

PLAINTIFF'S
EXHIBIT

CH-119

PLAINTIFF'S
EXHIBIT

NO. CH-44

To the hereinabove you are
hereby notified to plead to the
enclosed, or to the Court within
twenty (20) days of service thereof
or a default judgment may be
entered against you.

Attorney for

SHEIN & BROOKMAN, P. A.

BY: Robert E. Paul, Esquire

IDENTIFICATION NO. 21252

2232 LAND TITLE BLDG.

PHILADELPHIA, PA. 19110

(215) LO 8-2656

Vernell London, Executrix of the Estate
Birk Reed

vs.

Flintkote Co., et al.

COURT OF COMMON PLEAS
DIVISION

May TERM, 1983

No 6849

CHRYSLER CORPORATION'S ANSWERS TO
PLAINTIFFS' INTERROGATORIES TO DEFENDANT CHRYSLER CORP.

Plaintiff Vernell London

, by her attorneys SHEIN & BROOKMAN,
P.A., demand that Defendants or their agents, servants, and employees
respond to each of the Interrogatories set forth below in a full and
complete manner. Defendants shall respond to these Interrogatories as
to their relation to the places of employment of employee plaintiff or
if deceased the plaintiff's decedent, Birk Reed

, particularly 1941

1943 - Foote Mineral Co., Exton, PA; 1943 - Disston & Sons, Inc., Phila
PA; 1943 - Proctor & Schwartz, Phila., PA; 1943 - Sun Ship, Chester.
(SEE ATTACHED SHEET)

1946 - James Morrissey, Inc., Phila., PA
1947 - 1954 Budd Co., Phila. PA
1948 - Campbell Soup, Camden, NJ
1951 - 1952 Midvale Co., Nicetown, PA.
1952 - 1976 Vehicle Mechanic, Post Office

That is, defendants shall answer whether they sold to Sun Ship, Chester, PA and the other places of employment of employee plaintiff or if deceased the plaintiff's decedent, what products they sold, when they sold it, and how much they sold.

They shall state what labels and instructions were used in the sale. The plaintiffs demand that answers under oath be filed and served within thirty (30) days of receipt. These interrogatories are continuing in character and require the filing of supplemental answers if defendant(s) obtain further or different information after the initial answer.

The term "asbestos product" shall refer to raw asbestos including chrysotile, amosite, or crocidolite asbestos and to finished asbestos products. If you mined and sold only raw asbestos, please answer all the interrogatories by reference to such products. If you manufactured and sold finished asbestos containing products, please answer by reference to said products.

SHEIN & BROOKMAN, P.A.

BY: Robert E. Paul
ROBERT E. PAUL
Attorney for Plaintiff(s)

PREFATORY NOTE AND GENERAL OBJECTIONS

Answering defendant objects to the definition of "asbestos product" as applied to answering defendant as overly broad; answering defendant does not manufacture or sell "raw asbestos." Additionally, many of plaintiff's interrogatories as drafted are directed to manufacturers or suppliers of raw asbestos or insulation products; as applied to answering defendant, the interrogatories are unintelligible, vague and confusing.

Answering defendant also generally objects to the interrogatories are overly broad, irrelevant and unduly burdensome. In this regard, they seek information beyond plaintiff's decedent's alleged working history and regarding alleged exposure to persons other than plaintiff's decedent. Additionally, answering defendant's corporate records do not indicate sales to the employers listed in plaintiff's Complaint.

Furthermore, plaintiff's decedent's work history encompasses an approximate thirty-year period and it is burdensome and oppressive to provide information as to all products manufactured or sold by Chrysler Corporation during this period and plaintiff has not provided specific information as to the dates, types of asbestos-containing products manufactured or sold by Chrysler Corporation to which plaintiff's decedent allegedly was exposed, and the makes and models of vehicles he allegedly serviced. In the spirit of discovery, however, Chrysler provides information as to brake linings.

Discovery and investigation is not complete in this lawsuit and Chrysler expressly reserves the right to supplement its responses to these interrogatories.

1. Please identify each person who has supplied information used in answering these interrogatories and specify the interrogatories for which he is responsible.

Jack L. Koblin, Senior Staff Counsel, Chrysler Corporation and counsel for answering defendant.

2. Identify each person who was questioned or consulted in order to answer these interrogatories.

Unknown. Information to answer these interrogatories has been developed over a period of many years by discussions with many people both employed and not employed by Chrysler.

3. Identify each document that was examined, reviewed, and/or used in answering each interrogatory and specify the interrogatory

Answering defendant's responses to these interrogatories represents the compilation of information over time, which included references to numerous documents. It is unduly burdensome and oppressive to identify each and every document, and such identification is not reasonably calculated to lead to the discovery of admissible evidence.

4. Please state whether or not you are a corporation. If so, state:

- (a) Your correct corporate name;
- (b) The state of incorporation;
- (c) The date of your incorporation;
- (d) the address of your principal place of business;
- (e) The addresses of any other places of business;
- (f) Whether or not you have ever held a certificate of authority to do business in this state;
- (g) Whether or not you have a registered agent for the purpose of accepting service in this state, and if so, the name and present address of that agent;
- (h) State your corporate purposes;
- (i) State whether or not you have or have had subsidiary or predecessor corporation(s), and if so:
 - 1. The name of the subsidiary and/or predecessor;
 - 2. Its date(s) of incorporation, if a corporation;
 - 3. Its state(s) of incorporation;
 - 4. Its corporate purposes.

- a) Chrysler Corporation.
- b) Delaware.
- c) June 6, 1925.
- d) 12000 Chrysler Drive, Highland Park, Michigan, 48288.
- e) various.
- f) Chrysler Corporation is authorized to conduct business in the Commonwealth of Pennsylvania.
- g) Yes, C.T. Corporation System.
- h) The manufacture and sale of motor vehicles and related items.
- i) Chrysler has had many subsidiary corporations since 1925, none of which would have any relevancy to this litigation.

5. State whether you have controlled, purchased or in any way acquired any interest in any corporation or business entity which has mined, manufactured, produced, processed, compounded, converted, sold, merchandised, supplied, distributed, and/or otherwise placed in the stream of commerce, raw asbestos or finished asbestos products and if so, state: No.

- (a) The name and address of said corporation or business entity;
- (b) The date(s) you controlled, purchased or acquired any interest;
- (c) The manner of acquisition, including percentage of ownership;
- (d) Identify all documents with respect to the above;

6. State whether you have at any time directly or indirectly been engaged in the mining, manufacturing, producing, processing, compounding, converting, selling, merchandising, supplying, distributing, and/or otherwise placing in the stream of commerce of raw asbestos or finished asbestos products. If so, be specific in your answer and state as to each such asbestos product:

- (a) The trade name, general name and/or other identification of each asbestos product, raw or finished;
- (b) The dates during which you mined, manufactured, supplied, distributed, and/or otherwise placed in the stream of commerce each such asbestos product;
- (c) The intended use of each such asbestos product;
- (d) Furnish a complete description of each such asbestos product including the type of asbestos contained therein and the percentage of asbestos contained in said product;
- (e) Describe the physical appearance including color of each such product specifying whether the said product was/is sold in a solid, loose, powdered or other form;
- (f) Identify the location of each plant or facility which produces each of the aforesaid asbestos products;

See attached sheet.

6. As noted in Chrysler's Answer to plaintiff's Complaint Chrysler has not been engaged in the mining, manufacturing, producing, selling, merchandising, supplying or distributing of raw asbestos. As to brake linings, answering defendant provides the following responses:

- a) Cycleweld Cyclebond or Mopar.
- b) In 1959, answering defendant commenced production of brake linings.
- c) To line brakes.
- d) The chemical composition of the product is proprietary, although defendant's brake linings contain chrysotile, 50% by weight.
- e) The lining would be slate gray or tan and in solid form.
- f) Trenton, Michigan.

7. Do asbestos products that you mine, manufacture, produce, process, compound, convert, sell, merchandise, supply, distribute and/or otherwise place in the stream of commerce require any further change or modification before being put to their ultimate use by the user? For example, is there any mixing or cutting that has to be done? If there are any changes or modifications whatsoever, state the specific nature of the change or modification.

Chrysler uses raw asbestos to make brake linings.

8. State whether you presently mine, manufacture, produce, process, compound, convert, sell merchandise, supply, distribute, and/or otherwise place in the stream of commerce the product(s) previously listed in interrogatory 6.

Answering defendant presently manufactures and sells brake linings.

9. Identify all distributors of your asbestos products and state:

- (a) The date(s) your product(s) were sold or delivered to said distributor;
- (b) The quantity or type of product(s) sold or delivered to said distributor;
- (c) Identify and produce all documents relating to said distributor;
- (d) Whether any agreement concerning third party liability existed between you and the distributors; and if so, if such agreement was in writing, attach a copy of such agreement; if such agreement was oral, then set forth fully the terms and the identity of the persons making such oral agreement.

9. Answering defendant sells new vehicles and replacement parts to its dealers. Thus, answering defendant has no "distributors" as such. In this context, interrogatory number 9 also is overly broad, unduly burdensome and oppressive in that it seeks information as to each and every sale of its asbestos-containing products. In this regard, to respond to the interrogatory would require a search of voluminous records which would consume many man-hours, which would be burdensome and not calculated to lead to the discovery of admissible evidence. Furthermore, the interrogatory seeks irrelevant information in that the interrogatory is not limited to the employers of plaintiff or his dates of employment.

10. Were any patents or trademarks ever applied for or granted with regard to any product(s) listed in interrogatory 6? If so, for each such product state:

- (a) The number of each patent;
- (b) The date(s) issued and to whom issued;
- (c) The name of each patent application that is presently pending.

10. (a),(b). None are patented.

(c). Not applicable.

11. Identify each business entity from whom you have received raw asbestos if you are not a miner or distributor of mineral or raw asbestos during the period of plaintiff's or decedent's employ, including: See attached.

- (a) name of and address of supplier;
- (b) the date(s);
- (c) amount;
- (d) types received;
- (e) identify and produce all documents relating to such purchase;

12. Identify each business entity from whom you have received finished asbestos products if you are not a miner or a distributor of mined asbestos indicating;

- (a) name and address of said entity;
- (b) the date(s);
- (c) amount(s);
- (d) types received;
- (e) identify and produce all documents relating thereto;

See attached.

13. Did you sell raw asbestos or finished asbestos products to the employers of employee plaintiff or if deceased, the plaintiff decedent; or did you install or report asbestos pipecovering.

See attached.

during or immediately prior to the periods of employment of

. If yes, identify

- (a) dates of sales;
- (b) amounts of sales;
- (c) names of finished asbestos containing products sold;
- (d) amount of raw asbestos sold;

Invoice records can be attached to answer this interrogatory.

11 (a). Asbestos Corporation Ltd.; Carley Canadian, Inc.;
Johns-Mansville.

(b). Various times since 1959.

(c). Interrogatory 11(c) is unduly burdensome, oppressive and is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, the amount of asbestos supplied is irrelevant to the subject controversy.

(d) Chrysotile.

(e) Interrogatory 11(e) is objectionable on the grounds that it is unduly burdensome, overbroad and oppressive.

Additionally, the identification and production of all documents relating to purchases of asbestos by answering defendant is information irrelevant to the subject controversy and not reasonably calculated to lead to the discovery of admissible evidence.

12(a),(b). As noted in response to interrogatory 6, answering defendant commenced production of brake linings in 1959. Apart from Chrysler, brake lining vendors for the years 1958-1981 were:

1981	Bendix Corp. - Friction Materials Div.
1980	Same as 1981
1979	Same as 1981
1978	Abex Corp. Bendix Corp.
1977	Same as 1981
1976	Same as 1981
1975	Same as 1981
1974	Bendix Corp. Raybestos-Manhattan
1973	Same as 1981
1972	Same as 1981
1971	Same as 1981
1970	Same as 1981
1969	Same as 1978
1968	Abex Corp. Bendix Corp. Johns-Manville Corp.

1967	Same as 1968
1966	Same as 1968
1965	Same as 1968
1964	Same as 1981
1963	Same as 1981
1962	Bendix Corp.
	Johns-Manville Corp.
1961	Same as 1968
1960	Same as 1968
1959	Abex Corp.
	Johns-Manville Corp.
1958	Abex Corp.
	Johns-Manville Corp.

(c) Information as to "amounts" is irrelevant to the subject matter of this lawsuit, not likely to lead to the discovery of admissible evidence, burdensome and oppressive.

(d) This interrogatory is vague and confusing and applied to answering defendant as the "type" of product is brake linings.

(e) Interrogatory 12(e) is objectionable in that the identification and production of all documents regarding brake lining purchases is burdensome, oppressive, irrelevant, and not calculated to lead to the discovery of admissible evidence.

13. As noted in response to previous interrogatories, answering defendant does not sell raw asbestos. Available corporate records do not indicate that it sold brake linings to the plaintiff's decedent's employer. This interrogatory is irrelevant to answering defendant to the extent it seeks information as to the installation or report (sic) of asbestos pipecovering in that Chrysler does not manufacture or sell pipecovering.

14. If you have no records of sales earlier than a date identified in your answer to number 13 supra, will you admit that you sold asbestos products to the companies involved during or immediately prior to the employ of Birk Reed by said companies?

No. See response to preceding interrogatory.

15. Did you sell asbestos products to distributors who would resell your asbestos products to the employers identified in number 13 supra, or ship asbestos products to such employers through sales to such distributors? If so, name the distributors, identifying

- (a) name, address of distributors;
- (b) asbestos products sold to distributors;
- (c) raw asbestos sold to distributors;
- (d) amounts sold;
- (e) dates of sale;

15. As noted in response to previous interrogatories, answering defendant does not sell its products to "distributors." Consequently, this interrogatory, as drafted, is inapplicable to Chrysler.

16. Did you, at any time, assign or license any of your asbestos products to any person, firm or corporation? If so, state:

- (a) Identify the assignors or licensee;
- (b) The purpose of such assignment or license;
- (c) The name(s) of the produce(s) so assigned or licensed;
- (d) The time period of the assignment(s) or license;
- (e) Identify and produce all documents relating to such assignment or license;

This interrogatory is ambiguous and unintelligible in the use of the words "assign or license any of your asbestos products." As noted above, Chrysler sells new vehicles which contain brake linings and sells replacement linings to its authorized dealers.

17. Did you rebrand any of your asbestos products for other companies? If so,

- (a) Identify such companies;
 - (b) Indicate the specific products rebranded for each company;
 - (c) The dates of each such rebranding;
- That is, did you manufacture or acquire asbestos products and affix the names of other companies to the product or its containers?

No.

17. Since the initial date of said mining, manufacturing, producing, processing, compounding, converting, selling, merchandising, supplying, distribution and/or otherwise placing in the stream of commerce your asbestos products as specified in the answer to number 6, advise whether or not there have been any alterations or changes, then as to said alterations or changes, state:
- (a) the trade name(s) of each such product(s);
 - (b) The date(s) each such product(s) was altered or changed;
 - (c) The specific nature and date(s) of each such alteration or change of composition.
 - (d) The reason for each alteration or change of composition;

Formulations are developed for each brake design for each car or truck line. No change is permitted to the formulation after production is approved.

18. Describe in detail the packages in which you would, distribute or deliver asbestos products to the wholesaler or retailer for resale to companies such as Plaintiff's employers, stating:
- (a) The type of box or package used;
 - (b) The date each type of box or package was used;
 - (c) A physical description thereof, including the size and color of the box or package;
 - (d) A description of size and color of any printed material that appeared on or in said box or package stating:
 - 1. A verbatim statement of any warnings or cautions;
 - 2. The date(s) each such warning or caution was first used and last used.
 - (e) Identify and produce a copy of said warning or caution.

18. Interrogatory 18 is inapplicable to answering defendant because it does not sell its products to "wholesalers or retailers for resale to companies such as plaintiff's employer," but rather sells new vehicles which contain brake linings and sells replacement linings to its authorized dealers.

19. Prior to releasing the asbestos product(s) listed in interrogatory 6 for sale, were any tests conducted on same to determine potential health hazards involved in the use, handling or exposure of the materials contained therein: If so, state:
- (a) The identity of each individual or firm who conducted such tests;
 - (b) The date, purpose and result of each such test;
 - (c) Identify and produce all documents relating to such tests;

See attached sheet.

20. Did you make any changes in your asbestos products as a result of such test: If so, state:
- (a) The product changes;
 - (b) The nature of the change made;
 - (c) The purposes of the change;
 - (d) The date of such change;
 - (e) The identity of each person or firm responsible for making the change.

Not Applicable.

19. Interrogatory 19 improperly assumes that there are potential health hazards involved in the use, handling or exposure to the products of answering defendant. Furthermore, the interrogatory is vague and confusing because the terms "use, handling and exposure" are not defined as they relate to the instant lawsuit. Consequently, answering defendant will respond, without waiving the foregoing objections, and with regard to the "use" of products at issue in this litigation as Chrysler understands plaintiff's allegations, that is, installing, repairing or replacing.

Based on available corporate records, answering defendant has not done direct testing of alleged health hazards.

21. Has any written material of any kind been prepared by you indicating how your product(s) should be used, applied or handled by the workers who would be reasonably expected to use your asbestos products? If so, please state:
- (a) Identify each person or firm who prepared same;
 - (b) Identify each person or firm who presently has possession of same;
 - (c) The date(s) and manner in which said material was distributed to purchasers or users of your product(s);
 - (d) Identify and produce all applicable documents.

Answering defendant's service manuals contain information as to the installation of defendant's products.

22. If there have been any changes in any labels, inserts or other information which has ever accompanied any of your products as it was placed on the market, state the reasons therefore and the name and address of the person who recommended or ordered the change.

Not applicable.

23. State the names, titles and addresses of defendant's advertising agents who are employed or used in connection with the promotion of the product(s) specified in answer to interrogatory 6, and give a summary of all the instructions given to such agents regarding the uses, safety, and health related effects of the use of the products and their obligations to provide this information to customers.

Answering defendant does not advertise brake linings.

24. Have you at any time published and/or distributed any document containing any warnings concerning the possibility of illness, disease, or injury resulting from the use of or exposure to the asbestos products listed in answer to interrogatory 6. If so, please state:

- (a) The wording of each such warning;
- (b) A description of each such document;
- (c) The method used to distribute the warnings to persons who are likely to use, handle or be exposed to your product(s);
- (d) The date(s) such warning was issued;
- (e) Identify each person who presently has possession of the above-described documents;
- (f) Identify and produce all the documents mentioned in parts (a) through (e) of this question;
- (g) In particular, was any warning ever given, either in writing or in any other way concerning the possibility of the illness as known as cancer resulting from the use of or exposure to any of the asbestos products listed in answer to interrogatory 6.
- (h) How the document and the information involved were communicated to purchasers of the product?

24. Plaintiff alleges and this interrogatory assumes or implies that some unspecified warning was necessary with regard to answering defendant's products, which Chrysler Corporation denies and no admission is made or intended by responding to this and other interrogatories as drafted. Nevertheless, this interrogatory also is objectionable because it is not confined to the time period at issue, that is, plaintiff's decedent's period of employment as alleged by plaintiff, 1941 through 1976. In response to these allegations, Chrysler states that no warning was necessary; use of defendant's products will not expose a person to inhalable, intact, chrysotile fibers of lengths considered to be pathogenic or in amounts which would cause disease.

25. Have you ever given any warnings to your employees of dangers of illness and/or disease by reason of their use, handling or exposure to asbestos products: If so, state:

- (a) The date of each such warning;
- (b) How such warnings were given;
- (c) If such warnings were oral, state the names and addresses of the person(s) giving and receiving such warnings;
- (d) If such warnings were written, state:
 - 1. The date(s) of such warning(s);
 - 2. The present location of such warning(s);
 - 3. The names and addresses of individuals who prepared such warning(s);
 - 4. Where and/or how such warning(s) were posted,
 - 5. The reasons for such warning(s).

(e) Whether or not in the course of such warnings, there was any warning concerning the possibility of contracting the disease known as cancer resulting from the use of or exposure to the asbestos products. in particular, whether there was any warning concerning that type of cancer known as mesothelioma.

Interrogatory number 25 seeks information that is irrelevant to the subject controversy. Plaintiff does not allege her decedent, Birk Reed was an employee of Chrysler and hence information as to Chrysler's own employees is not at issue in this lawsuit and the information sought is not reasonable calculated to lead to the discovery of admissible evidence.

26. Were you ever advised by any member of the medical profession or other profession, such as industrial hygienists occupational hazard professionals or other persons to utilize hazard labels on your products and to give clear and explicit warnings concerning the possibility of cancer, and/or mesothelioma and/or other serious illnesses and diseases including but not limited to asbestos to those who might use, handle, or be exposed to your asbestos products after they have left your control? Identify this individual or individuals or company set forth the date of this advise, and attach copies of this advise if written.

No.

27. When, if at all, did you first become aware that airborne dust containing some asbestos fibers might be created in the course of the use of your asbestos products by workers in:

- (a) the pipe insulating trade;
- (b) textile factories;
- (c) companies manufacturing asbestos products;
- (d) other industries such as but not limited to
 - (1) railroads
 - (2) oil burner service

This interrogatory is inapplicable to answering defendant, Chrysler Corporation inasmuch as it does not manufacture or sell the types of products described in sub-paragraph (a) through (d).

28. When did you first become aware that airborne dust containing asbestos fibers or f85riles would be created in use or removal of your asbestos products by an insulation worker or other workers could cause asbestosis, pleural thicaning or pleural plaque, mesothelioma, or lung cancer? Please identify the date of this knowledge by product whether raw asbestos or a finished product and the date of knowledge that each of the diseases set out could develop from exposure to asbestos.

See attached sheet.

29. If your answer to question 28 is in the affirmative, please explain whether the Threshold Limit Value is based on counts of all particles in the air or just the asbestos fibers in the air.

See response to preceding interrogatory.

28. Interrogatory 28 improperly assumes that airborne dust that contains asbestos fibers or fibriles is created by use of or removal of defendant's asbestos products that could cause various diseases. This statement represents plaintiff's allegations in this lawsuit, which answering defendant denies. Consequently, answering defendant cannot respond to interrogatory 28 in its present form. Additionally, the interrogatory is a question designed to elicit a response that may be used in a misleading manner at time of trial rather than the discovery of factual information. Answering defendant does not respond to interrogatory 28 with regard to insulation workers inasmuch as Chrysler does not manufacture or sell asbestos-containing insulation products.

29. When did defendant know that any governmental or private agency, or other entity, issued guidelines suggesting Threshold Limit Values for exposure to asbestos dust? If ever:

- (a) Identify the agency or entity issuing the guideline;
- (b) State the content of the guideline(s) verbatim;
- (c) State the date issued and the date you first knew the purpose of the guideline(s).

No records exist from which to answer this question. Chrysler is aware that following the enactment of OSHA, threshold limit value guidelines were adopted.

31. Does the defendant contend that the asbestos products mined, manufactured, produced, processed, compounded, converted, sold, merchandised, supplied, distributed and/or otherwise placed in the stream of commerce by the defendant are not "hazardous substances", as defined in 15 U.S. Code, §1261 (5)? Said definition is incorporated herein by reference, and defendant is required to reply as to all the parts of said definition. If so, state the facts, opinions or conclusions upon which defendant relies to support such contention, and identify each document which is applicable.

Answering defendant cannot respond to interrogatory 31 because there is no subsection (5) in §1261 of title 15 of the United States Code.

32. Have your asbestos products at any time been subjected to:

- (a) Tests or studies by a governmental agency;
- (b) Test or studies by any independent organization;
- (c) Tests conducted on humans or animals on your behalf or on behalf of any co-defendant in this action. If your answer to any of the subsections (a) through (d) is in the affirmative, for each test or study state:
 - 1. The date it began;
 - 2. The date it ended;
 - 3. The procedure of the test or study;
 - 4. The number of man hours spent on it;
 - 5. The place where it was conducted.

Not Applicable.

33. Have you, at any time, been a member of any "trade association or association" composed of other miners, manufacturers, suppliers, distributors, producers, processors, compounders, converters, sellers, merchandisers, and/or anyone otherwise placing in the stream of commerce asbestos products? If so, state:

- (a) Identify each such association or organization;
- (b) The dates during which you were a member?
- (c) The names of any publication published by or written by such association or organization;
- (d) The dates and addresses of all other members;
- (e) What meetings you attended and identify who attended;
- (f) Who spoke at such meetings;
- (g) Were transcripts or summaries or minutes or notes made of such meetings? If so, identify the above, tell specifically what was made and give the name, title and address of the person or persons who have custody of the transcripts and/or summaries and or minutes and/or notes mentioned above and state when and where counsel for the plaintiff may examine and copy these documents.

To answer this question would require making inquiry of every Chrysler Corporation employee, past or present, which would be impossible. Defendant's Industrial Hygiene Department currently belongs to the American Industrial Hygiene Association, the American Academy of Industrial Hygiene, Industrial Health Foundation and the National Safety Counsel.

54. Have you, at any time, been a member of and/or contributed to the Industrial Hygiene Foundation? If so, state:

- (a) The dates you were a member and/or contributed;
- (b) The identifications of any publication of any such organization;
- (c) What meetings you attended and who attended;
- (d) Who spoke at such meetings;
- (e) Where transcripts or summaries or minutes or notes made of such meetings? If so, identify the above, tell specifically what was made and give the name, title and address of the person or persons who have custody of the transcripts and/or summaries and or minutes and/or notes mentioned above and state when and where counsel for the plaintiff may examine and copy these documents.

As noted in response to the preceding interrogatory, answering defendant's Industrial Hygiene Department currently belongs to the Industrial Health Foundation. Additionally, answering defendant does not have records of the information requested in subparts (a)-(e).

35. State whether you have received any workmen's compensation claim for injury, occupational disease, or death, to any of your employees or to any persons working as independent contractor for you, or under your direction or to any persons in "contract units" operated by you or your subsidiaries or divisions or to any persons hired on an occasional basis by your agents, employees or directors, in the course of work activity performed by the aforementioned "contract unit" for the following diseases: asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs, or mesothelioma. In answering this question confine your answer to workers who were occupationally exposed to asbestos products by their using, handling, fabricating, installing, removing, mixing, cutting, packing or transporting products containing any percentage whatsoever of asbestos whether raw or finished and whether made by you or made by some other company but used, handled, modified, installed, removed, mixed, cut, packed or transported by the person or persons making the workmen's compensation claim for injury or occupational disease or death whether your employees or contract unit managers or contract unit occasional workers independently contracted for. If there have been any workman's compensation claims within the above-described criteria between the years 1930 and 1978, state:

- (a) The date you received notice of the claim;
- (b) The identity of the person making the claim; or on whose behalf the claim was made;
- (c) The specific disease or illness complained of. In particular, all complaints of: asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs and mesothelioma;
- (d) The name of any physician or nurse who made any notes on the claim or who inscribed any words whatsoever on any document, paper, letter, book, or record pertaining to the evaluation of the facts and/or the merits and/or the medical workup of the claim filed;
- (e) A brief summary of the substance of the written materials mentioned in section (d);
- (f) The present location(s) of the documents, medical or otherwise, relevant to the claim files, if any, specified in section (a);
- (g) An index to the claim files, if any specified in section (a) showing how, if at all, they are broken down by the defendant in the ordinary course of the defendant's business activity (i.e. by geographical region, by plant, by profit center, by disease, by injury, by level of compensation demanded, by estimate on the eventual payments that will be required on the claim, by worker's name or number, by contract unit, by date, or in any other way that the defendant as a practical matter in the ordinary course of defendant's business actually breaks down and indexes the claims of the kind specified for purposes of defendant's own internal filing and record keeping.
- (h) The state or federal agency or agencies which would in the ordinary course of defendant's business and in the ordinary course of the state and federal government's business

- (i) The indexing or filing system used by those agencies in the respective states, or in the respective federal agencies.
- (j) The records retention policies concerning claims of the kinds specified in Part (a) of the defendant, and of any state agencies of which the defendant has knowledge in states where the defendant does business, and to which the defendant supplies information concerning claims of this kind. Also include any federal agencies which would receive notice directly or in the defendant's knowledge indirectly as a matter of the ordinary business of the federal government concerning claims of the aforementioned kind;
- (k) The disposition of said claim(s) including benefits paid or settlements reached or moneys voluntarily paid by your insurers, if any;
- (l) The last known address of the attorney representing the Claimant, if any.

Unknown; claims are retained by the name of a claimant and not cause of claim.

36. Have you ever been named as a party in any action for workmen's compensation benefits for injury, occupational disease, or death by any of your employees or their estates, or by any persons working as independent contractors for you or under your direction or their estates, or by any directors, managers, or persons involved on a casual labor or occasional worker independently contracted for basis in "contract units" operated by you or their estates where the disease, injury or death was asserted by the Plaintiff and/or claimant in the action to be based in whole or in part on the diseases; asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs, or mesothelioma and where the plaintiff and/or claimant in the course of his work experience used, handled, fabricated, installed, removed, mixed, cut, packed or transported asbestos products containing any percentage whatsoever of asbestos? If so, state as to each claim:

- (a) The identity of the Plaintiff and/or claimant and the disease(s) or injury(s) on which the action was premised;
- (b) The date it was filed;
- (c) The name and address of the court, agency, or administrative body, in which it was filed;
- (d) The term and/or number of the action;
- (e) The identity of the claimant's attorney;
- (f) the identity of the claimant's physician;
- (g) The identity of your physician, and/or expert witnesses;
- (h) The disposition of the action including any moneys paid voluntarily or by agreement or in settlement by you or by our insurance carrier.

As noted in response to the preceding interrogatory, claims are retained by the name of the claimant, not the cause of claim.

37. If you or your insurance carrier have ever paid out money voluntarily, or by agreement, or in settlement, on a claim for the following diseases; asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs, or mesothelioma between the years 1930 and 1978, specify for each instance:

- (a) The amount paid out;
- (b) Who paid it;
- (c) Who received the payment;
- (d) The date of the payment(s);
- (e) Whether, if it was an agreement, the agreement went on file with any court, agency, or administrative body, and if so, the date and location of the filing;
- (f) The current location of any document(s) evidencing such voluntary payment, and the name, and address of their present custodian, and the time and place where counsel for plaintiff may examine and copy such document(s).

Not for any third-party claims. No such information is available for workers' compensation claims.

38. If you or your insurance carrier have ever paid out money, voluntarily, or by agreement, or in settlement to any employee contractor, contract unit worker, contract unit manager, or casual, or incidental laborer for a claim based on the following diseases; asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs, or mesothelioma, state as to each recipient of such funds:

- (a) His or her identity;
- (b) The identity of his or her attorney;
- (c) The date the claim was made;
- (d) The date payment commenced and the duration and amount(s) of payment(s);
- (e) The insurance carrier making the payment;
- (f) Whether such agreement was filed in any court; agency or administrative body, if so, state:
 - a. The date it was filed;
 - b. The location of such filing;
- (g) The current location of any document(s) evidencing such

voluntary payment(s) and the name and address of their present custodian and the time and place where counsel for the plaintiff can examine and copy such document(s).

Answering defendant incorporates by reference its answer to the preceding interrogatory as if fully set forth at length herein. Furthermore, plaintiff's decedent is not alleged to have been an employee of Chrysler Corporation and hence this interrogatory also is irrelevant in this sense and not reasonably calculated to lead to the discovery of admissible evidence.

39 State whether you or your insurance carrier has voluntarily or by agreement paid to any employee benefits for accident, sickness, health, disability, or retirement, by reason of exposure to asbestos products. If so, state as to each:

- (a) The identity of such employee;
- (b) The identity of the employee's attorney;
- (c) The identity of the insurance carrier(s) making such payment;
- (d) The dates the claims were made as to each separate claim by each employee;
- (e) The date payment was made;
- (f) The current location of any documents evidencing such payments, the name and address of their present custodian and the time and place where counsel for the plaintiff can examine and copy such documents.

See response to the preceding interrogatory.

40. State the names and addresses of all your insurance carriers for workmen's compensation and occupational disease compensation from 1930 through 1978, and as to each insurance carrier, state the periods when such coverage was provided and the amount provided

As noted in response to interrogatory 38, plaintiff's decedent is not alleged to have been an employee of Chrysler. Hence, information as to insurance carriers for workmen's compensation and occupational disease compensation is irrelevant to the subject controversy and the interrogatory seeks information not reasonably calculated to lead to the discovery of admissible evidence.

41. If you or your insurance carrier have ever paid out money as a result of a court decree or jury verdict against you in a case in which the plaintiff asserted injury resulting from exposure to asbestos products mixed, manufactured, produced, processed, compound, converted, sold, merchandised, supplied, or placed in the stream of commerce identify the:

- (a) Court in which judgement was entered against you.
- (b) Court docket number.
- (c) Plaintiff's name.
- (d) Plaintiff's attorney's name and address
- (e) Amount of judgement.
- (f) Date judgement entered.
- (g) Other defendants against whom judgement was entered.

No third-party lawsuits have resulted in any court decrees, verdicts or judgments against Chrysler Corporation.

42. Do you have a medical department that performs occupational studies or reviews of worker's health? If so, describe:
- (a) How long in existence.
 - (b) Names of those who have led that department since 1930.
 - (c) Any reports or warnings provided to you by that department as to the effects of asbestos.
 - (d) Current address of that person or those persons referred to in (b) Supra.

Chrysler has a Medical Department which engages in the practice of industrial medicine. It does not perform occupational studies as such and what is meant by "reviews of workers' health" is unclear.

43. Have you had a medical advisor or other professional reviewing your products particularly asbestos, and making recommendations for use? If so, please answer (a)-(d) of interrogatory 43.

Interrogatory 43 is vague and ambiguous in that it does not set forth the type or nature of the "review" of answering defendant's asbestos-containing products. Without waiving this objection, the answer to this interrogatory is: no.

44. If you are merely a distributor, rather than a manufacturer and distributor of asbestos products, please answer interrogatories 7, 18, 19, 20, 21, 22, 23, 26, 27, with respect to whether you ever received such information from the manufacturers or from the trade association and so indicate by date, place and describe and attach any documents.

This interrogatory is inapplicable to answering defendant as it is not a "distributor."

45. (a) Do you contend that the employee plaintiff or, if deceased the plaintiff's decedent or his employer were contributorily negligent?

(b) Do you contend that the employee plaintiff or if deceased the plaintiff's decedent assumed the risk of his employment?

Discovery is not yet complete and hence answering defendant cannot yet respond to this interrogatory.

46. If the answer to interrogatory number 45 (a) or 45 (b) is yes, please state in detail the factual basis for the contention and name any witnesses you intend to produce to support this contention.

See response to the preceding interrogatory.

47. Do you deny that you sold asbestos products to any places of employment of employee plaintiff or if deceased the plaintiff's decedent, namely, Birk Reed

Based on available corporate records, yes.

48. Do you deny that you sold asbestos products to the employee of Birk Reed

or to distributors whom you knew would sell to the employers of

Birk Reed

See response to the preceding interrogatory.

49. Did you or employees of your company ever attend meetings of the Asbestos Textile Institute or any of its committees? If yes,

- (a) Identify the meetings and dates.
- (b) Who attended from your company.
- (c) What materials were dispensed.

Answering defendant is not a member of the Asbestos Textile Institute and hence this interrogatory is inapplicable.

50. Identify all individuals who are now or have ever been employed by you including their current address who can testify or have testified concerning: See attached.

- (a) The history of that portion of your organization responsible for preventive medicine or occupational hygiene.
- (b) Your company medical policy, practices, and procedures.
- (c) The history of that portion of your organization responsible for product safety.
- (d) The nature and extent of your knowledge, over time, of health hazards actually, allegedly, or possibly associated with exposure to asbestos or asbestos products.
- (e) Actions taken by you to warn, direct or indirect purchasers of asbestos products or protect their employees of health hazards
- (f) Actions taken to warn or protect persons such as plaintiff

50. (a)-(f). Interrogatory 50 is vague and unintelligible and answering defendant does not understand what plaintiff means by the use of the terms "history of that portion of your organization" and "company medical policy, practices and procedures." Subpart (d) also is overbroad and irrelevant in that it seeks information beyond the subject matter of this lawsuit, plaintiff's decedent's alleged use of asbestos-containing products.

Furthermore, subpart (d) improperly assumes there are or may be hazards associated with the use of answering defendant's products, which answering defendant denies. Similarly, subparts (e) and (f) improperly assume the necessity of some unspecified warning and protection, which represent plaintiff's allegations and burden of proof herein. Thus, interrogatory 50 is objected to as phrased.

51. If these employees have testified in depositions or trials with respect to the matters ennumerated in interrogatory 54, attach relevant portions of their testimony and identify the court, docket number of the case and date of testimony.

There is no interrogatory 54; however, see response to preceding interrogatory.

52. Did or does defendant maintain a medical library? If yes, state:

- (a) Date established
- (b) Location
- (c) Names and addresses of librarians
- (d) Title, author, and publisher of all journals and book bought or subscribed to during the period 1930-78.
- (e) To whom journals in the area of asbestos, industrial hygiene, medicine, safety or engineering were distributed.

See attached page.

SHEIN & BROOKMAN, P.A.

BY: Robert E. Paul
ROBERT E. PAUL
Attorney for Plaintiffs

LIEBERT, SHORT, FITZPATRICK & LAVIN

BY: Harry A. Short, Jr.
HARRY A. SHORT, JR.
Attorney for defendant,
Chrysler Corporation

52. The Industrial Hygiene and Medical Departments maintain reference libraries. Identification of librarians and journals and books contained therein is irrelevant information and not reasonably calculated to lead to the discovery of admissible evidence. Certain literature, however, might relate to asbestos.

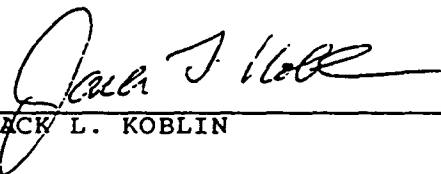
STATE OF MICHIGAN :

:

COUNTY OF WAYNE :

AFFIDAVIT

Jack L. Koblin, being duly sworn according to law, deposes and says that he is Senior Staff Counsel of Chrysler Corporation; that he is authorized to take this affidavit on behalf of Chrysler Corporation; that while he does not have personal knowledge of all the facts recited in the foregoing Answer to Plaintiffs' Interrogatories, the facts set forth therein were collected and made available to him by others and said facts are true and correct to the best of his knowledge, information and belief.



JACK L. KOBLIN

SWORN TO AND SUBSCRIBED BEFORE

ME THIS 20th DAY OF February, 1985.



NOTARY PUBLIC

LISA RONCHETTO
Notary Public, Wayne County, Mich.
My Commission Expires June 22, 1987