

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

RE: Burleigh County Asbestos Cases Set 7 & 8

Charles Knaup

Civil No. 96-C-1006

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF GRAND FORKS

NORTHEAST CENTRAL JUDICIAL DISTRICT

RE: Grand Forks County Asbestos Cases-Set No. 6

James Stenerson

Civil No.: 96-C-0108

Danny Sumpter

Civil No.: 96-C-0109

Floyd Sumpter

Civil No.: 96-C-0110

**DEFENDANT BORG-WARNER CORPORATION'S ANSWERS
TO PLAINTIFFS' INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS TO DEFENDANT (SET I)**

TO: ABOVE-NAMED PLAINTIFFS AND THEIR ATTORNEY, JEANETTE T.
BOECHLER, ONE N. 2ND STREET, STE 314, PO BOX 1932, FARGO,
ND 58107

****Michelle, Bold lettering denotes changes in our previous answers and
Borg-Warner's proposed answers.****

Though Borg-Warner Corporation has made every good faith effort to respond to those Interrogatories to which it has not objected, in making such response, Borg-Warner Corporation does not purport to have adopted or applied any definitions set forth at the outset of or at other places in Plaintiff's Interrogatories nor has Borg-Warner assumed the improper, unproved and hypothetical facts set forth, implied or alluded to in Plaintiff's Interrogatories or

S-FORD-010

SCF-ALLF-10550

sold asbestos-bearing products was Unit Parts, Oklahoma City, Oklahoma which was purchased in 1972 and divested in 1976.

5. Has defendant, at any time, engaged in the manufacture of products containing asbestos fibers? If so, please state:

- a. From what source or sources, if any, did your company obtain mined asbestos since the year 1930.
- b. Whether any warnings, cautions, caveats, or directions accompanied the material referred to in (a) and the language, nature, and presentation of said warning, cautions, caveats or directions accompanying or relating to said asbestos.
- c. Approximately what date said warnings, cautions, caveats or directions first appeared on such, mined asbestos referred to in (a) above.
- d. Where the asbestos or asbestos materials were manufactured by this answering defendant and/or its predecessor entities as described above.
- e. How long the defendant manufactured asbestos or asbestos materials.
- f. Whether any warnings, cautions, caveats or directions accompany the materials referred to in (a) and the nature, language, and graphic presentation of said warnings, cautions, caveats or directions accompanying said asbestos materials manufactured by this answering defendant and/or its predecessors.
- g. Approximately what date said warnings, cautions, caveats or directions appeared on the manufactured asbestos or asbestos materials.

ANSWER:

- a. Borg-Warner objects to this interrogatory on the grounds that is overly broad and burdensome. Without waiving its objection, Borg-Warner answers: all the asbestos bearing friction materials incorporated in Borg-Warner's clutch assemblies were supplied to Borg-Warner by other manufacturers, including Raybestos-Manhattan (Raymark), American Brake Shoe, Ausco, Gatke, Johns-Manville, National Friction Products, Russe, Standco, H.K. Porter, Inc., Thermoid Division, Akebono America, Inc., Bendix Textar, and Amco Works. Borg-Warner purchase such materials over

approximately 60 years beginning in 1928. Borg-Warner did not resell those friction materials themselves; rather they were used as components in Borg-Warner's clutch products.

- b. Unknown.
- c. Unknown.
- d. Borg-Warner states that three of its business units were involved in the manufacture, distribution and sale of service brake products or clutch assemblies incorporating asbestos-bearing materials. They were the following:

Borg & Beck Division
6700 18 1/2 Mile Road
Sterling Heights, MI 48078

6558 South Menard Avenue
Chicago, IL 60638

Rockford Division
1200 Windsor Road
Rockford, IL 61125-7007

Spring/Brummer Division
700 South 25th Avenue
Bellwood, IL 60104

- e. Borg-Warner discontinued the manufacture of service brake products for economic reasons in 1975. Borg-Warner's clutch operation was sold in 1988 for economic reasons.
 - f. Unknown.
 - g. Unknown.
6. Has defendant, at any time, engaged in the mining of materials containing asbestos fibers and/or asbestos? If so, please state:
- a. The locations at which the asbestos was mined.
 - b. How long the defendant mined asbestos.
 - c. The types of asbestos mined.

Peavy Co.-Grand Forks, ND	Skelly Service Station - Hillsboro, ND
Phillip Getschow	Sonneman Construction Co.
Pioneer Power - St. Paul, MN	Southside Texaco - Fargo, ND
Power Plant, Basin Electric -(Antelope Valley) - Beulah, ND	St. Paul Ford - St. Paul, MN
Power Plant, Basin Electric- (Leland Olds)--Stanton, ND	Steiger Tractor - Fargo, ND
Power Plant, Cooperative Power (Coal Creek - Underwood, ND	Studebaker Corporation
Power Plant, Minnkota Power (Milton Young) - Center, ND	Taconite Plant, Erie Mining - Aurora, MN
Power Plant, Montana Dakota Utilities (Coyote), Beulah, ND	Taconite Plant, Eveleth Taconite - Eveleth, MN
Power Plant Montana Dakota Utilities (Heskett)-- Mandan, ND	Taconite Plant, Hibbing Taconite - Hibbing, MN
Power Plant, NSP (Sherco)-Becker, MN	Taconite Plant, National Taconite - Kewatin, MN
Power Plant, Nuclear - Byron, IL	Taconite Plant, Northshore Mining - Silver Bay, MN
Power Plant, United Power - Stanton, ND	Taconite Plant - Taconite Harbor, MN
R.D.O. Foods - Grand Forks, ND	Taconite Plant, U.S. Steel (Minntac) - Mountain Iron, MN
R.D.O. Foods - Park Rapids, ND	Texaco - Beloit, WI
Refinery Amoco - Mandan, ND	Turkey Plant - Marshall, MN
Refinery, Ashland/Northwestern - St. Paul, MN	University of Minnesota - Crookston, MN
Refinery, Koch/Pine Bend/Great Northern- Hastings, MN	University of North Dakota - Grand Forks, ND
Ron's Phillips 66- West Fargo, ND	Valley House Movers - Fargo, ND
Ronald Moran Cadillac- Rodondo Beach, CA	Valley Movers, Inc.
Ryan & Associates	Veegan Construction
School, Bloomington High - Bloomington, MN	W. W. Wallwork - Fargo, ND
School - Valley City, ND	Water Treatment Plant - Fargo, ND
School, Vo-Tech, Detroit Lakes, MN	West End Motor - Hazen, ND
School, Vo-Tech, East Grand Forks, MN	West Fargo City Services - West Fargo, ND
	West Fargo Fair Grounds - West Fargo, ND
	West Fargo Garage - West Fargo, ND
	West Fargo Phillips 66 - West Fargo, ND
	White Oak Utility Construction
	Woerfel Corp. - Milwaukee, WI
	Wrigley Mechanical - Fargo, ND

ANSWER: Borg-Warner objects to this interrogatory on the grounds that it is overly broad, burdensome and harassing. Without waiving its objection, Borg-Warner answers that it does not maintain records back to 1950. Further, Borg-Warner does recognize that it was an OEM supplier and therefore most likely sold its products to Ford, General Motors, Chrysler, and International Harvester. There are no records which indicate that Borg-Warner sold to any of the other entities listed in this interrogatory.

11. As to any asbestos products and/or shipment of asbestos products referenced in your answer to Interrogatory No. 10, please describe all such shipments and/or deliveries as specified, and attach to your interrogatory answers copies of all documentary materials in your care, custody and/or control

ANSWER: Borg-Warner objects to this interrogatory on the grounds that it is overly broad, burdensome, harassing and unlimited in scope. Without waiving its objection Borg-Warner answers: None known to exist.

15. Identify the method of distribution, including any distribution chain or network of wholesalers and/or distributors of defendant's asbestos products, and, in summary fashion, identify documents (by type) evidencing or confirming such chain or system of product distribution, including, but not limited to, distribution from and/or to other defendants in the instant litigation.

ANSWER: Borg-Warner objects to this interrogatory on the grounds that it is overly broad, burdensome and harassing. Without waiving its objection, Borg-Warner's asbestos-bearing products were sold primarily to Original Equipment Manufacturers (OEM's). Some products were distributed through national distributors.

16. Identify your distributors and/or suppliers of either raw or mined asbestos, fiber, and/or asbestos products with which you had business contact since 1930.

ANSWER: Borg-Warner objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objection, Borg-Warner answers: all the asbestos bearing friction materials incorporated in Borg-Warner's clutch assemblies were supplied to Borg-Warner by other manufacturers, including Raybestos-Manhattan (Raymark), American Brake Shoe, Ausco, Gatke, Johns-Manville, National Friction Products, Russe, Standco, H.K. Porter, Inc., Thermoid Division, Akebono America, Inc., Bendix Textar, and Amco Works. Borg-Warner purchases such materials over approximately 60 years beginning in 1928. Borg-Warner did not resell these friction materials themselves; rather they were used as components in Borg-Warner's clutch products.

The asbestos purchased for Borg-Warner's Disc Brake Pads produced for model years 1971 to 1975, was purchased from Asbestos Corporation, Thetford Mines, Quebec, Canada, which sold the asbestos fibers to Borg-Warner through the Donald R. Fitzgerald Co., Chicago, Illinois.

17. Have any of the products listed in Interrogatory No. 8 above been altered in chemical composition since first being marketed?

DATED: _____, 1996.

BORG-WARNER AUTOMOTIVE

BY:: _____

ITS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of ____
_____, 1996, by _____ the _____ of Borg-Warner
Automotive, a Michigan corporation, on behalf of the corporation.

(S E A L)

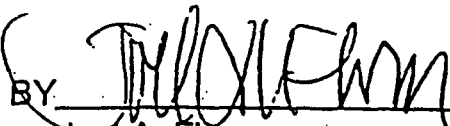
Notary Public

County, Michigan
My Commission Expires:

AS TO ANY AND ALL OBJECTIONS:

DATED: 12/2, 1996.

JEFFRIES, OLSON, FLOM & BULLIS, PA

BY: 
Joel A. Flom 51422

P. O. Box 9

Moorhead, MN 56561-0009

Telephone: (701) 280-2300

ATTORNEYS FOR DEFENDANT
BORG-WARNER AUTOMOTIVE