

IN RE: ALL ASBESTOS-RELATED)
PERSONAL INJURY OR DEATH)
CASES FILED BY BARON &)
BUDD, P.C. OR TO BE)
FILED BY BARON & BUDD)
P.C. IN DALLAS COUNTY,)
TEXAS)

IN THE DISTRICT COURTS OF
RECEIVED
DALLAS COUNTY, TEXAS APR 01 1995
BARON & BUDD
191ST JUDICIAL DISTRICT

PLAINTIFF'S
EXHIBIT
AB-213

PNEUMO ABEX CORPORATION'S
RESPONSES TO PLAINTIFFS MASTER
INTERROGATORIES AND REQUESTS FOR PRODUCTION

INTRODUCTION AND GENERAL OBJECTIONS

Pneumo Abex Corporation, successor-in-interest to Abex Corporation ("Abex"), by and through its attorneys of record, Bourland, Kirkman & Seidler L.L.P., generally objects to these requests and interrogatories on the grounds that they are unduly burdensome, oppressive, vague, overly broad as to time, scope and location, lack particularity, and are repetitive. As a result of the failure by plaintiff to specify relevant time periods, many of the requests and interrogatories fail to distinguish relevant from irrelevant matter. Many of these discovery requests call for Abex to provide answers concerning events and records spanning a period of more than four decades. Consequently, the entire set of discovery requests is overly broad, unduly burdensome, oppressive and harassing, and beyond the scope of proper discovery.

Many of these requests and interrogatories call for Abex to characterize the state of knowledge or awareness of a corporation at any

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

Objection is also made to the extent these discovery requests assume the truth of matters not established, and on the grounds that they seek information which is not relevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence. Objection is further made to the extent that no period of time is specified for which information is sought, thus rendering the requests and interrogatories hopelessly overbroad.

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

Texas Rule of Civil Procedure 166b(4) which requires that a party seeking to exclude any communications or documents from discovery on the basis of an exemption or immunity must specifically plead the particular exemption or immunity from discovery relied upon and that this "specifically plead" requirement may be interpreted to mean that the claims of privileges must be detailed. Abex specifically states that for it to detail and for it to specifically plead each and every privileged communication and/or privileged document is impossible for the reason that Plaintiffs' request encompasses fifty years of information and Abex has existing business records and documents in excess of three million.

Abex further objects to Plaintiffs' Master Set of Interrogatories for the reason that it requests more than thirty (30) answers in violation of Rule 168(5) of the Texas Rules of Civil Procedure. At the time of the filing of these answers, Abex is a defendant in only one lawsuit involving two Plaintiffs in Dallas County. Therefore, by asking sixty-four numbered interrogatories which include literally hundreds of subparts requiring thousands of answers, Plaintiffs are violating the spirit and intent of Rule 168(5) of the Texas Rules of Civil Procedure. This discovery may be appropriate for those defendants who have been sued in hundreds of cases in Dallas County, but Abex is not one of those defendants. Clearly, such an extensive set of interrogatories and requests is improper.

Abex objects to the extent that these interrogatories seek information prior to or subsequent to the date of Plaintiffs Lloyd Dunton and Eugene Dennison's alleged last exposure to asbestos-containing products, as these are the only two individuals who have sued Defendant, for the reason that such information is not relevant to any issue in Dallas County asbestos-related litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to these requests and interrogatories on the grounds that they are burdensome, hopelessly overbroad and harassing in that they request information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which can be ascertained or derived only from a page-by-page review of the existing voluminous documents and records of Abex. There is no abstract, or summary of most records in Abex's possession which may be responsive to these discovery requests, and the burden of deriving or ascertaining the answer to most interrogatories is substantially the same for plaintiff as for Abex. The answers of Abex hereinafter set forth are limited to providing information concerning domestic automotive friction products by Abex for the relevant time period only. Abex has never mined asbestos, nor has Abex manufactured, processed, distributed, marketed or sold any asbestos-containing building insulation products.

Abex further objects to these interrogatories and requests to the extent the plaintiff implies that Abex's answers would be applicable to future cases. Abex cannot answer discovery regarding claims that have not made; accordingly, Abex's answers pertain to the captioned actions only. Furthermore, Abex's answers should not be construed as appearances in any future asbestos-related personal injury or death cases filed in Dallas County.

The information provided in these answers to requests and interrogatories is based upon such information as is presently available to Abex, and Abex expressly reserves the right to supplement or amend these answers when and if additional relevant information or documentation is discovered. Some information provided herein is based upon knowledge obtained through a review of Abex's documents and records. This review is continuing. Abex does not concede that any of its answers to these requests and interrogatories are or will be admissible evidence at a trial of this action, and Abex does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answer at trial.

To the extent that the information contained herein differs in any respect from any prior answer to discovery, these answers shall be deemed to update and supersede any prior answers in any and all actions. This introduction and the general objections are explicitly incorporated into each of the answers set forth herein.

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: Dexter Kenfield, Esq., Corporate Counsel of Abex, with the assistance of various persons, including legal counsel, participated in drafting these answers. Abex address is Liberty Lane, Hampton, New Hampshire 03842. Mr. Kenfield has been employed by Abex since September 1986.

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your 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: Pneumo Abex Corporation, a corporation, is the successor-in-interest to Abex Corporation. Abex Corporation was incorporated under the laws of the State of Delaware. The registered agent for service of process in the state of Texas is Prentice-Hall Corporation System, Inc. Abex Corporation's principle place of business is Hampton,

New Hampshire. Abex Corporation has been continuously qualified to do business in the State of Texas since November 25, 1922.

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: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Abex objects to this interrogatory on the grounds that the term "material containing asbestos fibers" is undefined. Abex further objects to this interrogatory on the grounds that it is compound. Abex further objects to this interrogatory on the grounds that it fails to distinguish among the different types of raw asbestos fibers, asbestos-containing building products and asbestos-containing friction products. Subject to and without waiving these objections and to the extent Abex understands this question Abex states that Abex has never mined asbestos. Abex manufactured and sold asbestos-containing automotive friction products from approximately 1926 to 1987.

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: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that it fails to distinguish among the different types of raw asbestos fibers, asbestos-containing building products and asbestos-containing friction products. Subject to and without waiving these objections, Abex manufactured and sold asbestos-containing automotive friction products under the following trade names:

American Brake Materials
Brakeblok
American Brakeblok
Abex
Brake Shoe
Esline
Stopper
American Eagle
Crossing Guard
Protector
Comet
121 Superbrakes
Velvetouch Organic

Abex also manufactured ABK laminated phenolic products some of which may have contained asbestos. In addition, Abex does not possess complete information concerning all of the products it worked on a test or "pilot" basis; Abex Research Center worked on a wide range of items which were not commercially produced and sold. Abex also states that "Comet" is

the only tradename under which Abex ever manufactured and sold asbestos-containing railroad friction products.

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 Answer to Interrogatory No. 4.

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 mined, 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: Abex objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. To the extent this interrogatory seeks information concerning time periods during which the plaintiff does not allege exposure to asbestos-containing products, it is objected to on the grounds that such information lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory to the extent that it seeks confidential, trade secret, or other proprietary information or materials. Subject to and without waiving these objections Abex states:

(A) Abex manufactured and sold asbestos-containing automotive friction products from approximately 1926 to 1987.

(B) Abex states that it never mined asbestos. Abex Corporation was incorporated as The American Brake Shoe and Foundry Company in New Jersey in 1902 and was reincorporated as that company in 1916 in Delaware. In 1926, The American Brake Shoe and Foundry Company caused to be incorporated a New York corporation entitled American Brake Materials

Corporation. In 1933 American Brake Materials Corporation changed its name to American Brakeblok Corporation. In 1937, American Brakeblok corporation merged with The American Brake Shoe and Foundry Company and was thereafter operated as the American Brakeblok Division of that company. In 1943 The American Brake Shoe and Foundry Company changed its name to The American Brake Shoe Company. In 1966, The American Brake Shoe Company changed its name to Abex Corporation. In 1990, Abex was absorbed into its parent corporation now known as Pneumo Abex Corporation. Abex further states that these answers have been prepared upon a continuing review of numerous documents and records which would be impossible to identify.

(C) See Answer to Interrogatory No. 4.

(D) See Answer to Interrogatory No. 6(a).

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

(F) Abex ceased manufacturing and selling its asbestos-containing automotive friction products in 1987 due to a shift in the demand of the automotive friction products market.

(G) See Answer to Interrogatory No. 6(f).

(H) Abex states that its asbestos-containing automotive brake linings were shaped into curved, linear segments in such dimensions as required by the specifications, characteristics and uses established by

the manufacturer of the vehicle or the equipment on which the lining would have been applied.

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

(J) See Answer to Interrogatory No. 6(f).

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex objects to this interrogatory to the extent that it seeks confidential, trade secret, or other proprietary information or materials. The existing business records and documents of Abex, which number in excess of three million, are preserved in the order in which they were found. These documents and records include invoices which number in excess of one half million. These invoices are not filed or coded by subject matter, but rather are arranged, for the most part, numerically and chronologically by year, not by customer, product or state.

Some of the non invoice documents and records are organized by subject matter. Discovery is continuing. There was never a central corporate filing system of Abex documents and there is no Abex employee who has personal knowledge of all the information contained in all the documents. Abex will respond to this interrogatory by making available for inspection and copying relevant, responsive, non-privileged documents. These documents will be made available through Abex counsel at a mutually convenient time and at a location conducive to production.

INTERROGATORY NO. 8:

Before distributing, selling, or placing the products listed in your Answers 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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex further objects to this interrogatory on the grounds that it fails to distinguish among raw asbestos fibers, asbestos contained in building products and asbestos contained in automotive friction products. Proper use of Abex's asbestos-containing automotive friction products did not create or

contribute to a health hazard. Abex further objects to this interrogatory on the grounds that it seeks information which has been gathered or prepared in the course of litigation or which is otherwise protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Subject to and without waiving these objections, Abex was recently provided with an unauthenticated document in the course of litigation which purports to indicate that Abex performed at least one air sampling analysis to collect wear product particles during brake operation prior to November 8, 1971. Neither this document, nor any related documents, have been located in any Abex files. See also Answer to Interrogatory No. 7.

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 Answers to Interrogatory Nos. 7 and 8.

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 Answers 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: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and seeks trade secrets or confidential information. Subject to and without waiving these objections, Abex states that it is currently unaware of such changes or modifications. Discovery is continuing. Abex expressly reserves the right to supplement this answer should additional information become available.

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 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 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 Answer to Interrogatory No. 8.

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex objects to this interrogatory on the grounds that it improperly calls for a medical or scientific opinion or conclusion which this defendant is not qualified to render. See Answer to Interrogatory No. 7.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your Answer to Interrogatories No. 8 or 11? 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 Answer to Interrogatory No. 10.

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 or 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: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections Abex states that in the mid-1970's at the latest, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

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

Abex believes this warning was first placed on its asbestos-containing automotive friction products in order to comply with OSHA regulations. Abex does not believe the wording of this warning was ever changed.

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

An excerpt of this pamphlet is reprinted below:

RECOMMENDED PROCEDURES FOR REDUCING
ASBESTOS DUST DURING BRAKE SERVICING

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

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

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

- (2) The amount of asbestos in the dust brake lining water is normally at an extremely low level because of chemical breakdown during use, and if machining of friction material does not take place, simple procedures will minimize exposure. During brake servicing, the mechanic should wear a respirator approved by NIOSH for asbestos dust. It should be worn during all procedures starting with the removal of wheels and including reassembly.
- (3) When removing worn friction materials, remove the accumulated dust in the assemblies with an industrial vacuum cleaner equipped with a high efficiency filter system. If such equipment is not available, dust can be removed with a damp cloth. Do not use compressed air or dry brushing for cleaning unless the assembly is enclosed and properly exhausted.
- (4) Whenever possible, purchase friction materials preground and ready for installation. If matching is necessary, the precautions which must be taken are of extreme importance. This is the operation in brake service when exposure to asbestos dust may be at its highest. This increases the difficulty in complying with the OSHA standards. In addition to the approved respirator, there must be local exhaust ventilation such that worker exposures are maintained below the OSHA asbestos standards. If there is any question as to the efficiency of asbestos dust removal by the machine, the manufacturer should be contacted.
- (5) Industrial vacuum cleaner bags containing asbestos dust and cloths used for wiping brake assemblies should be sealed in plastic bags and labeled with the following warning label printed

in letters of sufficient size and contrast to be readily visible and legible.

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

All asbestos waste should be disposed of in accordance with OSHA and EPA asbestos regulations. During removal of vacuum bags, an approved respirator, as described in (2) above should be worn.

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

CAUTION: DO NOT BREATHE ASBESTOS

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than Plaintiffs who have filed personal injury actions in Dallas County, Texas, 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 judgement.

ANSWER: No.

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 Answer to Interrogatory No. 7.

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, 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: Abex did not manufacture or sell "asbestos products."

Abex further objects on the grounds that plaintiffs, Lloyd Eugene Dunton and Virginia Dunton, and Deborah Claire Dennison, individually and as Personal Representative of the Heirs and Estate of Lyle Oreste Dennison, Deceased, do not allege exposure in the listed states. Accordingly, this interrogatory is irrelevant and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Abex states that an Abex Sales Department, District Manager was located in Dallas, Texas from at least 1967-1977. See also Answer to Interrogatory No. 7.

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: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, Abex has employed industrial hygienists and medical directors whose job duties have included ensuring a safe working environment for Abex employees. Because these personnel dealt with the working conditions of Abex employees, further information concerning them is not relevant to this case and is not reasonably calculated to lead to the discovery of

admissible evidence. Subject to and without waiving these objections, the following persons have served as medical director:

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

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex objects to this interrogatory on the grounds that it improperly calls for a medical or scientific opinion or conclusion which this defendant is not qualified to render. Abex further objects to this interrogatory on the grounds that it fails to distinguish among the different types of raw asbestos fibers, asbestos-containing building products and asbestos-containing automotive friction products.

Subject to and without waiving these objections, see Answer to

Interrogatory No. 7.

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:
 - 1. A description of the publications, including the date.
 - 2. The current location of such publications.
 - 3. The custodian of such publications.
 - 4. The method or manner in which such publications are maintained.

ANSWER: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad as to time and scope. Subject to and without waiving these objections, Abex was a member of the following trade associations: Asbestos Information Association of North America (1975 to

1980) and The Brake Lining Manufacturing Association (from an unknown period to 1949). Furthermore, Abex was a member of the Friction Materials Standards Institute (1949 to 1994); The American Industrial Hygiene Association ("AIHA"); The Air Pollution Control Association; the Manufacturers Alliance for Productivity and Innovation (formerly the Machinery and Allied Products Institute). Abex does not know each employee who may have attended meetings of these associations, nor does Abex know each time these meetings were held. See also Answer to Interrogatory No. 7.

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: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Abex further states that its asbestos-containing automotive friction products were manufactured in Detroit, Michigan; Salisbury, North Carolina; and Winchester, Virginia.

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: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these

objections, Abex does not know with certainty each material which was used to promote or advertise its asbestos-containing friction products.

Documents generally meeting the description of promotional and advertisements materials are on file and can be made available for inspection and copying upon receipt of an appropriate document request. Abex further states that it does not have specific information concerning which advertising agents may have been employed to promote its products. See also Answer to Interrogatory No. 7.

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex further objects to this

interrogatory on the grounds that it fails to distinguish among the different types of raw asbestos fibers, asbestos-containing building products and asbestos-containing automotive friction products. Abex did not manufacture or sell "asbestos products." Subject to and without waiving these objections, see Answer to Interrogatory No. 14.

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: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Abex is currently in litigation with various carriers concerning the trigger, scope and amount of coverage, if any, available to Abex in asbestos personal injury actions.

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: Abex objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Abex further objects to this interrogatory on the grounds that it is overly broad and fails to distinguish among the different types of raw asbestos, asbestos contained in building products and asbestos contained in automotive friction products. Abex further objects to this interrogatory on the grounds that it calls for a medical or legal conclusion which Abex is not qualified to render. To the extent this interrogatory seeks information concerning the working conditions of Abex employees, it is objected to on the grounds that such information lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Abex does not know when it first became aware of statements linking prolonged massive exposures to raw asbestos

fibers to potential health hazards. See also Answer to Interrogatory No.

7.

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 or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- 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 Defendants or its subsidiaries or predecessors in a 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 dust and fibers.

ANSWER: Abex does not concede that breathing asbestos dust causes lung cancer in the absence of cigarette smoking; nor does Abex concede that breathing asbestos dust can cause "other cancers." Abex does not know when it first became aware of statements linking prolonged massive

exposures to raw asbestos fibers to potential health hazards. See also

Answer to Interrogatory No. 25.

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 Answer to Interrogatory No. 25.

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 Defendants 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 Answer to Interrogatory No. 25.

INTERROGATORY NO. 29:

As to gastrointestinal 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 Answers to Interrogatory Nos. 7 and 26.

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex further objects to this interrogatory on the grounds that it is argumentative. Abex objects to this interrogatory on the grounds that it improperly calls for a medical or scientific opinion or conclusion which this defendant is not qualified to render. In addition, Abex objects to this interrogatory on the grounds that it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further states that Abex did not manufacture or sell "asbestos products."

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: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections Abex states: Asbestos-containing automotive friction products manufactured and sold by Abex were generally packaged in cardboard boxes according to size. The brand name appeared on the package as did the product name.

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 Answer to Interrogatory No. 7.

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex objects to this interrogatory on the grounds that the term "materials" is undefined. Abex also objects to this interrogatory on the grounds that it is vague and ambiguous. Abex further objects to this interrogatory on the grounds that it fails to distinguish among the different types of raw asbestos fibers, asbestos contained in building products and asbestos contained in automotive friction products. Abex further states that Abex did not manufacture or sell "asbestos-products".

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 Answers to Interrogatory Nos. 33 and 7.

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 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: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, and, in seeking information regarding Abex employees, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections Abex states that Abex is not aware of any pre-1968 claims fitting such a description.

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: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Abex also objects to this interrogatory on the grounds that it seeks information which has been gathered or prepared in the course of litigation or which is otherwise protected by the attorney-client privilege, the work product doctrine or by any other applicable privilege. Abex further objects to this interrogatory on the grounds that it assumes facts not proven or facts not in evidence. Abex further objects to this interrogatory on the grounds that Abex did not manufacture or sell "asbestos products". Subject to and without having these objections, see also Answer to Interrogatory No. 7.

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: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Abex further objects on the grounds that information regarding any foreign subsidiary is irrelevant and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Abex ceased manufacturing and selling its asbestos-containing automotive friction products in 1987 due to a shift in the demand of the automotive friction products market.

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 Answer to Interrogatory No. 7.

INTERROGATORY NO. 39:

May 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: Abex objects to this interrogatory on the ground that it is premature, and reserves the right to supplement this Answer. Abex also objects to this interrogatory on the grounds that it seeks information which is a matter of public record and is equally available to plaintiff as to defendant.

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: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving this objection, Abex states that it never mined asbestos. See also Answers to Interrogatory Nos. 2 and 6(b).

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex further states that it did not manufacture or sell "asbestos products."

INTERROGATORY NO. 42:

For each asbestos-containing product identified in Answer 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 asbestoscontaining products.

ANSWER: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex further objects to this interrogatory on the grounds that it is speculative. Abex also objects to this interrogatory on the grounds that it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex also objects to this interrogatory on the grounds that it seeks information about entities other than Abex. It is impossible to give a meaningful Answer to the interrogatory as framed. Subject to and without waiving these objections see Answer to Interrogatory No. 7.

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex also objects to this interrogatory on the grounds that it improperly calls for a medical or scientific opinion or conclusion which this defendant is not qualified to render. Abex further objects to this interrogatory to the extent that it seeks confidential, trade secret, or other proprietary information or materials. Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and assumes facts not established. Subject to and without waiving the foregoing objections because the asbestos in Abex's asbestos-containing automotive friction products was resin-bonded and encapsulated, it did not present a health hazard. Proper use of Abex's asbestos-containing automotive friction products did not create or contribute to a health hazard.

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex also objects to this interrogatory on the grounds that it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that it seeks information about entities other than Abex. Subject to and without waiving these objections it was foreseeable that the friction material would be removed or replaced at the end of their useful life. Removal or replacement is not a use of the product.

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex also objects to this interrogatory on the grounds that it seeks information about entities other than Abex. Subject to and without waiving these objections, Abex states to the best of

current knowledge and belief it is not believed any such tests were conducted. See Answer to Interrogatory no. 7.

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.

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 eliminating 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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. To the extent this interrogatory seeks information concerning the working conditions of Abex employees, it is objected to on the grounds that such information lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds

that it assumes facts not established. Abex further objects to this interrogatory on the grounds that it fails to distinguish among raw asbestos fibers, asbestos contained in building products and asbestos contained in automotive friction products. Proper use of Abex's asbestos-containing automobile friction products did not create or contribute to a health hazard. Subject to and without waiving these objections, Abex states that to the best of its current knowledge and belief, No. Discovery is continuing. Abex reserves the right to supplement this answer should additional information become available.

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 or such Research Department.

ANSWER: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex objects to this interrogatory to the extent that it seeks confidential, trade secret, or other proprietary

information or materials. Subject to and without waiving these objections Abex states, Abex has maintained a corporate-wide research department. The purpose of this department included designing and developing new products for Abex.

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 Answer to Interrogatory No. 18.

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 Answer to Interrogatory No. 14.

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 Answer to Interrogatory No. 7.

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: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Abex further objects to this interrogatory on the grounds that it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory to the extent it seeks information on products which are not at issue in this case on the grounds that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Abex also objects to this interrogatory to the extent that it seeks confidential, trade secret, or other proprietary information or materials. Subject to and without waiving

these objections, Abex states, Yes. See also Answer to Interrogatory No. 7.

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad, and contains undefined terms. Subject to and without waiving these objections Abex does not presently believe that Abex ever recalled any asbestos-containing products. See also Answer to Interrogatory No. 7.

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex further objects to this

interrogatory on the grounds that the word "substitute" is undefined. Abex objects to this interrogatory on the grounds that it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory to the extent it seeks information on products which are not at issue in this case on the grounds that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections Abex states Abex does not know when it first manufactured a non-asbestos containing product which could be substituted for asbestos containing products used for applications originally designed for particular asbestos containing products. See also Answer to Interrogatory No. 7.

INTERROGATORY NO. 55:

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

ANSWER: See Answers to Interrogatory Nos. 7, 52 and 54.

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex further objects to the extent this interrogatory seeks information concerning the working conditions of Abex employees, it is objected to on the grounds that such information lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections Abex states, see Answer to Interrogatory No. 8.

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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex also objects to this interrogatory on the grounds that it fails to distinguish among raw asbestos fiber, asbestos contained in building products and asbestos contained in automobile friction products subject to and without waiving these objections Abex states that Abex does not know when it first became aware

of any threshold limit values for asbestos. See also Answer to Interrogatory No. 7.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 57 for total dust, and not asbestos dust alone?

ANSWER: See Answer to Interrogatory No. 57.

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 asbestoscontaining products.

ANSWER: Abex objects to this interrogatory on the grounds that it assumes facts not established. Abex further objects to this interrogatory on the grounds that it fails to distinguish among raw asbestos fibers, asbestos contained in building products and asbestos contained in automobile friction products. Proper use of Abex's asbestos-containing automobile friction products did not create or contribute to a health hazard. Abex further objects to this interrogatory on the grounds that it seeks information which has been gathered or prepared in the course of litigation or which is otherwise protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Subject to and without waiving these objections,

Abex states that it was a member of the Friction Materials Standards Institute ("FMSI"). Abex was recently provided with an unauthenticated document in the course of litigation which purports to indicate that Abex performed at least one air sampling analysis to collect wear product particles during brake operation prior to November 8, 1971. Neither this document, nor any related documents, have been located in any Abex files.

INTERROGATORY NO. 60:

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

- (a) The name, address, and job classification of each such expert witness;

ANSWER: Abex objects to this interrogatory on the grounds that it is premature. Abex has not yet determined which expert witnesses it intends to call at trial of this matter and reserves the right to supplement this answer once such a determination has been made.

- (b) The subject matter on which the expert is expected to testify;

ANSWER: See Answer to Interrogatory No. 60(a).

- (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;

ANSWER: See Answer to Interrogatory No. 60(a).

- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report;

ANSWER: See Answer to Interrogatory No. 60(a).

- (e) Identify all documents that you have provided to each person identified in Answer to subparagraph (a) above;

ANSWER: See Answer to Interrogatory No. 60(a).

- (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 Answer to subparagraph (a) above. Alternatively, in lieu of said Answer, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER: See Answer to Interrogatory No. 60(a).

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.

ANSWER: Abex objects to this interrogatory on the grounds that it is premature. Abex has not yet determined which witnesses it intends to call at trial of this matter and reserves the right to supplement this answer once such a determination has been made.

- (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;

ANSWER: See Answer to Interrogatory No. 61(a).

- (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;

ANSWER: See Answer to Interrogatory No. 61(a).

- (d) each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

ANSWER: See Answer to Interrogatory No. 61(a).

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: Abex objects to this interrogatory on the grounds that it is premature. Abex has not yet determined which exhibits it intends to call at trial of this matter and reserves the right to supplement this Answer once such a determination has been made.

INTERROGATORY NO. 63:

When, if ever, did Defendant or any of its predecessor-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 Answers above are based;
- d. please identify the name(s) and address(es) of any person(s) who can verify your above Answer;
- 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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Subject to and without waiving these objections Abex states; Abex does not know precisely when, if ever, its management became aware of the above-referred article. Abex further states that it never manufactured or sold pipe covering.

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 Answers above are based;
- d. please identify the name(s) and address(es) of any person(s) who can verify your above Answer;
- 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 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: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad. Abex does not know precisely when, if ever, its management became aware of the above-referenced article. Abex further states that it never manufactured or sold any asbestos-containing products commonly used in the asbestos textile industry.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

Answer TO REQUEST FOR PRODUCTION NO. 1: To the extent relevant, responsive, non-privileged documents exist, they can be made available through Abex counsel at a mutually convenient date, time and location conducive to production.

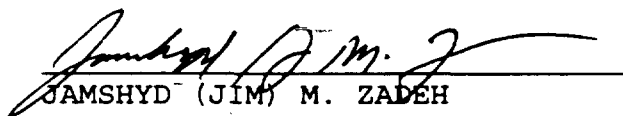
REQUEST FOR PRODUCTION NO. 2:

Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.

Answer TO REQUEST FOR PRODUCTION NO. 2: See Answer to Request No. 1.

Respectfully submitted,

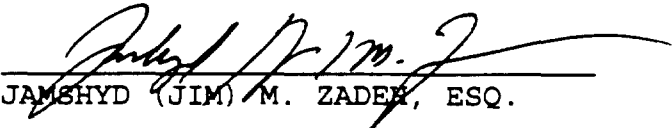
BOURLAND, KIRKMAN & SEIDLER, L.L.P.


JAMSHYD (JIM) M. ZADEH

Texas Bar No. 22239000
Fort Worth Club Tower
Penthouse I-C
777 Taylor Street
Fort Worth, Texas 76102
817/336-2800 - Phone
817/877-1863 - Fax

CERTIFICATE OF SERVICE

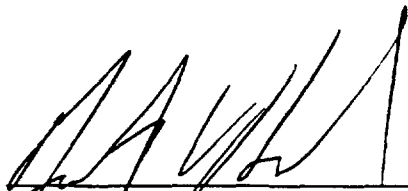
I hereby certify that a true and correct copy of the foregoing document has been forwarded to plaintiffs' counsel by certified mail, return receipt requested, and has been made available to all other counsel of record by regular U.S. Mail on this 31st day of March, 1995.


JAMSHYD (JIM) M. ZADER, ESQ.

VERIFICATION

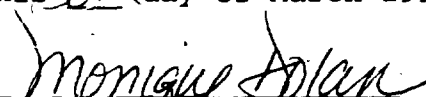
STATE OF NEW HAMPSHIRE)
) ss.:
COUNTY OF ROCKINGHAM)

DEXTER L. KENFIELD, being first duly sworn, deposes and says that he is Corporate Counsel of Pneumo Abex Corporation, and that he verifies Pneumo Abex Corporation's Answers To Plaintiffs Master Interrogatories and Requests for Production for and on behalf of Pneumo Abex Corporation and is duly authorized to do so; that the facts stated therein have been assembled pursuant to his instructions; and he is informed and believes that the facts stated therein are true and correct.



DEXTER L. KENFIELD

Subscribed and sworn to before me
this 30th day of March 1995.



Notary Public
MONIQUE DOLAN, Notary Public
My Commission Expires September 19, 1995