

IN RE: ASBESTOS LITIGATION

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IN THE DISTRICT COURT OF
CAMERON COUNTY, TEXAS

**DEFENDANT DANA CORPORATION'S ANSWERS TO
PLAINTIFFS' MASTER INTERROGATORIES**

COMES NOW, DANA CORPORATION, Defendant in the above-styled and numbered cause (hereinafter referred to as "Defendant"), pursuant to the Texas Rules of Civil Procedure hereby responds to Plaintiffs' Master Interrogatories as follows:

GENERAL OBJECTIONS

1. Defendant objects to each interrogatory and request for production and part thereof to the extent that Plaintiffs may assert that Plaintiffs definitions for words are binding on defendant or purport to impose upon Defendant obligations beyond those imposed by the rules of civil procedure.

2. Defendant objects to each interrogatory and request for production in part thereof to the extent it calls for answers disclosing information protected by (a) the attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of the case, (d) any applicable privilege relating to communications between defendants employees counsel and defendant insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy or (j) any other privilege.

3. Defendant objects to each interrogatory and request for production and part thereof to the extent that information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to defendant.

4. Defendant objects to each interrogatory and request for production and part thereof to the extent that it seeks information not within the custody and control of Defendant.

5. Defendant objects to each interrogatory and request for production in part thereof to the extent that it seeks to require answers or information, or require identification of documents, or impose obligations beyond those permitted by the applicable rules of Civil Procedure and local rules of court.

6. Defendant objects to each interrogatory and request for production in part thereof to the extent that it seeks information in a form different from that maintained by Defendant in the ordinary course of its business.

7. Defendant objects to each interrogatory and request for production in part thereof to the extent that it seeks information concerning or contained in documents which it objects to providing.

8. Defendant objects to each interrogatory and request for production in part thereof to the extent that it seeks to impose on Defendant a discovery obligation to respond for Defendants' businesses and entities not parties to this litigation.

9. Defendant objects to each interrogatory and request for production and part thereof as unreasonable, unduly burdensome, expensive, harassing, annoying, overly broad, vague, and ambiguous given the needs and parameters of this case. First, because Defendant is a company employing many people it would be practically impossible to inquire of all Defendants' officers, directors, employees, or partners about their individual knowledge. Second, the requests seek information about products which were never sold in Texas and about products which the plaintiffs never would have worked with or around and which the plaintiffs would never have been exposed. In this regard, the requests are not reasonably calculated to lead to the discovery of admissible evidence and are irrelevant. The following responses are limited to asbestos bearing products which could have reached the geographic areas of Texas, Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Arkansas, and Virginia.

10. Defendant objects to each interrogatory and request for production or part thereof that seeks to determine the knowledge, familiarity, or awareness of defendant. It is not possible to state precisely if or when a corporation can be said to have such knowledge; that is a mixed question of fact and law. Defendant objects to imputing knowledge, familiarity or awareness of an employee or employees or agent or agents of defendant.

11. Defendant objects to each interrogatory and request for production unless Plaintiff identify a product injuring them for which Defendant is responsible.

12. Defendant objects to the definitions "Defendant", "You", "Your", "Your company", "Predecessors", "Subsidiaries" these definitions are overly broad, vague, ambiguous, unduly burdensome, harassing, annoying, unnecessarily expensive, and not reasonably calculated to lead to the discovery of admissible evidence.

13. Defendant answers these requests for production on behalf of itself with information developed after a reasonable investigation into the relevant facts. The objections stated above are incorporated by reference in each response herein as if fully set forth below. No such objection is waived by answering a request for production in whole or in part. Any response provided herein is subject to and limited by all objections raised and all objections as to admissibility and all such objections are hereby expressly reserved and may be interposed at any time.

14. Defendant objects to each interrogatory and part thereof to the extent that plaintiffs may assert that plaintiffs' definitions for words are binding on defendant or purport to impose upon defendant obligations beyond those imposed by the Rules of Civil Procedure.

15. Defendant objects to each interrogatory and part thereof to the extent it calls for answers disclosing information protected by (a) the attorney-client privilege, (b) the attorney-work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of the case, (d) any applicable privilege relating to communications between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the right of privacy or (g) any other privilege.

16. Defendant objects to each interrogatory and part thereof to the extent that information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana.

17. Defendant objects to each interrogatory and part thereof to the extent that it seeks information not within the custody and control of Dana.

18. Defendant objects to each interrogatory and part thereof to the extent that it seeks to require answers or information, or require identification of documents, or impose obligations, beyond those permitted by the applicable rules of Civil Procedure and local rules of court.

19. Defendant objects to each interrogatory and part thereof to the extent that it seeks information in a form different from that maintained by Dana in the ordinary course of its business.

20. Defendant objects to each interrogatory and part thereof to the extent that it seeks information concerning or contained in documents which it objects to providing.

21. Defendant objects to each interrogatory and part thereof to the extent that it seeks to impose on defendant a discovery obligation to respond for defendant's businesses and entities not parties to this litigation. Defendant responds to these interrogatories on behalf of itself with information known to it about Smith & Kanzler Company and that company's product known

as SprayCraft. Defendant does not respond for other companies that plaintiff may consider to be "subsidiaries" or "affiliates" of defendant but which are not defendant's. Dana was incorporated under the name Spicer Manufacturing Corporation. The corporation changed its name in 1946 to Dana Corporation. There is no "predecessor" entity to Dana. Further, because Dana is a company employing thousands of people, it would be practically impossible to inquire of all Dana's officers, directors, employees, or partners about their individual knowledge and Dana objects to doing so.

22. Dana objects to each interrogatory or part thereof as unreasonable, unduly burdensome or expensive, given the needs and parameters of this case, to the extent that the interrogatories relate or may relate to defendant's vehicular products.

23. Defendant objects to each interrogatory and part thereof to the extent that the interrogatory seeks information about events that occurred, or may have occurred, prior to the incorporation of Smith & Kanzler Company in 1964 or after Dana's sale of Smith & Kanzler Company stock in 1969.

24. Defendant objects to each interrogatory or part thereof that seeks to determine the knowledge, familiarity, or awareness of Dana. It is not possible to state precisely if or when a corporation can be said to have such knowledge; that is a mixed question of fact and law. Defendant objects to imputing knowledge, familiarity or awareness of an employee or employees or agent or agents of Dana.

25. Dana objects to each interrogatory and part thereof calling for opinions rather than facts.

26. Dana objects to each interrogatory unless plaintiffs identify a product injuring them for which Dana is responsible.

27. Dana is a multi-national corporation with thousands of employees at plants and facilities across the nation and around the world. Dana cannot possibly be expected to answer about all of the information in the possession of those thousands of employees past and present. Dana therefore objects to the definition of "Defendant", "you", "your", "your company", "predecessors" and "subsidiaries". Dana answers these interrogatories on behalf of itself with information developed after a reasonable investigation into the relevant facts. The objections stated above are incorporated by reference in each response herein as if fully set forth below. No such objection is waived by answering an interrogatory in whole or in part.

Any response provided herein is subject to and limited by all objections raised and all objections as to admissibility and all such objections are hereby expressly reserved and may be interposed at the time of trial or in response to any motion.

PRELIMINARY STATEMENT

Dana Corporation ("Dana") manufactures primarily vehicular products such as transmissions, axles, clutches, pistons, universal joints, vehicular gaskets, couplings and similar products for the automotive and transportation industries. Some components of a few of these products, e.g., clutch facings, contain or once contained asbestos. Upon information and belief the plaintiffs herein, however, do not allege exposure to automotive or vehicular products, Dana understands that the plaintiffs allege exposure to asbestos building products.

Therefore, Dana strictly limits its answers to Dana's brief relationship with Smith & Kanzler Company, which relationship is described below. Dana objects to providing the voluminous information requested in these interrogatories for its automotive, vehicular and industrial products because they are not the type of products to which the plaintiffs allege exposure. Questions about Dana's vehicular products are not relevant and are not calculated to lead to the discovery of relevant and admissible information. Further, because Dana merely owned the stock of Smith & Kanzler Company for less than eighteen (18) months, Dana denies that it has any liability for any products manufactured or sold by Smith & Kanzler Company.

From September, 1967 until February, 1969, Dana owned the stock of a New Jersey corporation known as Smith & Kanzler Company, located in Linden, New Jersey. Smith & Kanzler Company produced certain asbestos containing products that had application in the building construction industry. Dana did not incorporate Smith & Kanzler Company but came to own its stock as a consequence of the dissolution of Victor Manufacturing & Gasket Company in September, 1967. Victor was at that time the sole shareholder of Smith & Kanzler Company's stock. In February, 1969 less than eighteen (18) months after acquiring the stock, Dana sold the stock of Smith & Kanzler Company to Philip Carey Corporation (Ohio) ("Carey (Ohio)"). At that time Carey Ohio took possession of Smith & Kanzler Company's business records or those records remained with Smith & Kanzler Company.

Because Dana merely owned the stock of Smith & Kanzler Company for less than eighteen (18) months and because Dana does not have possession of that corporation's business records, Dana by and large cannot determine the specific information sought by these interrogatories for Smith & Kanzler Company and its products.

INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Mark G. Hess, in-house counsel for Dana Corporation supplied the information used in answering these interrogatories. It is not possible to identify each person who may have supplied information to Mr. Hess. Mr. Hess acquired his knowledge during the years he served in his position as in-house counsel to Dana and his review of numerous records in the ordinary course of business.

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana Corporation was incorporated in the State of Virginia in 1916 under the name Spicer Manufacturing Corporation. In 1946, the corporation changed its name to Dana Corporation. Its principal place of business is in Toledo, Ohio. C.T. Corporation is authorized to accept service of process on Dana's behalf. Dana has held a Certificate of Authority to do business in the State of Texas. Smith & Kanzler Company from September, 1967 until February, 1969, was a New Jersey Corporation, located in Linden, New Jersey. Dana does not know the person or entity, if any, authorized to accept service of process on Smith & Kanzler Company's behalf. Dana does not know whether Smith & Kanzler Company ever held a Certificate of Authority to do business in the State of Texas.

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Dallas County asbestos litigation.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company ever engaged in the mining and subsequent sale of material containing asbestos fibers.

INTERROGATORY NO. 4:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana believes that Smith & Kanzler Company manufactured and sold an asbestos product used in the construction industry known as SprayCraft.

INTERROGATORY NO. 5:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

ANSWER:

See response to Interrogatory No. 4, which is incorporated herein as if fully rewritten.

INTERROGATORY NO. 6:

If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

- (a) As to each product, state whether such product was mined, manufactured, marketed and/or sold.
- (b) The names of the companies mining, manufacturing, marketing, and/or selling each product mines, manufactured, marketed, and/or sold.
- (c) the trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- (d) The date each of the named products was placed on the market.
- (e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- (f) The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.
- (g) The date asbestos was removed from such products, if ever, and the reasons therefor.
- (h) A description of the physical appearance of each of the named products.
- (i) A detailed description of the intended uses of the named products.
- (j) Identify the last year that you sold each asbestos-containing product.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of

admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana answers as follows:

(a)-(c) See response to Interrogatory No. 4, which is incorporated herein as if fully rewritten.

(d) Dana believes that Smith & Kanzler Company manufactured its product beginning in 1964 when the company was formed.

(e) Further objecting, the chemical ingredients, including the percentage of asbestos, are proprietary information and cannot be disclosed without written authorization from Smith & Kanzler Company's authorized officer. Celotex Corporation admits that it is the successor-in-interest to Smith & Kanzler Company, and, therefore, it is that company's officer that should authorize release of any formula information. To the extent that Dana's knowledge about the formula is knowledge obtained in litigation through counsel, work-product privilege is claimed. To the extent formula information has been disclosed by Celotex and obtained by Dana, the communication indicates that the information should be limited to the purposes of that specific litigation only. Subject to and without waiving objections, Dana has little knowledge about the composition of Smith & Kanzler Company's products. Dana believes that a product called "SprayCraft" was composed of a combination of asbestos fibers and inorganic binders. The percentages are unknown to Dana. Dana believes that SprayCraft was sold in bags and then mixed with other materials and applied at the application site.

(f) Dana does not know when, if ever, SprayCraft was removed from the market nor the reasons, if any, therefor.

(g) Dana does not know the date, if ever, that asbestos was removed from SprayCraft nor the reasons, if any, therefor.

(h) See answer to (e) above, which is incorporated herein as if fully rewritten.

(i) Dana believes that SprayCraft was a sprayed-on fireproofing/acoustical/thermal insulating product.

(j) Dana sold the stock of Smith & Kanzler Company in February, 1969, and does not know the last year that Smith & Kanzler Company sold its asbestos-containing product.

INTERROGATORY NO. 7:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the

design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- (a) A description of each such document.
- (b) The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, in February, 1969, less than eighteen months after acquiring the stock of Smith & Kanzler Company, Dana sold the stock of Smith & Kanzler Company to Philip Carey Corporation (Ohio) ("Carey (Ohio)"). At that time Smith & Kanzler Company's business records either remained with Smith & Kanzler Company or were passed to Carey (Ohio). Because Dana merely owned the stock of Smith & Kanzler Company for less than eighteen months and because Dana does not have possession of Smith & Kanzler Company's records, Dana does not have custody and control of documents, if any, sought by this interrogatory that were generated during or relate to the relevant time period described above.

INTERROGATORY NO. 8:

Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- (a) The names of the products tested and the date of each test.
- (b) The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- (c) The results of the tests.

ANSWER:

See responses to Interrogatories 3 - 6, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Dana does not know whether before Smith & Kanzler

Company distributed, sold or placed its products into the stream of commerce any tests were conducted to determine potential health hazards involved in the use of, or exposure to, the materials contained in those products.

INTERROGATORY NO. 9:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

- (a) A description of each such document.
- (b) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

See response to Interrogatories Nos. 6 and 7 which are incorporated herein as if fully rewritten.

INTERROGATORY NO. 10:

Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- (a) The trade names of the products changed.
- (b) The nature of the changes made and the date of such changes or modifications.
- (c) The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

ANSWER:

See response to Interrogatory No. 8, which is incorporated herein as if fully rewritten. Subject to and without waiving objections, Dana does not know whether there have been any changes in the formula for SprayCraft.

INTERROGATORY NO. 11:

After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- (a) The names of the products tested and the dates of such tests.
- (b) The name, address, and job title of each person who conducted those tests.
- (c) The results of those tests.
- (d) Whether, as a result of the tests, any products were removed from the market.
- (e) The names of all products removed from the market as a result of these tests.

ANSWER:

See response to Interrogatory No. 6, which is incorporated herein as if fully rewritten. Subject to and without waiving objections, Dana does not know whether after releasing SprayCraft to the public any tests were conducted on it to determine potential health hazards resulting from the use of or exposure to the materials contained in it.

INTERROGATORY NO. 12:

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- (a) The name of each product.
- (b) A description of each document and how it relates to each product.
- (c) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

See response to Interrogatories Nos. 6 and 7, which are incorporated herein as if fully rewritten.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 10 or 13? If the answer is affirmative, state:

- (a) The names of the products changed or modified.
- (b) The name, address, and job title of each person responsible for having made a change or modification.
- (c) The nature of the hazard or defect which resulted in such change or modification.

ANSWER:

See response to Interrogatory No. 10, which is incorporated herein as if fully rewritten.

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- (a) The names of each relevant product.
- (b) The exact wording of each warning statement on each printed material.
- (c) A description of the printed material other than the warning statement.
- (d) The method used to distribute the warning to persons likely to use the product.
- (e) The date each warning was first issued, distributed, or placed on packaging.
- (f) The name, address, and job title of each person responsible for having drafted or issued the warning.
- (g) The current location of any such printed material and the custodian thereof.

- (h) The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Texas State Courts is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- (a) The name and address of each claimant.
- (b) The date of notice of each claim.
- (c) A description of the claim.
- (d) The type of injuries allegedly sustained
- (e) The name and address of each attorney who represents each individual making a claim.
- (f) The style and court number of each claim.
- (g) The disposition of each claim that has been settled or taken to judgment.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of

admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company, before 1970, received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Texas State Courts is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by it before 1970.

INTERROGATORY NO. 16:

Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company's asbestos products were distributed, marketed, packaged, labeled and/or sold by other companies. Dana does not know the names and addresses of those companies, if any, nor the products in question.

INTERROGATORY NO. 17:

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Arkansas, Texas and Virginia? If so, state:

- (a) The name and address of each such distributor or sales representatives.
- (b) The years in which such company or person distributed, marketed, or sold your products.
- (c) What products were distributed, marketed, or sold and in what years.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the

subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company ever had any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Arkansas, Texas and Virginia.

INTERROGATORY NO. 18:

List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Further objecting, the phrase "medical advisory capacity" is vague, ambiguous and argumentative. Subject to and without waiving objections, Dana does not know what employees of Smith & Kanzler Company, if any, who acted in a medical advisory capacity to it at any time during the past 40 years, has, had or may have had any knowledge regarding the hazards of asbestos.

INTERROGATORY NO. 19:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- (a) The name of each such publication.
- (b) The date of publication and the names of the author and publisher (if any).
- (c) The date received by Defendant, if known.
- (d) The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, in February, 1969, less than eighteen months after acquiring the stock of Smith & Kanzler Company, Dana sold the stock of Smith & Kanzler Company to Philip Carey Corporation (Ohio) ("Carey (Ohio)"). At that time Smith & Kanzler Company's business records either remained with Smith & Kanzler Company or were passed to Carey (Ohio). Because Dana merely owned the stock of Smith & Kanzler Company for less than eighteen months and because Dana does not have possession of Smith & Kanzler Company's records, Dana does not have custody and control of documents, if any, sought by this interrogatory that were generated during or relate to the relevant time period described above. Dana does not know whether Smith & Kanzler Company has in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

- (a) The name and address of each such association or organization.
- (b) The dates during which Defendant or any of its subsidiaries or predecessors were members.
- (c) The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- (d) Whether any of those publications are still in your possession, and if so:
 - (i) A description of the publications, including the date.
 - (ii) The current location of such publications.
 - (iii) The custodian of such publications.

- (iv) The method or manner in which such publications are maintained.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Further objecting, the interrogatory is vague, ambiguous and argumentative. Subject to and without waiving objections, Dana believes that Smith & Kanzler Company was a member of or affiliated with the, Sprayed Mineral Fibre Manufacturer's Association, Inc.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, from September 1967 until February 1969 Smith & Kanzler Company owned and operated a plant in Linden, New Jersey in which asbestos-containing products were manufactured, assembled, or prepared for sale or marketing.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- (a) The name, address, and job title of each person or entity who prepared such materials.

- (b) The name, address, and job title of each person who currently has possession of such materials and their present location.
- (c) The date the materials were prepared.
- (d) The media used to disseminate the sales materials.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana has located what purports to be a brochure describing the product SprayCraft. Dana will make that document available at the offices of its counsel in Toledo, Ohio at a mutually convenient time. Dana does not adopt or accept as admissions any statements contained within the document.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- (a) The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- (b) The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- (c) The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- (d) The year each such written material or instruction was prepared and disclosed to potential consumers.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of the case. Further objecting, the information sought is neither

relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company or any of its subsidiary or predecessor companies or their agents prepared any written or printed materials or instructions of any kind or character indicating how asbestos products should be used and maintained.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Dana further objects to responding to this interrogatory and relies upon the privilege between an insurer and insured in discussions regarding the defense of any claim or category of claims. Subject to and without waiving objections, Dana is a member of the Center for Claims Resolution.

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant became aware of the existence of the disease.
- (c) Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana states as follows:

- (a) Dana does not know when, if ever, Smith & Kanzler Company or its subsidiary or predecessor first learned that asbestosis was caused by inhalation of asbestos fibers by humans.
- (b) Dana does not know how, if ever, Smith & Kanzler Company became aware of the existence of asbestosis.
- (c) Dana does not know who, if anyone, within Smith & Kanzler Company first discovered, recognized or understood the adverse consequences or effects of asbestosis and/or of asbestos exposure.
- (d) Dana does not know what, if any, information was disseminated within Smith & Kanzler Company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Dana does not know whether Smith & Kanzler Company or its subsidiary or predecessor still maintains such information in any written form.
- (f) Dana does not know who, if anyone, is the custodian of such information.
- (g) Dana does not know the date, if ever, on which Smith & Kanzler Company first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant became aware of the existence of the disease.
- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos fibers.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana answers as follows:

- (a) Dana does not know when, if ever, Smith & Kanzler Company or its subsidiary or predecessor first learned that lung cancer was caused by inhalation of asbestos fibers by humans.
- (b) Dana does not know how, if ever, Smith & Kanzler Company became aware of lung cancer and its relationship to asbestos exposure.
- (c) Dana does not know who, if anyone, within Smith & Kanzler Company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.

- (d) Dana does not know what information, if any, was disseminated within Smith & Kanzler Company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Dana does not know whether Smith & Kanzler Company or its subsidiaries or predecessors maintains or ever maintained any such information in written form.
- (f) Dana does not know who, if anyone, is the custodian of such information.
- (g) Dana does not know the date, if ever, on which Smith & Kanzler Company first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

- (a) The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (f) Who is the custodian of such information.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of

admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana answers as follows:

- (a) Dana does not know the date, if ever, on which Smith & Kanzler Company or its subsidiary or predecessor learned that pleural disease, pleural thickening, or pleural plaques was caused by inhalation of asbestos fibers by humans.
- (b) Dana does not know how, if ever, Smith & Kanzler Company or its subsidiary or predecessor became aware of pleural disease, pleural thickening or pleural plaques and that it was caused by exposure to asbestos.
- (c) Dana does not know who, if anyone, within Smith & Kanzler Company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (d) Dana does not know what information, if any, was disseminated within Smith & Kanzler Company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Dana does not know whether any such information is maintained by Smith & Kanzler Company or its subsidiary or predecessor in a written form.
- (f) Dana does not know who, if anyone, is the custodian of such information.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- (b) The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- (c) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- (d) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (e) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

- (f) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (g) Who is the custodian of such information.
- (h) Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana answers as follows:

- (a) Dana does not know when, if ever, Smith & Kanzler Company or its subsidiary or predecessor first learned that mesothelioma was caused by inhalation of asbestos fibers by humans.
- (b) Dana does not know when, if ever, Smith & Kanzler Company first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- (c) Dana does not know how, if ever, Smith & Kanzler Company or its subsidiary or predecessor became aware of mesothelioma and that it was caused by exposure to asbestos.
- (d) Dana does not know who, if anyone, within Smith & Kanzler Company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (e) Dana does not know what information, if any, was disseminated within Smith & Kanzler Company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (f) Dana does not know whether Smith & Kanzler Company or its subsidiary or predecessor still maintains such information in written form.
- (g) Dana does not know who, if anyone, is the custodian of such information.
- (h) Dana objects to this interrogatory because it calls for an expert opinion that this defendant is not required to give.

INTERROGATORY NO. 29:

As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer,
state:

- (a) The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.
- (b) What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?
- (c) The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- (d) Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.
- (e) What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (f) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (g) Who is the custodian of such information.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana states as follows:

- (a) Dana does not know when, if ever, Smith & Kanzler Company or its subsidiary or predecessor first learned that gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer were caused by inhalation of asbestos fibers by humans.
- (b) Dana does not know what cancers, if any, Smith & Kanzler Company or its subsidiary or predecessor became aware can be caused by exposure to asbestos fibers.

- (c) Dana does not know the date, if ever, on which Smith & Kanzler Company first suspected other cancers were caused by asbestos inhalation.
- (d) Dana does not know who, if anyone, within the company, or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.
- (e) Dana does not know what information, if any, was disseminated with Smith & Kanzler Company or its subsidiary or predecessor in a written form.
- (f) Dana does not know whether any such information is still maintained by Smith & Kanzler Company or its subsidiary or predecessor in a written form.
- (g) Dana does not know who, if anyone, is the custodian of such information.

INTERROGATORY NO. 30

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Defendant objects to this interrogatory because it calls for an expert opinion that this defendant is not required to give at this time.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know the types of packages or packaging which Smith & Kanzler Company or any of its subsidiary or predecessor companies used for asbestos material or products.

INTERROGATORY NO. 32:

Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

- (a) The name of the company manufacturing the asbestos products.
- (b) The trade name affixed to those products.
- (c) The periods of time covered by each such agreement.
- (d) The volume, in dollar amount, of each transaction.
- (e) The initial purchaser of the products.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Further objecting, the term "rebranding" is vague, ambiguous and argumentative. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products.

INTERROGATORY NO. 33:

List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any

form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana has little knowledge concerning Smith & Kanzler Company's operations but believes that it may have purchased raw asbestos from several suppliers including Philip Carey and Johns-Manville of Canada.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- (a) The name, address, and job title of each person having custody of each of those documents and their current location.
- (b) A brief description of each such document, including the dates and the parties signatory.

ANSWER:

See response to Interrogatory No. 32, which is incorporated herein as if fully rewritten.

INTERROGATORY NO. 35:

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- (a) A list of the claims, including each such claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- (b) The disease alleged in each such claim.

- (c) A brief summary of the disposition of each such claim.
- (d) The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether prior to 1968 any person filed a claim against a Worker's Compensation carrier covering Smith & Kanzler Company or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers.

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- (a) The dates of each such meeting.
- (b) The general subject matter discussed at each meeting.
- (c) Who was in attendance at each meeting.
- (d) Where and by whom the written minutes are presently maintained.
- (e) By whom the minutes were taken and put into final format.
- (f) Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of

admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana has located what purports to be Smith & Kanzler Company board minutes from the relevant period. Dana will make these documents available at the offices of its counsel in Toledo, Ohio at a mutually convenient time. Dana does not adopt any statements contained within the document.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- (a) As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- (b) The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- (c) The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- (d) The date each of the named products was placed on the market.
- (e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- (f) A description of the physical appearance of each product and its packaging.
- (g) A detailed description of the intended uses of each of the named products.
- (h) Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company or any of its subsidiaries, including foreign business entities, currently manufacture any products containing asbestos.

INTERROGATORY NO. 38:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- (a) The location of such documents.
- (b) The name and address of the custodian of the documents.
- (c) The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- (d) In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company or any of its predecessors and/or subsidiaries maintain, from 1940 through the present or for any position thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products.

INTERROGATORY NO. 39:

Will you call company representatives as witnesses at the trial of any of these cases? If so, list:

- (a) The name, address, and job title of each company representative who may be called.
- (b) A summary of the testimony expected to be given by each such witness.
- (c) List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction,

style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Objection the interrogatory exceeds the scope of permissible discovery pursuant to T.R.C.P. in that T.R.C.P. only permit parties to ask other parties whom they may call as witnesses. Also, the question seeks information protected by the work product exemption. Further, the question is overly broad, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections, Defendant incorporates herein by reference Defendant's List of Potential Witnesses, Designation of Deposition Testimony, and Designation of Expert Witnesses (which includes all supplements designations), all filed or to be filed in this case.

INTERROGATORY NO. 40:

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

- (a) Full and correct name;
- (b) Principal place of business;
- (c) State of incorporation;
- (d) Date of acquisition by Defendant;
- (e) Whether or not the business entity was ever authorized to transact business in the State of Texas;

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos.

INTERROGATORY NO. 41:

Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether each of Smith & Kanzler Company's asbestos products generally were expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold, except to the extent identified in response to Interrogatory 6(e).

INTERROGATORY NO. 42:

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know who were Smith & Kanzler Company's foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwright and riggers, etc. of any of its asbestos-containing products. Dana does know a product and its use, see responses to Interrogatory Nos. 4, and 6(i).

INTERROGATORY NO. 43:

Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- (a) If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- (b) If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and year involved.

ANSWER:

See answer to Interrogatory 6, which is incorporated herein as if fully rewritten. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company products can be generally applied without liberating asbestos fibers into the air.

INTERROGATORY NO. 44:

Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Further objecting, the terms "foreseeable" and "at some time" are vague, ambiguous and undefined. Subject to and without waiving objections, Dana does not know whether it was a foreseeable use of Smith & Kanzler Company's asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation.

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where

your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company or its subsidiaries or predecessor(s) before 1970 ever arranged for any labor inspectors, insurance company inspectors or anyone from Smith & Kanzler Company to go to job sites where its products were being used or installed to make or take dust level counts.

INTERROGATORY NO. 46:

If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

ANSWER:

See answer to Interrogatory No. 45, which is incorporated herein as if fully rewritten. Subject to and without waiving objections, Dana does not know what action, if any, Smith & Kanzler Company took based upon the results of any dust level counts it had performed.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminated the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- (a) Name of the person or firm conducting such studies;**
- (b) The date the studies began and the date they were completed;**
- (c) Any publication or other written dissemination of the results of the studies;**
- (d) The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;**

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company or its subsidiaries or predecessors ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of its products.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- (a) The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- (b) What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
- (c) State in detail the purposes, duties, and responsibilities of such Research Department.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company has or ever had or whether its predecessor(s) or subsidiaries ever had a Research Department. However, Dana also believes that Smith & Kanzler Company did employ an individual known as the director of research, that being Maurice Lieff. Dana also believes that Mr. Lieff is now deceased.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- (a) The year such Medical Department was established;
- (b) Whether or not such Medical Department has operated continuously since being established;
- (c) The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- (d) State the duties and responsibilities of such Medical Department.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company has or ever had or whether its predecessor(s) or subsidiaries ever had a Medical Department.

INTERROGATORY NO. 50:

Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company has or ever had or whether its predecessor(s) or subsidiaries ever placed any warning directly on any of its asbestos-containing products or on their packaging.

INTERROGATORY NO. 51:

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company has or ever had or whether its predecessor(s) or subsidiaries ever stamped or placed the name of the company, its initials, or any identifying logo on any of its asbestos-containing products.

INTERROGATORY NO. 52:

Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company has or ever had or whether its predecessor(s) or subsidiaries ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of its asbestos-containing products.

INTERROGATORY NO. 53:

Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

- (a) All details of such recall;
- (b) The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;
- (c) The dates of recall;
- (d) The purpose for the recall.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company has or ever had or whether its predecessor(s) or subsidiaries ever recalled any products containing asbestos from the market or stream of commerce.

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company, before 1970, ever manufactured or sold products

which did not contain asbestos and which could be substituted for its asbestos-containing products.

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

ANSWER:

See responses to Interrogatory Nos. 52 and 54, which are incorporated herein as if fully rewritten.

INTERROGATORY NO. 56:

Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know whether Smith & Kanzler Company has or ever had or whether its predecessor(s) or subsidiaries ever made, ordered, or arranged for any industrial hygiene surveys regarding asbestos or asbestos-containing dust.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- (a) The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;

- (b) The name of the employee or official of the company receiving such advice;
- (c) How Defendant received notice of such limits or concentrations.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Further objecting, the terms "threshold limit values" and "maximum allowable concentrations" are undefined, ambiguous, vague and argumentative. Subject to and without waiving objections, Dana states as follows:

- (a) Dana does not know the year, if ever, in which Smith & Kanzler Company or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- (b) Dana does not know the name of the employee, or official, of Smith & Kanzler Company, if any, receiving such advice;
- (c) Dana does not know how Smith & Kanzler Company received notice of such limits or concentrations, if notice was given.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 63 for total dust, and not asbestos dust alone?

ANSWER:

Interrogatory No. 63 does not mention threshold limit values or maximum allowable concentrations.

INTERROGATORY NO. 59:

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

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Further objecting, the term "threshold limit values" is undefined, vague, ambiguous and argumentative. Subject to and without waiving objections, Dana does not know what tests, if any, Smith & Kanzler Company ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing its asbestos-containing products.

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness that you may call during trial of these cases. Please designate with specificity the expert witnesses that you may call, including:

- (a) The name, address, and job classification of each such expert witness;**
- (b) The subject matter on which the expert is expected to testify;**
- (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;**
- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify and produce each such document or report;**
- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;**
- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.**

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Objection the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information requested is not relevant. Also, the interrogatory exceeds the scope of permissible discovery under T.R.C.P. 166b(2)(e) and 166b(3). Further objecting, the question seeks information already in the possession of Plaintiffs, or the reason any such information is not already in the possession of Plaintiffs is because Plaintiffs did not timely provide information and materials to Defendant in a timely manner. Subject to the foregoing objections, defendant incorporates herein by reference Defendant's List of Expert Witnesses and Defendant's Designation of Deposition Testimony (including all supplements), all filed or to be filed in this case.

INTERROGATORY NO. 61:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- (a) Identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.
- (b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
- (c) The negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- (d) Each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Objection the interrogatory is overly broad, vague, ambiguous, unnecessarily

expensive, harassing, and annoying. Objection the question seeks irrelevant information and information protected by the work product exemption. Objection the Interrogatory exceeds the scope of permissible discovery pursuant to T.R.C.P. 166b. Subject to the foregoing objections, Defendant reserves the right to supplement this answer, subject to all objections now raised or that can be raised if information later becomes available. Defendant incorporates herein by reference Defendant's List of Potential Witnesses, Designation of Deposition Testimony, and Designation of Expert Witnesses (which includes all supplements designations), all filed or to be filed in this case.

INTERROGATORY NO. 62:

Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Objection this interrogatory is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Objection the question seeks information protected by the work product, witness statements, party communications, and expert exemptions of T.R.C.P. 166b and the attorney-client privilege of T.R.C.E. 503. Subject to and without waiving the foregoing objections, Defendant incorporates herein by reference Defendant's Designation of Exhibits, Deposition Testimony, Potential Fact Witnesses and Expert Witnesses (including all supplemental designations) filed or to be filed in this case. Defendant incorporates herein by reference all responses to discovery served by all Plaintiffs in this case. Defendant expressly reserves the right to use all documents covered by all authorizations and releases Defendant(s) has/have requested Plaintiff(s) to provide to Defendant(s). Defendant expressly reserves the right to use all documents filed, designated or relied upon by other Defendants or by Plaintiffs in this case.

INTERROGATORY NO. 63:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

- (a) Identify the name and position of the employee or officer who received same;
- (b) Please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;

- (c) Please produce all documents upon which your responses above are based;
- (d) Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- (e) Did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- (f) If so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- (g) If your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know when, if ever, Smith & Kanzler Company or any of its predecessors-in-interest first received a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al. ("the Fleischer-Drinker Report").

INTERROGATORY NO. 64:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W. (c) Dreessen ("the Dreessen Report")?

- (a) Identify the name and position of the employee or officer who received same;
- (b) Please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;

- (c) Please produce all documents upon which your responses above are based;
- (d) Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- (e) Did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- (f) If so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- (g) If your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, the interrogatory is overly broad given the parameters and subject matter of this case. Further objecting, the information sought is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana. Subject to and without waiving objections, Dana does not know when, if ever, Smith & Kanzler Company or any of its predecessors-in-interest first received a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill, No. 241, U. S. Public Health Service and authored by W. (c) Dreessen ("the Dreessen Report").

INTERROGATORY NO. 65:

Please identify documents or things, including x-rays, MRIs, CT-scans or other materials which will be used at time of trial (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

See General Objections and Preliminary Statement, if any, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding

the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not reasonably calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying.

Respectfully submitted,

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By: Kelly C. Caperton
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KELLY C. CAPERTON
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been forwarded to Plaintiffs' counsel of record, by hand delivery, on this 29th day of November, 1995.

Kelly C. Caperton
KELLY C. CAPERTON