

APR 8 1986

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

GEORGE GARTNER, et al.,

Plaintiffs,

Civil Action

No. L-085525-85

vs.

EAGLE-PICHER INDUSTRIES,
INC., et al.,

Defendants.

RESPONSE OF DEFENDANT FORD MOTOR COMPANY
TO PLAINTIFFS' INTERROGATORIES

The responses provided herein have been prepared pursuant to a reasonable and duly diligent investigation and search for the information requested. For many years, Ford has had several hundred thousand employees. Many employees have worked at several of Ford's facilities. In conducting its business, Ford has each year created many millions of documents that have been kept in numerous locations and have been moved as the organizations changed and as employees changed jobs. Accordingly, Ford does not represent that the responses contained herein provide all of the information requested; rather, these responses reflect information obtained before this date by Ford pursuant to a reasonable and duly diligent search and investigation in those areas where the information is expected to be found. To the

FORD DEFENDANT #1

PLAINTIFF'S
EXHIBIT

WV-06328

PLAINTIFF'S
EXHIBIT

31663.0

SCF-FORD-3532

extent that the request purports to require more, Ford objects on grounds that include that compliance with request probably is not feasible and would impose an undue burden or expense.

Further, if additional discovery requests are served upon Ford in this action, Ford will not review the present discovery requests to ascertain whether, subsequent to the serving of this response, new information that might be responsive to the present discovery requests has been obtained. To the extent that the present request purports to impose such an obligation, Ford objects on the grounds that the request contravenes the rules and, in addition, seeks to impose an undue burden and expense.

To make responses to these requests feasible and the responses pertinent to the allegation that there was deleterious exposure to asbestos in brake lining dust or debris in Ford vehicles, it generally is appropriate to limit their scope to friction products and in particular to brake lining dust. Ford objects to requests for information about other subjects within the history or scope of the activities of Ford on the grounds that the requests seek information that is neither relevant nor likely to lead to the discovery of admissible evidence and the requests are

overly broad and burdensome. Also, Ford objects to requests for "any" and "all" on grounds that the requests are overly broad and burdensome.

Plaintiffs have served Ford with interrogatories and yet plaintiffs already may have some pertinent documents, perhaps even some Ford documents not received from Ford. Ford objects on the grounds that it would be less burdensome, more convenient and less expensive for plaintiffs to identify what documents they already have that fall within the scope of the requests. This would accomplish several purposes: (a) it would obviate Ford's having to search for and copy documents already in plaintiffs' possession; (b) it would enable Ford to use the documents provided by plaintiffs as guides in looking for related material; and (c) it would, if plaintiffs' purpose were to obtain authentication of particular documents, enable Ford to authenticate the copies provided by plaintiff without having to conduct an uninformed search for those documents in Ford's files.

Ford objects to requests where the matter sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

Where Ford personnel have stored responsive documents together with nonresponsive documents, whether kept together by folder, clip, staple or otherwise, only the responsive document will be produced.

Documents offered by Ford can be made available by providing marked useable copies for review in the office of Ford's counsel.

These comments and objections are incorporated into each Ford Response set forth below as if they were set forth in their entirety as they apply to each response.

INTERROGATORIES

INTERROGATORY B. 1.

State name, address and job position of each and every individual signing these interrogatories on behalf of the defendant.

a. state the name, address and employer and job position of each person whether defendant's employees or otherwise who were consulted with or who assisted in the answering of these interrogatories.

RESPONSE

The manner in which Ford's attorneys assemble information pertaining to pending litigation is protected by the attorney-client privilege and work product doctrine.

Ford objects to this interrogatory as overly broad and unduly burdensome and expensive because the responses to these interrogatories were prepared by consulting, directly or indirectly, scores of individuals and thousands of documents prepared by perhaps hundreds of other individuals. The responses to these interrogatories constitute a corporate response which has been verified by an authorized agent of Ford. The person signing these interrogatories is an employee of Ford who is an authorized agent for the purpose of verifying discovery responses. That person works at One Parkland Boulevard, Dearborn, Michigan 48126. For the person's name, please refer to the verification page.

INTERROGATORY B. 2.

Give a full and detailed description of the nature of the business that your company is engaged in.

RESPONSE

Ford is a corporation. The registered name is Ford Motor Company. Ford was incorporated in the State of Delaware in 1919. Ford acquired the business of a Michigan company, also known as Ford Motor Company, incorporated in 1903, to produce cars, trucks and other vehicles designed and engineered by Henry Ford. Ford's principal place of business is the State of Michigan. The headquarters are located at The American Road, Dearborn, Michigan.

INTERROGATORY B. 3.

When did your company commence its business?

RESPONSE

See response B. 2.

INTERROGATORY B. 4.

a. Are or have any of defendant's predecessors, affiliates, subsidiaries, or parent corporations engaged in the mining, sale and distribution of asbestos and/or asbestos fiber and/or asbestos containing insulation products? If so, state the name of each such entity,

describe the nature of the involvement that each entity has or has had in the mining, distribution or sale of these products and materials, and set forth the inclusive dates each

b. as to each such entity referred to in (a) above, state:

1. the relationship between defendant and each such entity;

2. the date each such relationship began and terminated;

3. the names and addresses of each such entity's corporate officers and Board of Directors;

4. the names and addresses of your corporate officers and Board of Directors.

RESPONSE

See response B. 2. Ford never has mined asbestos. Ford never has processed or manufactured brake linings or clutch facings for production vehicles. Manufacture, assembly and sale of cars and trucks, and related parts and accessories, constitute the principle business of Ford. Many of the cars and trucks had brake linings or pads which contained asbestos.

Ford notes that at one time it sold new cars and trucks to Ford Marketing Corporation, which in turn sold the products to Ford authorized dealerships. Also, Ford has, in relatively few instances, been a minority and majority shareholder in Ford authorized dealership corporations, which sold Ford cars and trucks and similar used products. If this interrogatory were to be construed to require Ford to report the details of such activities, Ford would object to it on the grounds which would include unduly burdensome, overly broad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and in the context of this litigation is of de minimus significance.

INTERROGATORY B. 5.

From the year 1925 until the present, identify and state the address of any organization in which defendant, its officers, agents or employees have belonged, having anything to do with setting standards, regulations or the conducting of research into the use of asbestos, asbestos products or asbestos fiber.

RESPONSE

Ford or Ford employees, or both, have had memberships in the American Society for Testing and Materials, Society of Automotive Engineers and American Industrial

Hygiene Association. For objects to this interrogatory as being overly broad and unduly burdensome to the extent that it requests individual employee identification. It would not be feasible for Ford to identify all of its employees who have been or are members of these organizations. Ford also had a membership from January, 1947 through December, 1974 in the Industrial Health Foundation.

Ford is a member of the National Association of Manufacturers, 1776 E St., N.W., Washington, D.C. 20006; Michigan Manufactures Association; Motor Vehicle Manufacturers Association, 300 New Center Building, Detroit, Michigan 48202; and the National Safety Council, 444 N. Michigan Avenue, Chicago, Illinois 60611.

In addition, it has been reported by representatives of the respective organizations that there is no record of Ford's membership in the following organizations: Institute of Occupational & Environmental Health, Quebec Asbestos Mining Association, Brake Lining Manufacturers Association, Friction Materials Standards Institute, Grinding Wheel Institute, Asbestos Textile Institute, Asbestos Information Association, Trudeau Foundation, Asbestos Brake Lining Manufacturers Institute. Ford has no record of membership in any of the remaining organizations.

INTERROGATORY B. 6.

Has defendant ever been a member of or affiliated with any trade groups, professional associations or organizations? If so, identify each such group, association or organization and set forth the inclusive dates of defendant's membership in each.

RESPONSE

Yes. Ford objects to this interrogatory as being overly broad and unduly burdensome. See response B. 5.

INTERROGATORY B. 7.

Has defendant ever been a member of or affiliated with the Asbestos Textile Institute? If so, indicate when your company was affiliated or was a member of this organization.

RESPONSE

No.

INTERROGATORY B. 8.

Does your company publish or distribute a manual or booklet which describes the nature of the business that defendant is engaged in? If so, set forth the title of such manual or booklet, indicate when it was published and attach a copy of same hereto.

RESPONSE

Ford does not publish or distribute a manual or booklet describing the nature of its business, however, a copy of a recent Annual Report is offered.

INTERROGATORY B. 9.

Has any employee or representative of your corporation ever attended a meeting of the Asbestos Textile Institute? If so, identify each such individual who attended these meetings and set forth the dates on which each such individual went to such a conference or meeting.

RESPONSE

Ford has no record of such attendance.

INTERROGATORY B. 10.

Has your company ever been a member of, affiliated with or provided funding for the Industrial Hygiene Foundation? If so, indicate when your company was a member or affiliated with this organization and set forth the dates, if applicable, when you provided funding to this organization.

RESPONSE

Yes, Ford was a member. See response B. 5.

INTERROGATORY B. 11.

Does your company have a Board of Directors?

RESPONSE

Yes.

INTERROGATORY B. 12.

Does your company's Board of Directors conduct meetings?

RESPONSE

Yes.

INTERROGATORY B. 13.

Have minutes of the Board of Directors meetings been taken and maintained by your company? If so, indicate who has custody of the minutes at this time.

RESPONSE

Yes. They are in the custody of the Office of the Secretary, World Headquarters, Dearborn, Michigan.

INTERROGATORY B. 14.

Has your company, and/or its subsidiaries or affiliates ever manufactured or distributed asbestos containing products?

RESPONSE

See response B. 4.

INTERROGATORY B. 15.

Give a complete and detailed description of the particular qualities that asbestos has or had that caused your company and/or its subsidiary or affiliate to utilize asbestos in your products.

RESPONSE

Ford does not manufacture brake linings for use in production vehicles. Ford purchases brake assemblies and brake linings from suppliers. The asbestos in brake linings assists in braking and friction.

INTERROGATORY B. 16.

Did any of the entities from whom you received asbestos fiber or any of the entities referred to in B6, B7, B9 and B10 ever inform you or your company's employees that asbestos was potentially hazardous to the health of individuals who were exposed to it?

RESPONSE

Ford does not manufacture brake linings and therefore does not purchase the asbestos fiber used in their

manufacture. Ford has no record of receiving any warnings from its suppliers of potential hazards associated with asbestos in brake linings.

INTERROGATORY B. 17.

If so, for each such company that transmitted such information to you and your company, set forth the following information:

- a. the name of each and every entity that informed your company that asbestos was potentially hazardous to health;
- b. the dates you received this information from each such company;
- c. indicate how this information was transmitted to you;
- d. the substance of each warning;
- e. annex hereto copies of each such warning.

RESPONSE

Not applicable. See response B. 16.

INTERROGATORY B. 18.

Has defendant distributed or sold asbestos or asbestos containing products in the State of New Jersey? If so, set forth the following information:

a. the date that defendant commenced selling asbestos or asbestos containing products in the State of New Jersey;

b. the date the defendant terminated the sale of asbestos or asbestos containing products in the State of New Jersey;

c. the areas of New Jersey where asbestos or asbestos containing products were sold.

RESPONSE

Ford distributes its vehicles and replacement parts through thousands of franchised dealerships and authorized distributors around the nation, including New Jersey.

a. Ford has had a Certificate of Authority to do business in New Jersey since March 22, 1920.

b. Not applicable. Ford continues to sell vehicles and replacement parts in New Jersey;

c. Ford objects to this interrogatory as overly broad and unduly burdensome.

INTERROGATORY B. 19.

Did defendant ever affix any warnings to any of the asbestos or asbestos containing products it marketed and distributed? If so, for each such product that contained a warning set forth the following information:

- a. the brand and tradename of each such product that contained a warning;
- b. the date a warning was attached to each such product;
- c. the substance of each warning;
- d. annex hereto copies of each such warning.

RESPONSE

With respect, for example, to aftermarket brake linings sold by Ford, labels placed on cartons since 1980 read along lines such as:

"CAUTION: CONTAINS ASBESTOS FIBERS.
AVOID CREATING DUST. BREATHING ASBESTOS
DUST MAY CAUSE SERIOUS BODILY HARM.
WHEN SERVICING THIS BRAKE LINING OR ANY
COMPONENT RELATED TO IT OR LOCATED NEAR

IT, PREVENT ASBESTOS DUST FROM BEING AIRBORNE BY VACUUMING THIS ASSEMBLY WITH AN INDUSTRIAL TYPE VACUUM CLEANER EQUIPPED WITH A HIGH EFFICIENCY FILTER SYSTEM AND BY WASHING THE ASSEMBLY WITH AN APPROPRIATE BRAKE PARTS WASHER IF NECESSARY. NEVER REMOVE DUST OR DIRT FROM THIS ASSEMBLY BY BLOWING WITH COMPRESSED AIR."

The carton also would have the Ford logo.

INTERROGATORY B. 20.

Set forth the name, address and job position of each and every individual who took part in your company's decision to place a warning on its asbestos or asbestos containing products.

RESPONSE

Ford objects to this interrogatory as overly broad and unduly burdensome. There is no identifiable person or group of persons. It was a corporate activity.

INTERROGATORY B. 21.

Prior to 1964, did any employee of the defendant ever recommend that it utilize a warning on its asbestos containing products? If so, identify each such employee,

indicate when he made such a recommendation, indicate what the recommendation was, to whom it was given and what action was taken thereon.

RESPONSE

No.

INTERROGATORY B. 22.

Has defendant ever established or maintained a library or libraries which in any way dealt with industrial hygiene, medicine, safety and engineering? If so, state:

- a. where the library was or is located;
- b. the names of all journals which that library subscribed to;
- c. for whom and for what purpose the library was established;
- d. whether there is an inventory of the books and publications which are or were housed in this library, and if so, attached a copy hereto.

RESPONSE

Ford objects to this interrogatory as being overly broad and burdensome. Without waiving its objection, Ford

states that libraries are maintained in the following functional areas in Dearborn, Michigan: medical, industrial hygiene, toxicology, and health surveillance. Among the items in these libraries there surely are journals, books, and other publications with references to asbestos. There is no specific depository solely dedicated to the topic of asbestos.

The following journals, among others were subscribed to at some time during the period from 1928 to the present by the medical and health interests:

Industrial Health

Industrial Medicine & Surgery

Journal of Occupational Medicine

Journal of American Medical Assn.

Archives of Environmental Health

British Journal of Industrial Medicine

Annals of Occupational Hygiene

Journal of American Industrial Hygiene Assn.

The following journals, among others, were subscribed to at some time by industrial hygiene interests:

Archives of Environmental Health
American Industrial Hygiene Journal
Industrial Hygiene and Toxicology
British Journal of Industrial Medicine
The Annals of Occupational Hygiene

Some health information relative to asbestos is maintained at Industrial Hygiene and the Employee Health Department.

INTERROGATORY B. 23.

Did defendant or its agents or employees ever make any effort to keep abreast of medical literature concerning potential health hazards posed by the use of and/or exposure to asbestos? Indicate the names, addresses and job positions of all your company's employees who reviewed this literature.

RESPONSE

Yes. Ford objects to this interrogatory as overly broad and unduly burdensome.

INTERROGATORY B. 24.

Prior to 1964 had your company done any studies or tests or had your company participated in, been the subject

of, or been aware of any studies or tests by others concerning the potential effects of inhalation of asbestos dust or fibers by one using or being exposed to asbestos or asbestos containing products. If so, state:

- a. the date each study or test was conducted and the date defendant became aware of said study or test;
- b. the names and addresses of the persons conducting each test or study;
- c. the purpose of the study or test;
- d. the results of each study or test;
- e. if reduced to writing attach a copy hereto.

RESPONSE

No.

INTERROGATORY B. 25.

Prior to 1964, did defendant's agents or employees conduct any experiments with laboratory animals to determine whether or not its asbestos containing products were potentially hazardous to the health of workers who were using them? If so, for each such experiment which was conducted, indicate who conducted it, state when it was conducted and describe the results of each such experiment.

of, or been aware of any studies or tests by others concerning the potential effects of inhalation of asbestos dust or fibers by one using or being exposed to asbestos or asbestos containing products. If so, state:

- a. the date each study or test was conducted and the date defendant became aware of said study or test;
- b. the names and addresses of the persons conducting each test or study;
- c. the purpose of the study or test;
- d. the results of each study or test;
- e. if reduced to writing attach a copy hereto.

RESPONSE

No.

INTERROGATORY B. 25.

Prior to 1964, did defendant's agents or employees conduct any experiments with laboratory animals to determine whether or not its asbestos containing products were potentially hazardous to the health of workers who were using them? If so, for each such experiment which was conducted, indicate who conducted it, state when it was conducted and describe the results of each such experiment.

RESPONSE

No.

INTERROGATORY B. 26.

Since 1964 has your company done any studies or tests or has your company participated in, been the subject of, or been aware of any studies by others concerning the effects of inhalation of asbestos dust and fibers by one using or being exposed to asbestos or asbestos containing products? If so, state the following:

- a. the date each such study or test was conducted and the date defendant became aware of said study or test;
- b. the names and addresses of persons conducting the tests or studies;
- c. the purpose of the tests;
- d. the results of each test or study;
- e. attach a copy of any reports based upon each study or test.

RESPONSE

Ford objects to this interrogatory as overly broad and unduly burdensome. However, without waiving its objec-

tions, Ford states that commencing in the early 1970's Ford participated in and provided partial funding for studies done by Dr. Irving Selikoff and others at what now is the Mount Sinai School of Medicine in New York which work was reported on in a paper entitled Asbestos Exposure During Brake Lining Maintenance and Repair, published in "Environmental Research", Vol. 12, pp. 110-128 (1976). The work done was a study of the environmental pollution, if any, caused by asbestos in brake linings. The study came to focus on the occupational exposure of mechanics during brake repair and maintenance. Ford's Research & Engineering Department and Industrial Hygiene Department were advised of the study. The 1976 publication acknowledges the support received from Ford.

INTERROGATORY B. 27.

Since 1964, has defendant or its agents or employees sponsored or performed any laboratory experiments with animals to determine whether or not its asbestos containing products were potentially hazardous to the health of workers who were using them? If so, state who conducted each study, indicate where each study was conducted, and describe what the results of each test were.

RESPONSE

No.

INTERROGATORY B. 28.

Prior to 1964, did defendant or its agents or employees ever go out to construction sites, factories or power houses where its asbestos or asbestos containing products were being used to determine or measure the levels of asbestos dust or fibers in the work environment? If so, for each such study or experiment that was conducted, set forth the following information:

a. when and where each measurement, study or test was conducted;

b. who conducted each measurement, study or test;

c. what types of equipment were utilized to measure the levels of asbestos dust or fibers in the air;

d. what the results of each measurement, test or study were;

e. attach a copy of any reports concerning the measurements, tests or studies.

RESPONSE

No.

INTERROGATORY E. 19.

Since 1964, has defendant and/or its agents or employees ever gone out to any construction sites, factories or power houses where its asbestos or asbestos containing products were being used to determine the levels of asbestos dust or fibers which were in the work environment? If so, for each such study or experiment which was conducted, set forth the following information:

- a. who conducted each measurement, study or test;
- b. when and where each measurement, study or test was conducted;
- c. what type of equipment was utilized to measure the levels of asbestos in the working environment;
- d. what the results of each study, measurement or test were;
- e. attach a copy of any report concerning each measurement, study or test.

RESPONSE

Ford objects to this interrogatory as vague, overly broad and unduly burdensome. Without waiving such objections, Ford states that in the early 1970's Arne Anderson and Roy Gealer of Ford's Scientific Research Staff conducted tests to determine the quantity of asbestos fibers liberated from brake linings during the braking process. They concluded that over 99.98% of the asbestos fibers in brake linings decomposed during the braking process into other materials. Their results were published in 1973.

In 1973, Ford's Industrial Hygiene activity conducted air sampling tests on brake linings being cleaned by brake mechanics using air hoses. They determined that asbestos levels were below existing or proposed OSHA standards. This testing was done by Mr. Anderson and Henry Lick, under the supervision of Paul Toth, the then supervisor of Industrial Hygiene.

INTERROGATORY B. 30.

Give a complete description of all programs implemented and precautions taken by the defendant at its plants and facilities where it manufactures asbestos or asbestos containing products to reduce the levels of asbestos

dust and fibers in the air. Include in this description all programs implemented and precautions taken since each plant was in operation. Include in this answer the date that each precaution was taken or procedure was implemented.

RESPONSE

Not applicable. Ford has never manufactured brake linings for use in its production vehicles.

INTERROGATORY B. 31.

Did defendant at any time require its employees who worked in the manufacture of asbestos or asbestos containing products to wear respirators, face masks or other protective devices? If so, set forth which employee (by type) was required to wear such protective devices, when the directive relative to same was issued for each type of employee and specify what type of device was to be worn by each type of employee.

RESPONSE

Not applicable. See response B. 30. However, O.S.H.A. specified respirators were made available by Ford in connection with vacuums for brake and clutch service in the Spring of 1976.

INTERROGATORY B. 32.

Give a complete explanation of why each and every employee set forth in the preceding answer was required to wear a respirator, face mask or other protective device while working with asbestos.

RESPONSE

Not applicable.

INTERROGATORY B. 33.

Has any worker employed by your company, its subsidiaries or affiliates ever filed a worker's compensation claim against defendant or its predecessors, affiliates or subsidiaries, for an occupational disease or condition which was allegedly caused by exposure to asbestos, asbestos products, asbestos dust or fibers? If so, set forth:

- a. the date each claim was made;
- b. where each claim was made;
- c. the name and address of the party making the claim;
- d. the name and address of the party against whom the claim was made.

RESPONSE

Because of the differences in occupational exposure, the information sought would not be relevant to the claims asserted herein, and Ford objects to this interrogatory as irrelevant, immaterial, overly broad and burdensome.

INTERROGATORY B. 34.

If an employee or officer of defendant has testified at trial or by deposition in any litigation involving an alleged occupational exposure to asbestos, state:

- a. name, address and title of each such person who testified;
- b. date, location and form of testimony;
- c. whether defendant has a copy of such testimony.

RESPONSE

Ford objects to this interrogatory as overly broad, unduly burdensome and requesting information which is privileged from discovery and neither relevant nor likely to lead to the discovery of admissible evidence.

INTERROGATORY B. 35.

Has defendant at any time since its inception, maintained any office or department dealing with medical research? If so, state:

- a. the name of each such department;
- b. the dates each such department was in operation;
- c. the name, address and job position of each such person who has been in charge of said department or departments.

RESPONSE

Ford has various activities devoted to scientific research. Ford has no department which as its sole function does medical research.

INTERROGATORY B. 36.

When was the first time the defendant became aware of or knowledgeable of any disease or illness associated with or casually related to the inhalation of asbestos, asbestos fibers or asbestos dust in any form whatsoever?

Indicate which disease defendant became aware of and describe how defendant became aware of its alleged relationship to inhalation or exposure to asbestos.

RESPONSE

The first case report associating asbestos exposure with asbestosis was published in the United Kingdom in 1907. Scattered case reports of carcinoma in persons occupationally exposed to asbestos began appearing in the literature in the 1930's. Ford cannot state when a Ford employee first had knowledge of such information. It is known, however, that some notice of potential hazards associated with asbestos lined brakes came in a telephone call from Dr. Selikoff to Dr. Roy Gealer of Ford Research and Engineering in August, 1975.

INTERROGATORY B. 37.

In reference to the preceding interrogatory, if defendant acknowledges a casual relationship between asbestos and disease or illness, set forth the following information:

a. what diseases or illnesses defendant acknowledges are casually related to or associated with exposure to asbestos dust or fibers;

b. the date upon which defendant became aware of the association with or casual relation to each such disease or illness;

c. the date upon which defendant confirmed the casual relation of each such disease to exposure to asbestos dust or fibers;

d. how defendant became aware of each such casual relationship or association, indicating the source of all such information.

RESPONSE

Ford refers to the voluminous medical literature freely available in medical and general libraries. However, Ford denies that there exists today any medical and/or scientific knowledge that established risks associated with exposure to its friction products.

INTERROGATORY B. 38.

If your company manufactured any products which contained asbestos and which were commonly used by insulation workers and pipe coverers, describe how the following products were cut, shaped, mixed and applied when used:

- a. asbestos cement;
- b. asbestos containing pipe covering;
- c. asbestos sheeting;
- d. asbestos insulation to cover extremes of heat as well as cold.

RESPONSE

Not applicable. Ford has never been in the insulation business.

INTERROGATORY B. 39.

Prior to 1964, were there any memoranda written by, distributed, or circulated among defendant's employees, agents or representatives concerning the potential health hazards concerned with asbestos containing products? If so, state:

- a. dates of each memorandum;
- b. name, address and job position of each individual who wrote each memorandum;
- c. name and address and job position of each individual to whom the memorandum was directed;
- d. where each memorandum is kept;
- e. attach copies of each memorandum hereto.

RESPONSE

No.

INTERROGATORY B. 40.

Has defendant or its predecessor corporations ever had a division, affiliate or subsidiary which was involved in contracting for or installation of asbestos-containing materials in New Jersey? If so, for each such entity involved in the contracting or installation of these products, set forth the following information:

a. name of each such entity and the nature of its relationship to the parent corporation;

b. the exclusive dates that each of the above mentioned entities were in existence.

RESPONSE

Ford objects to this interrogatory as overly broad, unduly burdensome and requesting information which is neither relevant nor likely to lead to the discovery of admissible evidence. For example, Ford has had manufacturing facilities in New Jersey, but Ford's activities were not directed to issues related to an automobile mechanic's exposure to brake lining dust.

INTERROGATORY B. 41.

Did defendant ever provide any of the employees who worked in the contracting for or installation of asbestos containing materials with any respirators, face masks or protective clothing? If so, indicate what types of protective clothing, respirators or face masks were provided, describe when each type was first provided to each employee and describe why they were provided to each type of employee.

RESPONSE

Not applicable. See response B. 40.

INTERROGATORY B. 42.

Has any individual who was ever employed in the contracting and insulation business referred to above ever filed a claim for workmen's compensation because of an alleged occupational disease sustained allegedly because of occupational exposure to asbestos? If so, for each such employee who has filed a claim, set forth the following information:

- a. name of each such employee;
- b. when each claim was filed;
- c. where each claim was filed;
- d. name of the attorney who represented the petitioner and respondent.

RESPONSE

See responses B.33 and B.40.

INTERROGATORY B. 43.

State the full name, job title and present residences, business and professional addresses of any and all persons who have knowledge of any relevant facts relating to this case and the defense of your company.

RESPONSE

Ford objects to this interrogatory as overly broad and unduly burdensome and seeking information which is privileged from discovery. See response B.1.

INTERROGATORY B. 44.

State the name, address and credentials of each and every expert witness you intend to utilize at the time of trial, and annex hereto a copy of their report.

RESPONSE

Ford has not yet determined which expert witnesses it may call at the trial of this matter.

INTERROGATORY B. 45.

Do you contend that the plaintiff's illness is a consequence of the negligence or the fault of a third party or anyone who is not a party to this action? If so, state the name and address of each such party and set forth all facts which support your contention.

RESPONSE

Unknown.

INTERROGATORY B. 46.

Do you contend that the illness and/or death of the decedent in this action was not casually related to an

occupational exposure to asbestos dust and fibers? If so, give a full and detailed description of your contentions.

RESPONSE

Unknown.

INTERROGATORY B. 47.

Do you contend that other agents and/or substances caused the illness and/or death of the plaintiff in this matter? If so, identify each such agent and/or substance and set forth all facts to support your contentions.

RESPONSE

Unknown.

INTERROGATORY B. 48.

Has defendant and/or its agents or employees obtained any statements from anyone who has knowledge of the facts surrounding this cause of action? If so, set forth:

a. name, address and job position of the person that obtained the statement;

b. the name, address and job position of the person who gave the statement;

c. the date the statement was given;

d. whether the statement is in writing, and if so, who has custody of it.

RESPONSE

No.

INTERROGATORY B. 49.

Does defendant contend that plaintiff or plaintiff's decedent suffered injuries and/or death due to his own negligence? If so, set forth all facts which support your contentions.

RESPONSE

Unknown.

INTERROGATORY B. 50.

Does defendant contend that plaintiff or plaintiff's failed to use defendant's asbestos or asbestos containing products properly? If so, set forth all facts which support your contentions.

RESPONSE

Unknown.

INTERROGATORY C. 1.

Has defendant and/or its affiliates or subsidiaries purchased asbestos fiber for use in its business or for manufacturing its products? If so, set forth the following information:

a. the inclusive dates that your company purchased asbestos fiber;

b. the name and address of each and every entity that you purchased the asbestos fiber from;

c. the nature and types of products that your company used asbestos fiber for;

d. the type of asbestos fiber that your company purchased.

RESPONSE

Ford has never manufactured brake linings for use in its production vehicles.

INTERROGATORY C. 2.

Does defendant have or has it had any plants, factories or production facilities located in the State of New Jersey which was or is engaged in the importation, manufacture, processing, converting, compounding, packaging, distribution, and/or sale of asbestos, asbestos containing products and/or asbestos containing insulation products? If so, for each such plant, factory or facility which is or has been located in New Jersey, set forth the following information:

a. the name and address of each such plant, factory or production facility;

b. the inclusive dates that each plant, factory or facility existed;

c. a complete and detailed description of all products that each plant, factory or production facility was engaged in producing (include in your description the type of product and its generic and trade name).

RESPONSE

Ford objects to this interrogatory as overly broad and unduly burdensome.

INTERROGATORY C. 3.

Indicate which asbestos products and asbestos materials manufactured and distributed by the defendant are or were classified as "insulating materials".

RESPONSE

None.

INTERROGATORY C. 4.

With reference to the preceding question, give a full and complete description of the purposes for which defendant's insulating materials containing asbestos were designed.

RESPONSE

Not applicable.

INTERROGATORY C. 5.

Set forth the name and address of each and every entity that your company purchased or received asbestos fiber from which was utilized in the manufacture of your

company's asbestos containing insulation products. Include in your answer the inclusive dates that your company purchased asbestos from each such entity.

RESPONSE

Not applicable.

INTERROGATORY C. 6.

As to any asbestos products or raw asbestos mined, converted, fabricated, produced, compounded, manufactured, processed, sold or distributed by defendant, state whether any was shipped or sold to plaintiff's employer in New Jersey either directly or through a third party, stating which.

RESPONSE

Unknown. Ford would not directly have sold vehicles or replacement parts to plaintiff's employer.

INTERROGATORY C. 7.

If the answer to C6 is in the affirmative, state as to each asbestos product, or raw asbestos:

a. exactly what product(s) or type(s) of asbestos was (were) shipped or sold to plaintiff's employer;

b. the dates and quantities of each such product shipped or sold;

c. whether any warnings, cautions, caveats or directions accompanied the materials so shipped, the date these appeared and the exact wordings of the warnings, cautions caveats or directions and where the warnings, cautions, caveats or directions appeared;

d. the name and address of any intermediate supplier or distributor who sold this defendant's products to plaintiff's employer during the period referred to above;

e. did your company affix its corporate logo or insignia on the packages of asbestos containing insulation products that it distributed and sold? If so, describe the type of logo or insignia which was used, indicate which products it was affixed to, and set forth the inclusive dates that each insignia or logo was utilized. Annex hereto a photograph or copy of each such logo described in this matter;

f. please describe in detail the type of packages in which defendant has sold, distributed or manufactured asbestos material, listing the dates each type of package was used, a physical description thereof and description of any printed material or trademark that appeared thereon.

RESPONSE

See response C. 6. With respect to its friction products in general, Ford states:

a-b) Ford has sold, since 1919, and continues to sell, vehicles and parts, including brake linings, pads, and clutch facings, under names such as Ford, Edsel and Mercury and under various makes and model names, as well as names such as Motorcraft. Aftermarket parts are sold under the name of Ford or Ford Authorized Remanufacturers.

Vehicles manufactured by Ford incorporate brake linings which were composed, in part, of asbestos. Ford purchased these brake linings from suppliers. Ford understands the type of asbestos fibers in brake linings to be chrysotile. Because Ford does not manufacture the brake linings, it does not know the percentage of asbestos they contain but generally it is thought to be between 40% and 60% asbestos by weight in brake linings.

A brake lining is a narrow rectangle shaped to fit around a circle. A clutch facing is a flat, round metal plate with two rings, one on each side of the friction material, the facing is between the flywheel of the engine and the pressure plate of the transmission.

c) With respect, for example, to aftermarket brake linings sold by Ford, labels placed on cartons since 1980 read along the lines such as:

"CAUTION: CONTAINS ASBESTOS FIBERS. AVOID CREATING DUST. BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM. WHEN SERVICING THIS BRAKE LINING OR ANY COMPONENT RELATED TO IT OR LOCATED NEAR IT, PREVENT ASBESTOS DUST FROM BEING AIRBORNE BY VACUUMING THIS ASSEMBLY WITH AN INDUSTRIAL TYPE VACUUM CLEANER EQUIPPED WITH A HIGH EFFICIENCY FILTER SYSTEM AND BY WASHING THE ASSEMBLY WITH AN APPROPRIATE BRAKE PARTS WASHER IF NECESSARY. NEVER REMOVE DUST OR DIRT FROM THIS ASSEMBLY BY BLOWING WITH COMPRESSED AIR."

The carton also would have the Ford logo.

d) A list of some Ford suppliers is offered.

e) See response (c) above.

f) Vehicles are not generally shipped in packages. Aftermarket brake linings, pads and clutch facings are in cartons.

INTERROGATORY C. 8.

Have any of the products listed in Interrogatory C. 7. above been altered in chemical composition since being marketed? If so, set forth the following information:

- a. the date of each alteration;
- b. a detailed description of the nature of each alteration;
- c. the reason for such alteration.

RESPONSE

Yes. The first Ford application of non-asbestos brakes was on light trucks in approximately 1976. Other Ford makes presently utilize fiberglass, steel wool and semi-metallic materials. The reason for the change was to reduce the asbestos in brake linings.

INTERROGATORY C. 9.

Have you discontinued manufacturing and/or distributing and/or supplying or selling any asbestos or

asbestos containing products referred to in C. 7.? If so, set forth the following information:

- a. what such product is;
- b. the reasons therefore;
- c. when the discontinuance took place.

If your answer to C. 6. is either "No" or "Unknown" but your answer to B. 14. is "Yes" provide answers to C. 10. through C. 18. Otherwise you may proceed to C. 19.

RESPONSE

See response C. 8.

INTERROGATORY C. 10.

Give a complete and detailed description of each and every asbestos containing product that your company has designed, manufactured and distributed into the stream of commerce. Include in your description the trade, brand and generic names of each such product and indicate the type and amount of asbestos that was contained in each particular product. Include in this answer the inclusive dates that each particular product was manufactured and distributed.

RESPONSE

Ford objects to this interrogatory as overly broad and unduly burdensome.

INTERROGATORY C. 11.

With reference to your answer to B. 18. state the names and addresses of the entities to whom the products were sold.

RESPONSE

Ford objects to this interrogatory as overly broad and unduly burdensome.

INTERROGATORY C. 12.

Did your company and/or its affiliates or subsidiaries do business with or utilize any distributors in the State of New Jersey for purposes of selling or installing its asbestos products? If so, identify each such entity, indicate and describe the nature of the business that you did with each such entity, and set forth the dates this business relationship existed.

RESPONSE

Ford sell its vehicles and replacement parts through thousands of franchised dealerships and authorized distributors across the nation, including New Jersey. Ford object to the remaining information requested by this interrogatory as irrelevant, overly broad and unduly burdensome.

INTERROGATORY C. 13.

Has your company ever employed any employees or salesmen whose responsibility it was to sell your company's asbestos containing products to a geographical area encompassing the State of New Jersey? If so, for each such employee or salesman who worked for your company, indicate the dates of his employment, his name and address.

RESPONSE

See response C. 12.

INTERROGATORY C. 14.

Give a complete and detailed description of the manner in which your company packaged each of the asbestos

containing products that it manufactured and/or distributed in the State of New Jersey. Include in your description the type of packaging which was used and the material each type of packaging was comprised of.

RESPONSE

See response C. 7.

INTERROGATORY C. 15.

Did your company affix its corporate logo or insignia on the packages of asbestos containing products that it distributed and sold in the State of New Jersey? If so, describe the type of logo or insignia which was used, indicate which products it was affixed to, and set forth the inclusive dates that each insignia or logo was utilized. Annex hereto a photograph or copy of each such logo described in this answer.

RESPONSE

See response C. 7.

INTERROGATORY C. 16.

Did the packages or containers for the asbestos containing products that your company sold or distributed in the State of New Jersey contain any writing or labels? If so, for each such package or container which contained a label, set forth the following information about the writing on the package or label:

- a. the size of each label;
- b. the substance of all writing on the label;
- c. the inclusive dates that each writing or label appeared on each type of product;
- d. annex hereto copies of or photographs of each such label that your company used.

RESPONSE

See response C. 7.

INTERROGATORY C. 17.

Give a complete and detailed description of each and every asbestos containing product that your company has designed, manufactured and distributed into the stream of commerce. Include in your description the trade, brand and

generic names of each such product and indicate the type and amount of asbestos that was contained in each particular product. Include in this answer the inclusive dates that each particular product was manufactured and distributed.

RESPONSE

See response C. 10.

INTERROGATORY C. 18.

During the years that your company manufactured and/or sold asbestos containing materials, did your company prepare and/or publish and sales or promotional literature which depicted and described these products? If so, describe the particular literature which your company prepared and indicated the information the literature contained. Describe who has custody of this literature at the present time.

RESPONSE

Ford's advertising materials relate to the sale of Ford vehicles and parts. Ford objects to responding further to this interrogatory on the grounds that it is irrelevant, overly broad and unduly burdensome.

INTERROGATORY C. 19.

Has your company manufactured asbestos containing products and materials which were distributed by another entity or corporation under their name or trademark? If so, identify each such entity which sold or distributed these products, indicate which of your company's products this company marketed and indicate the inclusive dates that this particular commercial arrangement existed.

RESPONSE

Assuming that this interrogatory asks whether Ford sells any asbestos products to others for resale, Ford responds that it has been and is engaged in the sale of asbestos containing brake and clutch service replacement parts. Ford purchases new brake and clutch assemblies from suppliers and markets them under the Ford logo. The remanufactured product is produced by "Authorized" remanufacturers who either buy components directly from Ford or use "Ford Quality" components purchased elsewhere. These products are marketed under the name of Ford Authorized Remanufacturers. A list of some Ford Authorized Remanufacturers is offered.

INTERROGATORY C. 20.

Has your company marketed under its own name or trademark any asbestos containing insulation products which were manufactured by another corporation? If so, identify each and every product which your company marketed which was manufactured by another corporation, indicate the inclusive dates that you marketed each product and describe the name, tradename and generic name of each such product which your company marketed.

RESPONSE

No.

INTERROGATORY C. 21.

Were any of the asbestos containing insulation products that defendant sold or distributed into the stream of commerce accompanied by written instructions or package inserts? If so, indicate which such products were provided with such instructions and package inserts, indicate when each product was accompanied by these materials, state the substance of what the instructions or package inserts stated and annex copies of same hereto.

RESPONSE

Not applicable.