal knowledge of all the facts recited in the foregoing answers to interrogatories of Plaintiff, the information contained in the answers has been furnished by various personnel and departments of The Bendix Corporation; that I have no personal knowledge of the substance of these answers, but that said answers are true to the best of my knowledge and belief based upon the information made available to me; and that therefore, the foregoing answers are verified on behalf of The Bendix Corporation.


Robert H. Michaud

Subscribed and sworn to before me this
4th day of April, 1984.


Linda E. Magdalinski, Notary Public
In and for the County of St. Joseph,
State of Indiana.

My Commission Expires: May 2, 1986