

NO. A-940,143-C

MARY KINTZ, WIDOW OF HAROLD
KINTZ, and SANDY HENSARLING,
EXECUTRIX OF THE ESTATE OF
HAROLD KINTZ, DECEASED

vs.

ALLIEDSIGNAL INC., ET AL

IN THE DISTRICT COURT OF

ORANGE COUNTY, TEXAS

128TH JUDICIAL DISTRICT

ANSWERS OF DEFENDANT, GENERAL MOTORS CORPORATION,
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

TO: MARY KINTZ, WIDOW OF HAROLD KINTZ, and SANDY HENSARLING,
EXECUTRIX OF THE ESTATE OF HAROLD KINTZ, DECEASED, plaintiffs, by
their attorneys, Mr. Gregory D. Morrison, COOK & BUTLER, L.L.P., 1221
Lamar - Suite 1300, Houston, Texas 77010; and, Mr. Paul D. Henderson,
DIES, DIES & HENDERSON, 1009 W. Green Avenue, Orange, Texas 77630

COMES NOW General Motors Corporation, defendant in the above-styled and
numbered cause, and files and serves this its Answers to Plaintiffs' First Set of
Interrogatories pursuant to Rule 168 of the Texas Rules of Civil Procedure.

Respectfully submitted,

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By: 

John W. Newton III
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ATTORNEYS FOR DEFENDANT, General
Motors Corporation

SCF-EC-0025

given by said experts, in accordance with Tex. R. Civ. P. 166b(2) (e) (West 1994).

ANSWER: Not applicable. See response to No. 2.

4. Identify all past and present divisions, subsidiaries or affiliated companies of defendant, which now, or at any time in the past, are/were engaged in any phase of manufacturing, sale, supply, purchase, application, installation, relabelling, processing or distribution of any vehicle components/parts, which contained asbestos, including by way of illustration but not limited to: brake friction products, brake linings, gaskets, pads and clutch facings, and set forth with particularity the precise relationship between such entity and defendant and the dates of such relationship(s), and identify the nature and extent of such functions during the years 1949 to the present.

ANSWER: GM understands that plaintiff claims to have been exposed in the United States to asbestos from brake linings and its response to this Interrogatory concerns those products. Asbestos-containing drum brake linings were manufactured by the Inland Division (later Delco Products and Delco Chassis Division) from 1939 to present. Asbestos-containing disc brake linings were manufactured by the Delco Moraine Division from 1966 to 1985. Brake linings were distributed by United Motors (before 1930 to 1961), United Delco (1961-1974), AC Delco (1974 to present), Delco Moraine (1942-present), GM Parts (before 1969 to present) and before 1969 by Buick, Cadillac, Chevrolet, GMC Truck, Oldsmobile, and Pontiac.

5. List by brand name all of DEFENDANT's asbestos-containing products. DEFENDANT's asbestos-containing products includes all products which contain any amount of asbestos manufactured, sold, designed, supplied, distributed, relabeled, resold, processed, applied or installed by, or for, DEFENDANT. "By or for" is meant to refer to Defendant, to all Defendant's predecessors in interest, (whether by purchase, merger, consolidation or otherwise), to all of defendant's subsidiaries, divisions, joint ventures or affiliates. As to each product, state the following:

- a. type of product (e.g., brake friction products, brake linings, gaskets, pads, clutch facings, etc.);
- b. the date the product first went into production;
- c. the last date the product was produced;
- d. the last date the product was sold;
- e. all manufacturing locations;
- f. dates of manufacture at each location;
- g. the percentage of asbestos (state if percentage is by volume or weight), and the dates and all reasons for any modification thereof;

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- h. the type of asbestos;
- i. the specific source of asbestos with dates;
- j. the color, physical characteristic, and appearance of the product;
- k. a full and precise description of the package in which the product was sold, including, but not limited to, type of package, size, color(s), and writings thereon;
- l. all other names under which the product was sold;
- m. the number and dates of each patent or patent application as to the product;
- n. If the product continued to be produced after the deletion of asbestos, all reasons why the asbestos was deleted, the identity of the person who made the decision to delete the asbestos, and the date the product was first produced without the asbestos;
- o. If the product is no longer produced, all reasons it was discontinued, the identity of the person who made the decision to discontinue the product, the brand name of the replacement product, and the date the replacement product first went into production;
- p. a precise description of your identifying logo or initials and the dates of inclusion on the product;
- q. state during what period of time such product has been associated with DEFENDANT;
- r. identify any warning period of time such product has been associated with DEFENDANT;
- s. identify any warning labels, inserts or other writings provided with such product and with every such printed warning, state what period of time it has or had accompanied the product, the exact wording of the warning, any amendments made to the wording, where the warning was located on each product or packaging, and on what asbestos products the warning appear(ed); and
- t. geographic distribution range of each such product.

ANSWER:1. Drum brake linings

- a. Drum brake linings.
- b. GM began manufacturing drum brake linings in 1939.
- c. Not applicable.

d. Not applicable.

e. GM combined chrysotile and other ingredients to produce asbestos-containing brake linings at plants operated by Inland Division (later Delco Products and Delco Chassis Divisions) in Dayton, Ohio (1939-1964) and Vandalia, Ohio (1962-present).

f. See e.

g. GM drum brake linings contain one or more grades of chrysotile asbestos. The total percentage of chrysotile asbestos used is in a range of approximately 50% to 75%.

The precise formulations used in GM drum brake lining segments are valuable proprietary information. This information is disclosed only within GM on a need-to-know basis. These formulations are the result of decades of investment of time and money. Disclosure of this information would put GM at a serious competitive disadvantage because domestic and foreign competitors could duplicate GM's products without having to undertake the lengthy and expensive laboratory and vehicle testing program undertaken by GM. Competitors could also use this information to improve their products and processing methods without having to compensate GM for its efforts. This subpart is also overly broad, unduly burdensome, and is unlikely to lead to admissible evidence. Therefore, GM objects.

h. Chrysotile

i. Chrysotile was purchased from:

Johns Manville Corp. 1975 - 1984
Box 517
Toledo, Ohio

Asbestos Fibre Corp. 1939 - 1975
Asbestos Corporation, Ltd.
c/o C. L. Zimmerman Co.
N-303 Cincinnati Union Terminal
Cincinnati, Ohio 43203

Lake Asbestos of Quebec, Ltd. 1977 - 1985
Box 608
Black Lake, Quebec

JM Asbestos Sales, Inc. 1984 - 1985
Asbestos, Quebec

j. Drum brake lining segments consist of a curved, dense, grayish material. Typical arc lengths range from 90 degrees to 130 degrees and are for drum diameters of 7, 8, 9- 1/2, 11, 12 and 12-1/2 inches.

k. Service parts were shipped in corrugated boxes sized closely to the size and configuration of the parts. The name "Delco" was used on some

boxes containing service parts as early as 1936. Boxes with the name "Delco" and colors red and black on white were used beginning in 1958 and afterwards were changed to red and blue on white. Boxes with the name "GM Parts" and colors black and aqua on white have been used since 1974. Boxes with the name "Goodwrench" and colors of black and gray on white have been used since 1985. In addition to the brand name, the box or a label contains a boxmaker's certificate and box number.

- l. See response to 4 and k.
- m. Patents are a matter of public record and are equally available to plaintiff.
- n. Not applicable.
- o. Not applicable.
- p. Since the use of the certification codes began in 1967, the edge of drum brake lining segments has been marked with the name "DELCO" and a certification number with a first digit of "2."
- q. GM does not understand this question.
- r. GM does not understand this question.
- s. Beginning generally in 1975, the following statement was either printed directly on cartons or on labels on cartons containing replacement brake linings:

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

Beginning in August of 1989, the statement was changed to the following:

DANGER: CONTAINS ASBESTOS FIBERS.
AVOID CREATING DUST. CANCER AND
LUNG DISEASE HAZARD. DO NOT GRIND.
DO NOT CLEAN WITH COMPRESSED AIR.
• SEE SERVICE MANUAL INSTRUCTIONS •

- t. United States.

II. Disc Brake Linings

- a. Disc brake linings
- b. GM began manufacturing disc brake linings in the 1966 model year.

- c. GM stopped manufacturing asbestos-containing disc brake linings in 1985.
- d. Not applicable.
- e. Delco Moraine Division, Dayton, Ohio.
- f. See b, c, and e.
- g. The total percentage of all grades of chrysotile asbestos used from 1966 to 1985 was in a range of approximately 30% to 60%.

The precise formulations used in GM disc brake linings are valuable proprietary information. This information is disclosed only within GM on a need-to-know basis. These formulations are the result of decades of investment of time and money. Disclosure of this information would put GM at a serious competitive disadvantage because domestic and foreign competitors could duplicate GM's products without having to undertake the lengthy and expensive laboratory and vehicle testing program that GM has undertaken. Competitors could also use this information to improve their products and processing methods without having to compensate GM for its efforts. This subpart is also overly broad, unduly burdensome, and is unlikely to lead to admissible evidence. Therefore, GM objects.

h. Chrysotile

i. Chrysotile was purchased from:

Asbestos Corp., Ltd.	1967 - 1970
Lake Asbestos	1967 - 1970
C. L. Zimmerman Co. 3655 Central Parkway Cincinnati, Ohio	1972 - 1977
Canadian Johns-Manville Asbestos, Quebec	1967 - 1984
National Gypsum Co. Cleveland, Ohio	1972
Union Insulating Co. Parkersburg, W. Virginia	1976
Chrysler Chemical Division Trenton, Michigan	1978

- j. Disc brake lining segments consisted of a dense, grayish or tan material. Typical dimensions are height of 57-63 millimeters, width of 125-142 millimeters, and thickness of 11-13 millimeters.

- k. Service parts were shipped in corrugated boxes sized closely to the size and configuration of the parts. Boxes with the name "Delco" and colors red and black on white were used beginning in 1958 and afterwards were changed to red and blue on white. Boxes with the name "GM Parts" and colors black and aqua on white have been used since 1974. Boxes with the name "Gordwrench" and colors of black and gray on white have been used since 1985. In addition to the brand name, the box or a label contains a boxmaker's certificate and box number. Plain white boxes marked with "AMC" and AMC part numbers were used beginning in approximately 1968.
- l. See response to 4 and k.
- m. Patents are a matter of public record and are equally available to plaintiff.
- n. After 1985, GM used asbestos-containing disc brake linings manufactured by others. Disc brake linings not containing asbestos are separate products with different performance characteristics, so characterization of "deletion of asbestos" is misleading and incorrect.
- o. GM stopped manufacturing because it was more economical to obtain the product from other sources. There is no "replacement product." Disc brake linings not containing asbestos have different performance characteristics and are designed for different brake systems.
- p. Since 1967, disc brake linings have had "DM" and a certification code with a first digit of the certification code of "1" or "2" printed on the edge of the lining.
- q. GM does not understand this question.
- r. GM does not understand this question.
- s. Beginning generally in 1975, the following statement was either printed directly on cartons or on labels on cartons containing replacement brake linings:

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

Beginning in August of 1989, the statement was changed to the following:

DANGER: CONTAINS ASBESTOS FIBERS.
AVOID CREATING DUST. CANCER AND LUNG
DISEASE HAZARD. DO NOT GRIND.
DO NOT CLEAN WITH COMPRESSED AIR.
* SEE SERVICE MANUAL INSTRUCTIONS *

- t. United States.

6. If defendant contends that the acts or omissions of Harold Kintz or those of anyone else caused or contributed to the illness and death of Harold Kintz, identify such persons or entities, the specific act(s) you complain of, and each person or entity with knowledge of facts regarding this contention.

ANSWER: General Motors cannot answer this Interrogatory now because its investigation and discovery are not complete. To the extent that this Interrogatory asks for legal opinions or conclusions, it violates the work product doctrine and General Motors objects.

7. Has DEFENDANT made any settlement agreements relating to this case? This includes, but is not limited to, Mary Carter agreements, indemnity agreements and "hold harmless" agreements. If so, please provide the contents of these agreements pursuant to Texas Rule of Civil Procedure 166b(2) (f)(2)

ANSWER: No.

8. To the extent that DEFENDANT did not manufacture all of the asbestos-containing component parts incorporated into vehicles manufactured by DEFENDANT for sale in the United States, please state the following:

- The type of asbestos-containing component part (e.g. brake friction products, brake linings, gaskets, pads, clutch facings, etc.) it was;
- Identify the company who did manufacture each such component part (and the years the same were sold to DEFENDANT for use in vehicles sold here in the United States)
- The percentage of asbestos (state if percentage is by volume or weight), and the dates and all reasons for discontinuing use of said product;
- The type of asbestos in the product; and
- The color, physical characteristics, and appearance of the product.

ANSWER: Brake linings purchased by GM from Johns-Manville, Abex Corporation, Eaton Brake Division, Dana Axle, American Coleman, B.F. Goodrich, Bendix, Dayton Walther, H.K. Porter, Kelsey Hayes, Kelsey Products Division, Rockwell International, Unibond Brake, Wagner Electric, Raybestos Manhattan, Friction Division Products, Ferodo, ITT AMCO, Multibestos, Universal Friction, Akebono, AMCO and Marshall Eclipse were installed on the cars, trucks and buses assembled by GM or sold as replacement parts by GM's car and truck divisions or by AC Delco or GM Parts. These brake linings contained chrysotile asbestos, but GM does not know the precise formulations. Notwithstanding this response, GM objects because the Interrogatory is overly broad, vague, ambiguous, unintelligible, burdensome and harassing. It also asks for information that is not relevant or likely to lead to admissible evidence.

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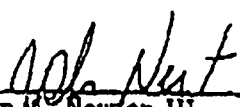
RESPONSE OF DEFENDANT, GENERAL MOTORS CORPORATION,
TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION

TO: MARY KINTZ, WIDOW OF HAROLD KINTZ, and SANDY HENSARLING,
EXECUTRIX OF THE ESTATE OF HAROLD KINTZ, DECEASED, plaintiffs, by
their attorneys, Mr. Gregory D. Morrison, COOK & BUTLER, L.L.P., 1221
Lamar - Suite 1300, Houston, Texas 77010; and, Mr. Paul D. Henderson,
DIES, DIES & HENDERSON, 1009 W. Green Avenue, Orange, Texas 77630

COMES NOW General Motors Corporation, defendant in the above-styled and
numbered cause, and files and serves this its Response to Plaintiffs' First Request
for Production pursuant to Rule 167 of the Texas Rules of Civil Procedure.

Respectfully submitted,

ORGAIN, BELL & TUCKER, L.L.P.
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Beaumont, Texas 77701
409/838-6412
FAX: 409/838-6959

By: 

John M. Newton III
Texas State Bar No. 14983300

ATTORNEYS FOR DEFENDANT, General
Motors Corporation

20. All documents and depositions containing information about worker's compensation claims or suits by employees of DEFENDANT where there was a claim that the injury was due to asbestos exposure.

RESPONSE: GM's records of workers' compensation claims are maintained at various divisional and plant offices. Because those records are not all indexed by the nature of the claim, a manual search of the files would be required in order to respond to this Request. Defendant will make the portion of those records that are not privileged or attorney work product available for inspection where they are maintained in the ordinary course of business.

21. All correspondence between DEFENDANT and its worker's compensation agents or insurers that refer to changes in rates due to asbestos exposure for the period in which DEFENDANT's products containing asbestos were sold, used, supplied or installed.

RESPONSE: GM has not located any such documents.

22. All Securities and Exchange Commission filings that refer to asbestos litigation against DEFENDANT, its predecessor(s) or subsidiaries.

RESPONSE: GM has not made filings with the SEC regarding asbestos litigation.

23. For each of the past five years, an annual report of DEFENDANT or a balance sheet that reflects Defendant's corporate worth and financial status.

RESPONSE: GM will make a copy of its most recent annual report available for inspection.

24. Any and all documents referred to in defendant's answers to Plaintiff's interrogatories.

RESPONSE: The documents referred to will be made available for inspection.

25. Any and all patents issued or assigned to DEFENDANT for asbestos-containing products.

RESPONSE: Patents are public records and are available to plaintiff. GM objects to this Request because it is vague, overly broad, and unduly burdensome and it asks for information that is neither relevant nor likely to lead to admissible evidence.

26. An exemplar of each type of the asbestos-containing brake linings used by DEFENDANT in automobiles and trucks manufactured for sale in the United States during the 1950s and 1960s.

RESPONSE: GM does not have an exemplar of each brake lining that was used in all models of automobiles manufactured during the 1950s and 1960s. Asbestos-containing drum brake linings that can be purchased from a GM dealer today are not much different in design or appearance. GM also objects to this Request because it is vague, overly broad and unduly burdensome, and it asks for items that are neither relevant nor likely to lead to admissible evidence.

27. An exemplar of each type of the asbestos-containing gaskets used by DEFENDANT in automobiles and trucks manufactured for sale in the United States during the 1950s and 1960s.

RESPONSE: GM does not have an exemplar of each asbestos-containing gasket used in automobiles and trucks during the 1950s and 1960s. If GM still supplies any of these parts, they can be purchased through a GM dealer. GM also objects to this Request because it is vague, overly broad and unduly burdensome, and it asks for items which are neither relevant nor likely to lead to admissible evidence.

28. An exemplar of each type of asbestos-containing clutch facings used by DEFENDANT in automobiles and trucks manufactured for sale in the United States during the 1950s and 1960s.

RESPONSE: GM does not have an exemplar of each asbestos-containing clutch used in automobiles and trucks during the 1950s and 1960s. If GM still supplies any of these parts, they can be purchased through a GM dealer. GM also objects to this Request because it is vague, overly broad and unduly burdensome, and it asks for items which are neither relevant nor likely to lead to admissible evidence.

29. All corporate committee records referencing the safety of asbestos-containing products used in the manufacture of vehicles for sale in the United States.

RESPONSE: GM objects to this Request because it is vague, overly broad, and unduly burdensome.

30. All corporate committee records referencing efforts to phase out the use of asbestos in vehicles manufactured for sale in the United States, or to find asbestos-free replacements for use in such vehicles.

RESPONSE: The chemical composition or formulation of brake linings and disc pads have changed over the past sixty years for many reasons, including changes in the design of cars and trucks and their brake systems, changes in manufacturing methods, and different requirements for performance, durability, use, etc. GM has not made or sold "asbestos-free replacements" for asbestos brake linings, since brake lining material not containing asbestos has different performance characteristics and is used in brake systems that are designed to accommodate its performance characteristics. Also mechanics are not excessively exposed to asbestos from routine brake maintenance or