

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

12/16/03
Rose
Bill

IN RE: ALL ASBESTOS LITIGATION)
FILED BY THE SIMMONS FIRM, LLC,) DANA CORPORATION'S RESPONSES
) TO PLAINTIFFS' STANDARD
Plaintiffs,) INTERROGATORIES REGARDING
) SPICER AXLE PRODUCT DIVISIONS
vs.) PURSUANT TO ORDER DATED
) OCTOBER 20, 2003
A.W. CHESTERTON, *et al.*,)
)
Defendants.)

PRELIMINARY STATEMENT

Pursuant to the consent order dated October 20, 2003, Dana Corporation ("Defendant") hereby submits these Responses To Plaintiffs' Standard Interrogatories with respect to the Spicer Axle Product Divisions. This preliminary statement applies to and is incorporated into each response. In addition, in order to avoid confusion, Defendant has incorporated below the changes to the interrogatories ordered by the Court on April 14, 2000, and provides responses to the interrogatories as so modified.

Defendant responds to these interrogatories after reasonable investigation with the best available information presently known to it about the Spicer axle product line. In some cases, Defendant is not aware of any individuals with personal knowledge of relevant information covering early years of axle manufacturing. Moreover, the documents available to Defendant do not provide all of the information sought. Accordingly, Defendant will respond only to the extent that there is information currently available and reviewed that it believes is sufficient to respond, in whole or in part, to the interrogatory. Unless otherwise requested in the interrogatory, these responses are limited to U.S.A. manufacturing and sales. To the extent Defendant manufactured or sold products that were not part of the Spicer Axle historical product lines, those products will be addressed separately as otherwise required by the October 20, 2003 order.

SCF-ALLF-10936

ROYSTER
ELKER
ALLEN

Suite 100
Twain Plaza II
400 W. Madison Street

25-0467
940
(815) 656-4646

(d) Identify each and every officer, employee and/or agent of said company who, at any time, was in charge of each mining operation; and,

(e) Identify each and every entity, if any, to which said company sold the asbestos which was mined.

RESPONSE:

No.

INTERROGATORY NO. 24:

Has this Defendant, any predecessor or any related company ever purchased and resold raw asbestos? If so, with respect to each such purchase and resale:

- (a) State the date(s) of the transaction;
- (b) Identify any and all parties from which the raw asbestos was purchased; and,
- (c) Identify any and all parties to which the raw asbestos was sold.

RESPONSE:

No.

INTERROGATORY NO. 25:

Identify each and every source from which Defendant, any predecessor or related company, obtained raw asbestos and/or asbestos-containing material used by Defendant, any predecessor or related company, to manufacture or process any product listed in response to Interrogatory No. 19.

RESPONSE:

Many records showing suppliers of components made with asbestos used by the Axle Product Divisions in the manufacture of axles no longer exist. Subject to the foregoing, at various times, Off-Highway Products and Heavy Axle Products purchased different asbestos-containing brake assemblies from a variety of sources, including Deustche Perrot, Bendix, Rockwell, Eaton, Knott Drum, Delco, Kelsey Hayes, Wagner, Pinion Disc, and Brake Parts Inc. Different or additional suppliers may be revealed after further investigation, which continues. It is not always possible to distinguish between brake assemblies made with asbestos-containing linings and those with asbestos-free linings.

**EYLA ROYSTER
VOELKER
& ALLEN**

Suite 100
Twain Plaza II
Madison Street
St. Louis, MO 63102
Tel. 62025-0467
Fax (618) 656-7940
(618) 656-4646

With respect to Light Axle Products, Defendant purchased brakes and/or brake-containing wheel-end assemblies, some of which may have contained asbestos, from a variety of sources, including Bendix, Bosch, Budd Corporation, GMC, Kelsey-Hayes, Chrysler, and Ford. Different or additional suppliers may be revealed after further investigation, which continues. It is not always possible to distinguish between brake assemblies made with asbestos-containing linings and those with asbestos-free linings. Defendant purchased gaskets made with asbestos used on light axles from a variety of sources, including F.D. Farnam, Wisconsin Gasket, and Defendant's Victor Products Division. Different or additional suppliers may be revealed after further investigation, which continues.

With respect to Trailer Axle Products, Defendant purchased brake linings made with asbestos from various suppliers, which it used to assemble trailer axle brakes. The suppliers of such brake linings made with asbestos may have included Abex, Carlisle, H.K. Porter, Beral, Nuturn, and Raybestos-Manhattan. Different or additional suppliers may be revealed after further investigation, which continues. It is not always possible to distinguish between brake assemblies made with asbestos-containing linings and those with asbestos-free linings.

INTERROGATORY NO. 26:

Is Defendant or any related company, as of the date of answering these interrogatories, still manufacturing, specifying, selling, distributing, applying or installing any asbestos-containing product? If so, give the brand/trade names of such products, type and percentage of asbestos in such product, and the date on which Defendant or any related company first manufactured, specified, sold, distributed, applied or installed said products.

RESPONSE:

No.

EYLROYSER
VOELKER
& ALLEN

Suite 100
Twain Plaza II
Madison Street
St. Louis, MO 63102
Tel. 618-656-7940
Fax (618) 656-7940
(618) 656-4646

INTERROGATORY NO. 63:

Did Defendant, any related company, or any predecessor at any time, give to persons, who would be applying and/or removing any of the products listed in response to Interrogatory Nos. 19 and 42, any instructions or guidelines concerning precautions, warnings, procedures, and/or methods to use, in order to safely apply or remove such products? If so, describe such instructions, state to whom they were given, state the dates they were given, and describe the manner in which they were given.

RESPONSE:

With respect to asbestos, in accordance with federal regulations first implemented in the 1970s and as current today, axles dressed with brake assemblies made with brake linings made with asbestos and/or that had as a component asbestos-containing cover gaskets did not require a warning. See, *e.g.*, 29 C.F.R. § 1910.1200. Among other things, with respect to brake assemblies with brake linings made with asbestos: 1) The fibers were encapsulated in the product; 2) The exposure to the linings in the brake assemblies, if any, would have been of such short duration that there would be no opportunity for a meaningful exposure; 3) The type of asbestos generally used in brake linings does not create a significant risk of harm at levels of exposure associated with such facings; 4) The exposure to the brake lining would not have occurred on a frequent basis; 5) Historical medical and scientific evidence did not support a risk of harm from exposure to asbestos in brake linings. Likewise, with respect to gaskets made with asbestos: 1) The fibers were locked into the product with elastomeric or other binders; 2) The exposure to the gaskets, if any, would have been of such short duration that there would be no opportunity for a meaningful exposure; 3) The type of asbestos generally used in gaskets does not create a significant risk of harm at levels of exposure associated with gaskets; 4) The exposure to gaskets would not have occurred on a frequent basis; 5) Historical medical and scientific evidence did not support a risk of harm from gaskets. Accordingly, axles and the components of axles that contained asbestos, if any, were not of a nature or type

EYLROYSTER
VOELKER
& ALLEN

Suite 100
Twain Plaza II.
Madalla Street
Box 467
IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

that, when used in an ordinary and foreseeable manner, would have presented a significant potential for exposure. See also response to Interrogatory 43.

Notwithstanding the evidence that the axle products did not need a warning relating to asbestos, in response to customer inquiry and/or a growing awareness of the hazards of friable asbestos, as of approximately January 1985, axle assemblies manufactured by Off-Highway Products and Trailer Axle Products that were dressed with brakes made with asbestos may have been accompanied by tags that measured 5" by 7", printed with black text on a yellow background, and bearing, in pertinent part, the following text:

"CAUTION

ASBESTOS BRAKE LININGS CONTAIN ASBESTOS FIBERS.

BREATHING ASBESTOS DUST MAY BE HAZARDOUS TO YOUR HEALTH AND MAY CAUSE SERIOUS RESPIRATORY OR OTHER BODILY HARM.

AVOID CREATING DUST.

DO NOT REMOVE BRAKE DRUM WITHOUT PROPER PROTECTIVE EQUIPMENT.

DO NOT WORK ON BRAKE LININGS WITHOUT PROPER PROTECTIVE EQUIPMENT.

DO NOT REPLACE BRAKE LININGS WITHOUT PROPER PROTECTIVE EQUIPMENT.

DO NOT ATTEMPT TO SAND, GRIND, CHISEL, FILE, HAMMER OR ALTER BRAKE LININGS IN ANY MANNER WITHOUT PROPER PROTECTIVE EQUIPMENT.

FOLLOW O.S.H.A. STANDARDS FOR PROPER PROTECTIVE DEVICES TO BE USED WHEN WORKING WITH ASBESTOS MATERIALS."

In addition, with respect to Off-Highway Products, Defendant made available instruction manuals and other information for each off-highway axle. These materials may have contained the following or similar language:

**EYLROYSER
VOELKER
& ALLEN**

Suite 100
Twain Plaza II
To: Madison Street
Box 467
dwa. IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

"WARNING

Some vehicle manufacturers may require assembly of brake components on Dana axles that utilize materials containing asbestos fibers.

BREATHING ASBESTOS DUST MAY BE HAZARDOUS TO YOUR HEALTH AND MAY CAUSE SERIOUS RESPIRATORY OR OTHER BODILY HARM.

Follow O.S.H.A. standards for proper protective devices to be used when working with asbestos materials."

With respect to Heavy Axle Products, by at least the mid-1980s, the following language was included in heavy axle maintenance manuals, which manuals were distributed to customers of such axles:

"CAUTION

ASBESTOS BRAKE LININGS CONTAIN ASBESTOS FIBERS

BREATHING ASBESTOS DUST MAY BE HAZARDOUS TO YOUR HEALTH AND MAY CAUSE SERIOUS RESPIRATORY OR OTHER BODILY HARM

AVOID CREATING DUST

DO NOT REMOVE BRAKE DRUM WITHOUT PROPER PROTECTIVE EQUIPMENT

DO NOT WORK ON BRAKE LININGS WITHOUT PROPER PROTECTIVE EQUIPMENT

DO NOT REPLACE BRAKE LININGS WITHOUT PROPER PROTECTIVE EQUIPMENT

DO NOT ATTEMPT TO SAND, GRIND, CHISEL, FILE, HAMMER OR ALTER BRAKE LININGS IN ANY MANNER WITHOUT PROPER PROTECTIVE EQUIPMENT

FOLLOW O.S.H.A. STANDARDS FOR PROPER PROTECTIVE DEVICES TO BE USED WHEN WORKING WITH ASBESTOS MATERIALS."

**EYLROYSER
VOELKER
& ALLEN**

Suite 100
1000 Twain Plaza II
Andalusia Street
Box 467
Andalusia, IL 62025-0467
dn. Fax (618) 656-7940
(618) 656-4646

Defendant's investigation with respect to axles sold by Heavy Axle Products continues.

The investigation to date has revealed that any brakes made with asbestos that Defendant installed onto heavy axles came with a warning from the brake manufacturer, which warning stated that the brake contained asbestos

With respect to Trailer Axle Products, by at least the mid-1980s, the following language was included in Defendant's installation and field maintenance manual for trailer axles, brakes and components, which manual was distributed to customers of such products:

"DANGER! ASBESTOS BRAKE LININGS CONTAIN ASBESTOS FIBERS

BREATHING ASBESTOS DUST MAY BE HAZARDOUS TO YOUR HEALTH AND MAY CAUSE SERIOUS RESPIRATORY OR OTHER BODILY HARM

AVOID CREATING DUST

DO NOT REMOVE BRAKE DRUM WITHOUT PROPER PROTECTIVE EQUIPMENT

DO NOT WORK ON BRAKE LININGS WITHOUT PROPER PROTECTIVE EQUIPMENT

DO NOT REPLACE BRAKE LININGS WITHOUT PROPER PROTECTIVE EQUIPMENT

DO NOT ATTEMPT TO SAND, GRIND, CHISEL, FILE, HAMMER OR ALTER BRAKE LININGS IN ANY MANNER WITHOUT PROPER PROTECTIVE EQUIPMENT

FOLLOW O.S.H.A. STANDARDS FOR PROPER PROTECTIVE DEVICES TO BE USED WHEN WORKING WITH ASBESTOS MATERIALS."

Defendant's investigation with respect to axles sold by Light Axle Products continues.

Material Safety Data Sheets and other information relating to certain axle products

were also available from Defendant upon request. See response to Interrogatory 93.

Additional information regarding warnings, to the extent known to Defendant, may be ascertained from the Axle Product Divisions warning files, which files will be made available for inspection and copying at a mutually convenient time and location, except for those

LEYL ROYSTER
VOELKER
& ALLEN

Suite 100
Twain Plaza II
Vandalia Street
Box 467
St. Louis, IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

protected from discovery by the attorney-client privilege or the work product rule, a listing of which will be provided at the time of inspection.

INTERROGATORY NO. 64:

Did Defendant, any predecessor or any related company, at any time, place any warning signs or labels on the containers in which any of the products listed in response to Interrogatory Nos. 19 and 42 were packaged?

RESPONSE:

See responses to Interrogatories 43 and 63.

INTERROGATORY NO. 65:

If your answer to Interrogatory No. 64 is "Yes," identify each and every product upon which such a warning was placed, and with respect to each such product identified:

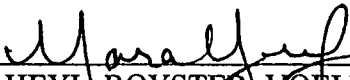
- (a) State the date on which any order directing that a warning be placed on said product first issued;
- (b) Identify any and all persons participating in the decision to issue that order;
- (c) State the first date on which such warning was actually placed on said product;
- (d) State the first date on which such product accompanied by such warning was first sold, distributed or installed;
- (e) State the exact wording of this first warning;
- (f) State the exact location and size of this first warning as it appeared on said product;
- (g) Identify any and all persons who participated in any phase of the drafting or design of said first warning, including, but not limited to, those who performed the actual drafting and design work, those who reviewed the work, those who edited the work and those who approved the warning;
- (h) State why you placed such warning on said product, including, but not limited to, whether you placed such warning on said product because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute; and
- (i) Identify any and all documents referring to, relating to or reflecting, said warning, its drafting, and/or the decision to place the warning on said product, including, but not limited to, any communication as described in subpart (h) of this Interrogatory.

LEYL ROYSTER
VOELKER
& ALLEN

Suite 100
Twain Plaza II
Madison Street
Box 467
dwa., IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon the attorneys of record to the above cause via hand delivery on December 15th, 2003.

By: 
HEYL, ROYSTER, VOELKER & ALLEN

Copies Hand Delivered To:

John Simmons
Marcus E. Raichle, Jr.
The Simmons Firm, L.L.C.
707 Berkshire Avenue
East Alton, IL 62024
Attorneys for Plaintiffs

**HEYL ROYSTER
VOELKER
& ALLEN**

Suite 100
Main Plaza II
103 Vandavia Street
P.O. Box 467
Edwardsville, IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

K8895
MXY:slm

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

IN RE ALL ASBESTOS LITIGATION)
FILED BY THE SIMMONS FIRM, LLC.,)
)
Plaintiffs,)
)
v.)
)
A.W. CHESTERTON, INC., et al.,)
)
Defendants.)

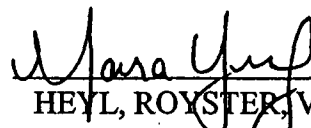
MEMORANDUM TO CLERK

NOW COMES the Defendant, DANA CORPORATION, by its attorneys, HEYL, ROYSTER, VOELKER & ALLEN, and notifies the court and all counsel of record that it has provided Defendant Dana Corporation's Initial Responses To Plaintiffs' Standard Request For Production of Documents Regarding Spicer Axle Product Divisions and Defendant Dana Corporation's Initial Responses To Plaintiffs' Standard Interrogatories Regarding Spicer Axle Product Divisions, to plaintiff's attorneys, The Simmons Firm, LLC, this 15th of December, 2003. Pursuant to local rules, the original has been retained in our file. A copy of said discovery has been placed with the Central Records Depository, 203 W. High Street, Edwardsville, Illinois 62025.

cc: counsel of record

**HEYL ROYSTER
VOELKER
& ALLEN**

Suite 100
Twain Plaza II
103 West Vandalia Street
P.O. Box 467
Edwardsville, IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

By: 

HEYL, ROYSTER, VOELKER & ALLEN
Kent L. Plotner, #06190470
Maura Yusof, #06278767
Attorneys for Defendant,
DANA CORPORATION

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon the attorneys of record to the above cause via hand delivery on December 15th, 2003.

By: Mara Yung

HEYL ROYSTER, VOELKER & ALLEN

Copies Hand Delivered To:

John Simmons
Marcus E. Raichle, Jr.
The Simmons Firm, L.L.C.
707 Berkshire Avenue
East Alton, IL 62024
Attorneys for Plaintiffs

William F. Mahoney
Cameron D. Turner
Karen M. Rheingans
Segal, McCambridge, Singer & Mahoney,
Ltd.
One IBM Plaza - Ste. 200
Chicago, IL 60611
**Attorneys for Albany International,
Anchor Packing, Chicago Fire Brick,
Coltec Industries, DAP, Dravo
Construction, Foster Wheeler, Garlock,
Inc., Pittsburgh Metals Purifying, Viking
Pump, Inc.**

Larry Finn
Segal, McCambridge, Singer & Mahoney,
Ltd.
One IBM Plaza, Suite 200
Chicago, IL 60611
**Attorneys for A.P. Green Industries, Inc.,
Harbison-Walker**

Edward J. McCambridge
Cameron D. Turner
Segal, McCambridge, Singer & Mahoney,
Ltd.
One IBM Plaza, Suite 300
330 North Wabash Avenue
Chicago, IL 60611
**Attorneys for Great Lakes Carbon Corp.,
Teesdale, Inc.**

Wilson, Elser Moskowitz, Edelman
& Dicker, LLP
120 North LaSalle St., Ste. 2600
Chicago, IL 60602
Attorneys for Amerada Hess Corporation

Dennis Graber
Hinshaw & Culbertson
521 West Main St., Suite 300
Belleville, IL 62222-0509
**Attorneys for Asten Group, Goulds
Pumps, Incorporated, Rapid American
AND**

Stacey Seneczko
Hinshaw & Culbertson
1100 North West Street
Waukegan, IL 60085
Attorneys for Asten Group

Thomas Kernell
Roberts, Perryman, Bomkamp & Meives,
P.C.
One U.S. Bank Plaza, Suite 2300
St. Louis, MO 63101
**Attorneys for Boise Cascade Corp.,
General Refractories, Helmkamp
Construction Company, Sprinkmann
Insulation of Wisconsin, Sprinkmann
Sons Corp., Young Insulation Group of
St. Louis, Inc., Young Group LTD., f/k/a
Young Sales Corp., Gusmer Enterprises,
Inc.**

Loretto Kennedy
Kathleen Cunningham
Holland & Knight, LLC
131 S. Dearborn Street, 30th Floor
Chicago, IL 60603
Attorneys for Lucent Technologies

**HEYL ROYSTER
VOELKER
& ALLEN**

Suite 100
Twain Plaza II
103 West Vandalia Street
P.O. Box 487
Edwardsville, IL 62025-0487
Fax (618) 656-7940
(618) 656-4646

Michael J. Kanute
Matthew D. Sobolewski
Holland & Knight, LLC
131 S. Dearborn Street, 30th Floor
Chicago, IL 60603
**Attorneys for Bridgestone/Firestone
North American Tire, LLC, Champion
International Corporation, Hammermill
Paper, International Paper Company
AND**

Robert J. Brummond
Foley & Mansfield
Suite 400
1001 Highlands Plaza Drive West
St. Louis, MO 63110
**Attorneys for Champion International,
International Paper Company, A.P.
Green Services, Inc., f/k/a Bigelow-Liptak
Corporation, Brauer Supply, Kelly-
Moore Paint Co., Marley Cooling Tower
Co., Sprinkmann Sons Corporation of
Illinois**

AND
Cathy A. Molchin
Cathy Molchin, P.C.
4909 Sir Lionel Court
Mapleton, IL 61547
**Attorneys for Sprinkmann Sons
Corporation of Illinois**

A. J. Bronsky
Agota Peterfy
Brown & James
1010 Market Street, 20th Floor
St. Louis, MO 63101
**Attorneys for Domco Products, General
Gasket, Missouri Drywall Supply, Inc.;
Hi-Temp Refractories**

Kurtis B. Reeg
Leritz, Plunkert & Bruning, P.C.
One City Centre, Suite 2001
St. Louis, MO 63101
**Attorneys for North American
Refractories, Bowater, Inc., and Bowater
America, Inc., Corrigan Company,
Continental Tire, Continental Teves,
PACCAR, Inc.**

Law Offices of William Koziol
1 Kemper Drive
Long Grove, IL 60049-0001
Attorneys for John Crane

Charles L. Joley
Donovan, Rose, & Nester
8 East Washington Street
Belleville, IL 62220-2190
Attorneys for Metropolitan Life Ins. Co.

Ronald Hack
Gallop, Johnson & Neuman
101 South Hanley Road, Suite 1600
St. Louis, MO 63105
**Asarco, Inc. a/k/a Ameron Smelting &
Refining Co., General Electric**

Dan Donahue
Herzog, Crebs & McGhee, LLP
515 North 6th St., 24th Floor
St. Louis, MO 63101
**Attorneys for VIACOM, Inc. f/k/a CBS
Westinghouse, Mallinckrodt, Inc., Seegot,
Corporation, The Stovey Company,
Triangle Enterprises, Inc., Wise El Santo,
Borg-Warner, Inc.**

Joseph J. O'Hara, Jr.
Ed Casmere
Matthew Ryan
Schiff, Hardin & Waite
233 South Wacker Drive, Ste. 6600
Chicago, IL 60606-6473
**Attorneys for Rolls-Royce, Superior
Industries, Uniroyal**

Nicole Behnen
Polsinelli Shalton & Welte
100 South Fourth Street, Ste. 1110
St. Louis, MO 63102
**Attorneys for Honeywell International,
Inc., Allied Signal as successor-in-interest
to Bendix**

**HEYLROYSER
VOELKER
& ALLEN**

Suite 100
Main Plaza II
103 W. Vandalia Street
P.O. Box 487
Edwardsville, IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

Thomas Orris
Williams Venker & Sanders
Equitable Building, Suite 1600
10 South Broadway
St. Louis, MO 63102
**Attorneys for Anheuser-Busch, Inc.,
Brand Insulation, Good Year Tire and
Rubber Company, Kraft Foods, Inc.,
Shell Oil Company**

Susan Guntz
Paul Van Lysebettens
Guntz & McCarthy
150 South Wacker Drive, Ste. 1025
Chicago, IL 60606
**Attorneys for Aurora Pump, Cooper
Industries, Inc., Corhart, Crane
Company, Fluor Constructors
International, Inc. f/k/a Fluor
Constructors, Inc., Kentile Floors,
George P. Reintjes, Co., Inc., Halliburton
Technical Services, Inc., Sidener Supply
Co.**

Michael D. Freeborn
Richard T. Sikes, Jr.
Michael T. Franz
Ward G. Brown
Freeborn & Peters
311 South Wacker Drive, Suite 300
Chicago, IL 60606-6677
**Ferro Engineering, Individually and as a
Division of Oglebay Norton Company**

Robert H. Riley
Schiff Hardin & Waite
233 South Wacker Drive
Chicago, IL 60606
Attorneys for Owens-Illinois

Matt Fischer
Schiff, Hardin & Waite
233 South Wacker Drive, Ste. 6600
Chicago, IL 60606-6473
Attorneys for John-Deere

Richard R. Malone
Malone, Ault & Farell
7654 West Bancroft Street
Toledo, OH 43617-1604
**Attorneys for Grimes Aerospace d/b/a
Surface Combustion**

Curtis R. Picou
Gundlach, Lee, Eggmann, Boyle & Roessler
5000 West Main
P. O. Box 23560
Belleville, IL 62223-0560

AND
Mr. James Niquet
Ms. Agatha Kresa
Crivello, Carlson & Mentkowski
710 N. Plankinton Avenue
Milwaukee, WI 53203
Attorneys for A. O. Smith

Allen Boston
Paul Schulte
Lewis, Rice & Fingersh
500 North Broadway, Suite 2000
St. Louis, MO 63102-2127
**Attorneys for Consolidated Aluminum
Corporation f/k/a Conalco, Inc.**

Allen Boston
Douglas Nieder
Lewis, Rice & Fingersh
500 North Broadway, Suite 2000
St. Louis, MO 63102-2127
Attorneys for Nooter Corporation

James R. Carter
Carter Law Offices
416 Main Street, Ste. 529
Peoria, IL 61602
Attorneys for The Sager Corporation

HEYL ROYSTER
VOELKER
& ALLEN

Suite 100
Twain Plaza II
103 West Vandalia Street
P.O. Box 487
Edwardsville, IL 62025-0487
Fax (618) 656-7940
(618) 656-4646

Jeffrey Hebrank
Burroughs, Hepler, Broom,
MacDonald, Hebrank & True
103 West Vandalia St., Suite 300
Edwardsville, IL 62025
Attorneys for Amerenue, Bondex, Brake
Parks, Inc., Central Illinois Public Service
Company, Carboline Company, Comed
Company, Commonwealth Edison, The
Dow Chemical Company, GAF
Corporation, The Flintkote Company,
Georgia Pacific, Georgia-Pacific Corp.
Individually and as Successor-in-Interest
to Hudson Pulp & Paper Corp., Grays
Harbor Paper, Inc., Hobart Brothers Co.,
Hobart Welders, Illinois Power Company,
Ingersoll-Rand, Industrial Holdings f/k/a
Carborundum, Kincaid Generation,
LLC., Lincoln Electric Company,
Marathon Oil Company, Marcal Paper
Mills, Inc., Penzoil-Quaker State
Company, Petter Supply, Proko
Industries, RPM, Swift & Co., Union
Electric Company, U.S. Steel f/k/a USX
Corporation, W.R. Grace, Walworth Co.

AND

Gerald T. Noce
Richard A. Tjepkema
Noce & Buckley, LLC
1139 Olive Street, Suite 800
St. Louis, MO 63101-1928
Attorneys for The Dow Chemical
Company

AND

Patrick Baughman
Baughman & Associates Co, L.P.A.
55 Public Square, Suite 2215
Cleveland, OH 44113-1996
Attorneys for U. S. Steel f/k/a USX
Corporation

AND

Jack Block
Sachnoff & Weaver, Ltd.
30 South Wacker Dr., Suite 2900
Chicago, IL 60606-7484
Attorneys for The Flintkote Company

John Kurowski
Melissa R. Badgett
Cates, Kurowski, Bailey & Shultz, P.C.
24 Bronze Pointe
Swansea, IL 62226
Attorneys for A.W. Chesterton, Advanced
Auto Parts, Western Auto, Parts America,
Discount Autos, Babcock Borsig, Power,
Inc, as successor in interest to D.B. Riley,
Inc. as successor in interest to Riley
Stoker Corporation, Badenhausen
Corporation, Congoleum,
DaimlerChrysler Corporation, Green
Tweed & Company, Plibrico, Riley
Stoker, and Sears, Roebuck & Co., Union
Iron Works

Richard Boyle
Gundlach, Lee, Eggmann, Boyle & Roessler
5000 West Main
P. O. Box 23560
Belleville, IL 62223-0560
Attorneys for Illinois Central Railroad
Company, Minnesota Mining & Mfg. Co.

Robert W. Wilkinson
Dogan & Wilkinson, P.L.L.C.
726 Delmar Avenue
P. O. Box 1618
Pascagoula, MS 39568-1618
Attorneys for Wheeler Protective Apparel

Barry A. Short
Lewis, Rice & Fingersh
500 North Broadway, Suite 2000
St. Louis, MO 63102-2127
Attorneys for CSR, Limited

Robert Scott
Swain, Hartshorn & Scott
411 Hamilton Blvd., Suite 1806
Peoria, IL 61602
Attorneys for Federal-Mogul Products,
Inc., as successor-in-interest to Wagner
Electric, Pneumo Abex, Lear Siegler
Diversified Holdings Corp.

HEYLROYSER
VOELKER
& ALLEN

Suite 100
Twain Plaza II
103 West Vandalia Street
P.O. Box 467
Edwardsville, IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

Thomas Magee
Moser & Marsalek
200 North Broadway, Suite 700
St. Louis, MO 63102-2730
Attorneys for J. P. Bushnell

Stephen J. Maassen
Hoagland, Fitzgerald, Smith & Pranaitis
401 Market Street
P. O. Box 130
Alton, IL 62002
**Attorneys for Crown Cork & Seal,
Equistar Chemicals, Millennium
Petrochemicals, Inc., Tootsie Roll
Industries, Inc., United Refractories**

Gregory L. Cochran
Margaret M. Foster
McKenna, Storer, Rowe, White & Farrug
200 North LaSalle Street, Suite 3000
Chicago, IL 60601-1083
Attorneys for Paul J. Krez Company

James K. Toohey
Joseph Janatka
Undray Wilkes
Ross & Hardies
150 North Michigan Ave., Ste. 2500
Chicago, IL 60601
**Attorneys for American Standard,
Westinghouse Air Brake**

Daniel J. O'Connell,
Jackie W. Miller
Ed Burns
O'Connell & Associates, P.C.
645 Tollgate Road, Suite 220
Elgin, IL 60123
**Attorneys for Cleaver Brooks, Scapa,
Sepco**

William G. Schopf
Schopf & Weiss
312 West Randolph Street, Suite 300
Chicago, IL 60606-1721
Attorneys for Occidental Chemical Corp.

John D. Warner
Gault & Warner, L.L.C.
222 South Central, #500
Clayton, MO 63105
**Attorneys for General Motors and Delco-
Moraine, a Division of General Motors,
Triangle Insulation
AND
Gary E. Wiseman
Law Offices of Thomas J. Noonan
701 Market Street, Suite 425
St. Louis, MO 63101
**Attorneys for General Motors and Delco-
Moraine, a Division of General Motors
Corporation****

Mary Ann Hatch
Herzog, Crebs & McGhee, LLP
5111 West Main Street
Belleville, IL 62226-4797
**Attorneys for Combustion Engineering,
Burns International Services**

John J. Gazzoli, Jr.
Kristine Kraft
Lewis, Rice & Fingersh
500 North Broadway, Suite 2000
St. Louis, MO 63102
Attorneys for Gardner Denver, Inc.

David T. Butsch
Allen P. Press
Green, Schaaf & Jacobson, P.C.
7733 Forsyth Blvd., Suite 700
Clayton, MO 63105
**Attorneys for Doyle Equipment
Manufacturing Co., Kimberly Clark
Corporation, Scott Paper Company**

Jerome J. Duchowicz
O'Hagan, Smith & Amundsen, L.L.C.
150 North Michigan Ave., Suite 3300
Chicago, IL 60601
Attorneys for Mt. Vernon Mills, Inc.

Steven W. Celba
Celba, Derochers
4493 North Prospect Avenue
Milwaukee, WI 53211
Attorneys for Irex Corporation

HEYLROYSER
VOELKER
& ALLEN

Suite 100
Twain Plaza II
105 West Vandalia Street
P.O. Box 467
Edwardsville, IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

Johnson & Bell, Ltd.
55 E. Monroe St., Suite 4100
Chicago, IL 60603
Attorneys for Bechtel Construction Company, Brandon Drying Fabrics, Case International Harvester, Exxon Mobil Corp., a successor to Mobil Oil Corp., Mobil Chemical Company, Inc. Goodrich Corporation, f/k/a The B.F. Goodrich Company

Jim Corrigan
Behr, McCarter & Potter
7777 Bonhomme, Suite 1810
St. Louis, MO 63105
Attorneys for Thermic Refractories

Beth Kamp Veath
Brown & James
Lechien Building
120 West Main Street
Belleville, IL 62220-1502
Attorneys for Azrock, Domco Products Texas, L.P., Harwick Standard Distribution Corp.

Bryan Skelton
Reed, Armstrong, Gorman,
Mudge & Morrissey, P.C.
115 North Buchanan Street
Edwardsville, IL 62025
Attorneys for Dresser Industries, Halliburton Company, Halliburton Energy Services, Inc., Kewaunee Engineering Company, Worthington Pump Inc.

William Lucco
Lucco, Brown & Mudge
224 St. Louis Street
Edwardsville, IL 62025
Attorneys for Pfizer, Inc., Quigley Company

Ronald D. Robinson
Amelung, Wulff & Willenbrock
705 Olive Street, Suite 1100
St. Louis, MO 63101
Attorneys for Granite City Steel, Midwest Machinery

Ducey & Associates
20 Bronze Pointe
Belleville, IL 62226
Attorneys for Cerro Copper

Raymond Fournie
Armstrong, Teasdale, Schlafly,
Davis & Dicus
#1 Metropolitan Square, Ste. 2600
St. Louis, MO 63102
Attorneys for Ametek Chemical Products, Cargill, Inc., Carlisle Group, Dentsply International, Eastman Chemical Co., Freightliner LLC, Fru-Con Construction, General Dynamics Corp., Hercules Inc., Howden Buffalo, Inc. as successor-in-interest to Buffalo Forge Company and Joy Manufacturing, Industrial Contractors, Lear Corporation, Longview Fibre Company, The Mead Corporation, Montello, Inc., Motion Control Industries, Inc., Motorola, Inc., Nestle USA, Prestolite Electric, Richard Klinger, Inc., The Scotts Company, Sprinkman Sons Corporation of Illinois, Sulzer Process Pumps, (US), Inc., United States Steel, Warren Pumps, Inc., Weyerhaeuser Co.

Mark Zellmer
Kenneth R. Heineman
Husch & Eppenberger
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105-3441
Attorneys for ConocoPhillips, Cytec Industries, Goodrich, Monsanto, Occidental, Olin Corporation, Pharmacia, Polyone Corp., Polyone Distribution Company, Solutia, Unocal Corporation f/k/a Union Oil Co. of California,

Allan Zelkowitz
Pretzel Stouffer
One South Wacker Dr., Ste. 2500
Chicago, IL 60606-4673
Attorneys for Atlantic Richfield Company, as successor-in-interest to Sinclair Oil Corporation, and Sinclair Oil Corporation

HEYLROYSER
VOELKER
& ALLEN

Suite 100
Twain Plaza II
10. A Vandalla Street
P.O. Box 467
Edwardsville, IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

James P. Arrigo
Stamos & Trucco
30 West Monroe St., Suite 1600
Chicago, IL 60603
**Attorneys for Texaco Refining and
Marketing, Inc.**

Jennifer Arthur
Daniel C. Nester
Bryan Cave LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, MO 63102-2750
**Attorneys for McDonnell Douglas/Boeing,
The Premcor Refining Group, Inc., Clark
Oil & Refining Corporation**

Eric Young
Dunham, Boman & Leskera
Belleville, IL 62220
208 North High Street
**Attorneys for Beazer East, Inc.,
Individually and as successor to Koppers
Company, Inc., and successor-in-interest
to Theim Corporation and Universal
Refractories Company**

Robert T. Varney
Robert T. Varney & Associates
121 North Main Street, 4th Floor
Bloomington, IL 61701
**Attorneys for Chevron Texaco
Corporation**

Allan Goodloe
Tracy Cowan
Karen Volkman
Thompson Coburn, L.L.P.
One U.S. Bank Plaza
St. Louis, Missouri 63101
**Attorneys for Kawasaki Motors
Corp., U.S.A., Sherwin-Williams,
Union Pacific Railroad Company**

Tom Alvey
Thompson Coburn
525 W. Main Street
Belleville, IL 62220
**Norfolk Southern Railway Company, (as
successor-in-interest to the Wabash
Railway)**

William Newbold
Carl Rowley
Thompson Coburn
One U.S. Bank Plaza
St. Louis, MO 63101
and
Kurt Reitz
Thompson Coburn
525 W. Main Street
Belleville, IL 62220
**Attorneys for Lorillard Tobacco
Company**

Leslie G. Offerfeld
Walker & Williams
4343 West Main Street
Belleville, IL 62226
**Attorneys for Corrigan Company,
Complete Industrial Enterprises, Inc., H.
B. Fuller, Technical Adhesives
Corporation**

Von Brieson, Purtell & Roper
735 North Water Street, Suite 1000
P. O. Box 3262
Milwaukee, WI 53201
**Attorneys for Fisher Controls
International, Inc.**

Jerome C. Simon
Rabbitt, Pitzer & Snodgrass
100 South Fourth Street, Suite 400
St. Louis, MO 63102-1821
**Attorneys for Midland Ross Corporation
and Alberici Corporation, J. S. Alberici
Construction Co., Inc., AGCO
Corporation a/k/a Massey Ferguson
Company**

Stephen H. Rovak
Sonnenschein, Nath & Rosenthal
One Mercantile Square, Ste. 3000
St. Louis, MO 63102
**Attorneys for Air Products and
Chemicals, Inc.**

**LEYLROISTER
VOELKER
& ALLEN**

Suite 100
Main Plaza II
103 W. Vandalia Street
P.O. Box 467
Edwardsville, IL 62025-0467
Fax (618) 656-7840
(618) 656-4646

William A. Schmitt
Russell K. Scott
Dayna L. Johnson
Greensfelder, Hemker & Gale
12 Wolf Creek Drive, Suite 100
Swansea, IL 62226
**Attorneys for The Quaker Oats
Company, Pepsico, Inc., Rockwell
Automation f/k/a Rockwell International
Corporation, ArvinMeritor, Inc.**

AND

Brian Egan
Shea & Gardner
1800 Massachusetts Ave., N.W.
Washington DC 20036
**Attorneys for Rockwell Automation f/k/a
Rockwell International Corporation and
ArvinMeritor, Inc.**

Meyer Law Offices
120 South LaSalle St., Ste. 1530
Chicago, IL 60603
Attorneys for Fulton Boiler Works, Inc.

Bullaro, Carton & Stone
200 North LaSalle St., Ste. 2500
Chicago, IL 60601
**Attorneys for Chicago Bridge & Iron
Company a/k/a CBI Walker, Inc.**

McDermott, Will & Emery
227 West Monroe
Chicago, IL 60606
**Attorneys for Sargent & Lundy Illinois,
Inc.**

Chilton, Yambert, Porter
150 South Wacker Drive, Ste. 2400
Chicago, IL 60606
**Attorneys for Keystone Consolidated
Industries, Inc., a/k/a Keystone Steel &
Wire Company**

Kimberly Kuhlengel Jones
Law Office of Kimberly Kuhlengel Jones
P. O. Box 186
Nashville, IL 62263
**Attorneys for Genuine Parts Company,
Hayes Axle, Inc., National Automotive
Parts Association**

AND

Virginia M. Giokaris
Rasmussen, Willis, Dickey, Moore
9200 Ward Parkway, Suite 310
Kansas City, MO 64114
AND
Kymala B. Carrier
McAfee & Taft
Two Leadership Square, Tenth Floor
211 North Robinson
Oklahoma City, OK 73102-7103
Attorneys for Hayes Axle, Inc.

Michael T. Trucco
Stamos & Trucco
30 West Monroe St., Suite 1600
Chicago, IL 60603
Attorneys for Chevron U.S.A., Inc.

Steven P. Sanders
Paul E. Petruska
Williams, Venker & Sanders LLC
10 South Broadway, Suite 1600
St. Louis, MO 63102
**Attorneys for Caterpillar, Inc., Goodyear
Tire & Rubber**

Robert J. Meyer
Swanson, Martin & Bell
One IBM Plaza, Suite 3300
330 North Wabash
Chicago, IL 60611
Attorneys for Durabla

Roger K. Rea
Law Office of Roger K. Rea
200 South Hanley, Suite 1100
Clayton, MO 63105
Attorneys for Archer Daniels Midland

Ms. Maureen McGlynn
McGlynn & Luther
500 North Broadway, Suite 1515
St. Louis, MO 63102
**Attorneys for DaimlerChrysler
Corporation, Ford Motor Company,
Volvo**

HEYLROYSER
VOELKER
& ALLEN

Suite 100
Twain Plaza II
105 West Vandalia Street
P.O. Box 467
Edwardsville, IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

Milton C. Spaulding
Spencer, Fane, Britt & Browne, LLP
1 North Brentwood Blvd., Suite 1000
St. Louis, MO 63105
**Attorneys for Dupont, Mueller Co., Tyco,
Yarway**

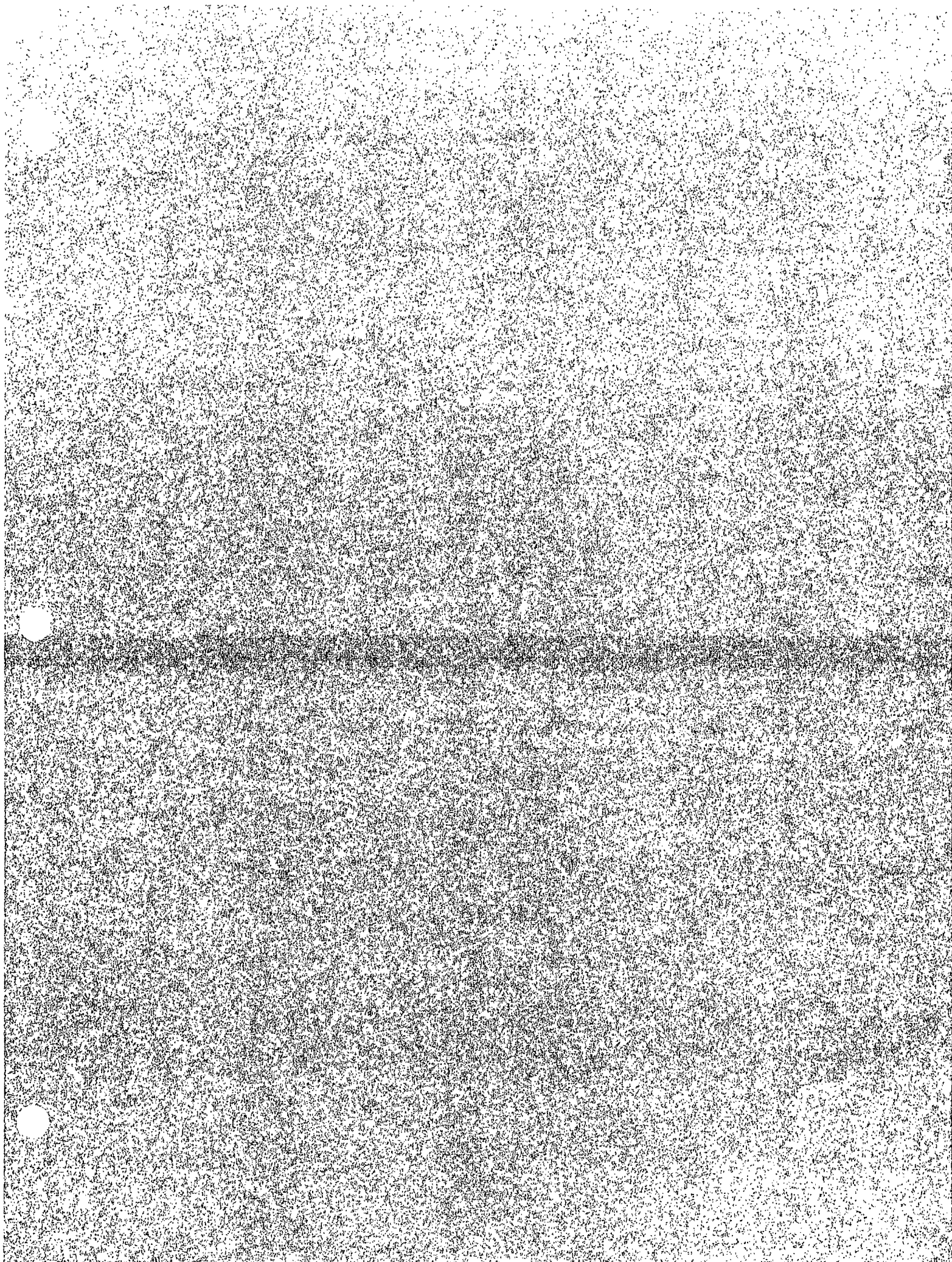
James McKown
Spencer Fane Britt & Browne LLP
1000 Walnut St., Suite 1400
Kansas City, MO 64106
**Attorneys for TH Agriculture &
Nutrition Company, LLC, as successor-
in-interest to Thompson-Hayward
Chemical Company**

Mr. Howard Becker
Sandberg, Phoenix & vonGontard
One City Centre, Suite 1500
St. Louis, MO 63101
Attorneys for Cemex-Southdown

Ms. Lisa LaConte
Heyl, Royster, Voelker & Allen
Bank One Building, Suite 600
124 S. W. Adams St.
Peoria, IL 61602
**Attorneys for Patterson Dental, Stovey,
Continental Can, Seegott, ISPAT/Inland
Steel, Zurn Industries, H.H. Robertson,
Excelsior, Gardner-Denver, Selkirk, Inc.,
Butler Manufacturing, Egyptian
Concrete, Hasbro, Warren Pumps**

**HEYL ROYSTER
VOELKER
& ALLEN**

Suite 100
Main Plaza II
103 S. Vandalla Street
P.O. Box 467
Edwardsville, IL 62025-0467
Fax (618) 656-7940
(618) 656-4646



**IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

IN RE: ALL ASBESTOS LITIGATION)
FILED BY THE SIMMONS FIRM, LLC,)

Plaintiffs,)

vs.)

A.W. CHESTERTON, INC., et al.,)

Defendants)

**DANA CORPORATION'S AMENDED
ANSWERS AND OBJECTIONS TO
PLAINTIFF'S INTERROGATORIES
REGARDING BECK/ARNLEY
WORLDPARTS CORPORATION
PURSUANT TO ORDER DATED
OCTOBER 20, 2003**

PRELIMINARY STATEMENT

Dana Corporation ("Dana") originally served its answers to interrogatories about Beck/Arnley Worldparts Corporation ("BAWC") on February 27, 2004, pursuant to Consent Order, dated October 20, 2003, and amendments thereto. Dana has since determined that the original answers require present amendment and/or supplementation.

This preliminary statement applies to and is incorporated into each Answer.

Dana answers these interrogatories after reasonable investigation with the best available information presently known about BAWC and its historical product lines. To the extent Dana manufactured products that were not BAWC's historical product lines, those products will be reported separately as otherwise required by the October 20, 2003 Order.

Beck/Arnley Worldparts Corporation (BAWC) was incorporated on June 5, 1985 as GKN Aftermarket Import Parts, Inc. (GKN). GKN was a wholly owned subsidiary of Parts Industries Corporation. GKN was the parent company, owning 100% of the stock of Worldparts Corporation, a Tennessee corporation, and also of Beck/Arnley Corporation, a New York corporation. On July 2, 1988, Echlin, Inc. acquired from Parts Industries Corporation all of the

outstanding capital stock of GKN. Following this acquisition, the name GKN was amended to be Beck/Arnley Worldparts Corporation. On December 30, 1988, both Beck/Arnley Corporation and Worldparts Corporation were merged into Beck/Arnley Worldparts Corporation, (BAWC), with BAWC being the surviving entity. Worldparts Corporation was incorporated in Tennessee on December 12, 1979. When first incorporated, the stock of Worldparts Corporation was wholly owned by Maremont Corporation, which had previously run Worldparts as a wholly division from 1973 until its incorporation in 1979. Worldparts was a distributor, not a remanufacturer, of auto parts for import vehicles. It distributed to distributors and jobbers. GKN acquired 80% of the outstanding stock of Worldparts Corporation in 1980, and the balance in 1982.

The origins of Beck/Arnley Corporation go back to February 28, 1927, with the incorporation in New York of Beck Distributing Corporation (Beck). Beck was an importer of accessories such as helmets and goggles for imported motorcycles. In 1965, Beck merged with Brigham, St. John, Inc., a California corporation, formed in 1954, which distributed Beck products. Arnley Industries, Inc. was incorporated in 1959, in Pennsylvania, and Arnley Rebuilders, Inc. was incorporated in Pennsylvania in 1964. In 1969, these two companies were merged into Beck, with Beck being the surviving entity. At the time of this merger, the name Beck Distributing Corporation was changed to Beck/Arnley Corporation.

Beck/Arnley Corporation was the parent company owning all of the issued and outstanding shares of stock in Beck/Arnley Products Corporation, a California corporation, and Beck/Arnley Corporation of California. On December 14, 1988, Beck/Arnley Products Corporation and Beck/Arnley Corporation of California, were both merged into Beck/Arnley Corporation, with Beck/Arnley Corporation being the surviving entity. A third subsidiary of

Beck/Arnley Corporation, Beck/Arnley Corp. of Illinois, which was incorporated in Delaware in December 1974, was merged into Beck/Arnley Corporation on February 25, 1987, with Beck/Arnley Corporation being the surviving entity.

Pursuant to an Agreement and Plan of Merger, dated May 3, 1998, between Dana Corporation, Echo Acquisition Corp., and Echlin, Inc., Dana Corporation acquired the outstanding stock of Echlin, Inc. Upon this stock acquisition, Echo Acquisition Corp., a wholly owned subsidiary of Dana Corporation, was merged with and into Echlin, Inc. Echlin, Inc. was the surviving corporation and became a wholly owned subsidiary of Dana Corporation.

At the present time, Beck/Arnley Worldparts Corporation is owned 95% by Dana Global Holdings, Inc. and 5% by Dana International Holdings, Inc.. Dana International Holdings, Inc. is a subsidiary of Dana Global Holdings, Inc. and Dana Global Holdings, Inc. is a wholly owned subsidiary of Dana Corporation.

Since entry of the October 20, 2003 Order, Dana has reviewed limited information which was maintained by Echlin, Inc. relative to Beck/Arnley Worldparts Corporation. Dana's responses are principally based upon information within Defendant's possession, custody and control.

Documents available to Dana may not answer, in whole or in part, an interrogatory. Accordingly, Dana will answer only to the extent that this is information currently available and reviewed that Dana believes is sufficient to answer, in whole or in part, the interrogatory. Substantial progress has been made finding information requested by Plaintiffs. Defendant reserves the right to amend, supplement, modify or otherwise change these responses in the event it acquires additional information responsive to these interrogatories, or if it appears that inadvertent or administrative omissions or errors have been made.

INTERROGATORY NO. 62:

If your Answer to Interrogatory No. 61 is "yes," with respect to each such study:

- (a) Identify the product involved;
- (b) Identify the person(s) and/or entity(ies) conducting said study;
- (c) State the date said study began and the date on which it was completed;
- (d) Identify any and all persons, including, but not limited to, directors, officers, agents or employees of Defendant, who participated in the decision to have said study conducted;
- (e) Describe the nature of said study;
- (f) Describe the nature of any action to eliminate or minimize inhalation of asbestos dust or asbestos fibers undertaken as a result of said study;
- (g) Identify any and all documents referring to, relating to or reflecting said study or the results thereof; and,
- (h) Identify any and all persons receiving a copy of any document referring to, relating to or reflecting the results or conclusions of said study.

ANSWER: See answer to Interrogatory Number 61, which is incorporated herein as if fully rewritten.

INTERROGATORY NO. 63:

Did Defendant, any related company, or any predecessor at any time, give to persons, who would be applying and/or removing any of the products listed in response to Interrogatory Nos. 19 and 42, any instructions or guidelines concerning precautions, warnings, procedures, and/or methods to use, in order to safely apply or remove such products? If so, describe such instructions, state to whom they were given, state the dates they were given, and describe the manner in which they were given.

ANSWER: Yes. Specifically regarding asbestos, the United States government warning regulations did not apply to asbestos containing clutches and brakes. Historical, medical and

scientific evidence did not support a risk of harm from clutches and brakes. Material safety data sheets were provided upon a customer's request.

Beginning in the early 1970s, OSHA regulations required work place precautions regarding excessive exposure to asbestos. BAWC made a concerted effort to fully comply with the regulations and reasonably expected its industrial customers to comply as well. The products remanufactured and sold by did not require warnings for one or more of the following reasons: (1) If asbestos fiber was included, it was encapsulated in the product; (2) Use of the product typically was of short durations; (3) Release of asbestos fibers from the product, if any, was not a significant level; (4) The type of asbestos fiber used in BAWC's products was not a type shown to create an increased risk of disease in persons who only used these products; (5) Medical and scientific knowledge does not support a causal association between the use of BAWC's products and a medically significant increased risk of disease; and (5) BAWC's products did not require the worker actually handling the product to either cut, sand, mix or interact with the product so as to create the release of any asbestos fiber or dust from the product.

However, upon information and belief, warnings concerning asbestos were first used by BAWC on asbestos containing brake and clutch products commencing in or about 1977. This caution reads as follows:

CAUTION: Contains asbestos fibers. Avoid creating dust. Breathing dust may cause serious bodily harm.

Another form of label is as follows:

DANGER: Contains asbestos fibers. Avoid creating dust. Cancer and Lung disease hazard.

Each of the above labels were incorporated into the packaging of the asbestos-containing brakes sold under the "Worldparts" trade name. Beck/Arnley, under the Beck/Arnley trade name, utilized the following warning labels:

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

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

IMPORTANT	
Do NOT Breathe Dust	DO Use Vacuum or Wet Cleaning Methods
Do NOT Use Air Hose for Cleaning	DO Dispose of Dust in Sealed Container
Do NOT Machine Without Dust Collection Equipment	DO Wear Mask if Unable to Avoid Dust

Under the trade name "Beck/Arnley Worldparts", immediately following Echlin, Inc.'s acquisition in 1988, the following forms of warnings were utilized:

DANGER
CONTAINS ASBESTOS FIBERS - AVOID CREATING DUST
CANCER & LUNG DISEASE HAZARD

IMPORTANT	
Do NOT Breathe Dust	DO Use Vacuum or Wet Cleaning Methods
Do NOT Use Air Hose for Cleaning	DO Dispose of Dust in Sealed Container
Do NOT Machine Without Dust Collection Equipment	DO Wear Mask if Unable to Avoid Dust

For Further Information Contact: Beck/Arnley Worldparts Corp.

DANGER CONTAINS ASBESTOS FIBERS - AVOID CREATING DUST CANCER & LUNG DISEASE HAZARD								
IMPORTANT <table border="0"> <tr> <td>Do NOT Breathe Dust</td> <td>Do NOT Machine Without Dust Collector Equipment</td> <td>DO Dispose of Dust in Sealed Container</td> </tr> <tr> <td>Do NOT Use Air Hose for Cleaning</td> <td>DO Use Vacuum or Wet Cleaning Methods</td> <td>DO Wear Mask if Unable to Avoid Dust</td> </tr> </table>			Do NOT Breathe Dust	Do NOT Machine Without Dust Collector Equipment	DO Dispose of Dust in Sealed Container	Do NOT Use Air Hose for Cleaning	DO Use Vacuum or Wet Cleaning Methods	DO Wear Mask if Unable to Avoid Dust
Do NOT Breathe Dust	Do NOT Machine Without Dust Collector Equipment	DO Dispose of Dust in Sealed Container						
Do NOT Use Air Hose for Cleaning	DO Use Vacuum or Wet Cleaning Methods	DO Wear Mask if Unable to Avoid Dust						
For Further Information Contact: Beck/Arnley Worldparts Corp.								

DANGER DANGER CONTAINS ASBESTOS FIBERS - AVOID CREATING DUST CANCER & LUNG DISEASE HAZARD IMPORTANT DO NOT BREATH DUST DO NOT USE AIR HOSE FOR CLEANING DO NOT MACHINE WITHOUT DUST COLLECTION EQUIPMENT DO USE VACUUM OR WET METHODS DO DISPOSE OF DUST IN SEALED CONTAINER DO WEAR MASK IF UNABLE TO AVOID DUST

For products which did not contain asbestos friction segments, Defendant placed the following caution label on those products. This label was used from and after 1988.

CAUTION EXPOSURE TO FIBROUS MATERIALS MAY PRESENT HEALTH HAZARDS. WHEN WORKING WITH ASBESTOS OR NON-ASBESTOS BRAKE SHOES OR PADS, OBSERVE THE FOLLOWING PRECAUTIONS: Do NOT Cause Dust to Become Airborne Do NOT Breathe Dust Do NOT Use Air Hose for Cleaning Do NOT Machine Without Dust Collection Equipment DO Use H.E.P.A. Vacuum or Wet Cleaning Methods DO Dispose of Dust in Sealed Container DO Wear Suitable Mask If Unable to Avoid Dust

The warnings were printed upon the packaging of these products.

INTERROGATORY NO. 64:

Did Defendant, any predecessor or any related company, at any time, place any warning signs or labels on the containers in which any of the products listed in response to Interrogatory Nos. 19 and 42 were packaged?

ANSWER: See answer to Interrogatory Number 63, which is incorporated herein as if fully rewritten.

INTERROGATORY NO. 65:

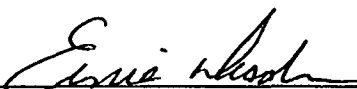
If your Answer to Interrogatory No. 64 is "yes," identify each and every product upon which such a warning was placed, and with respect to each such product identified:

- (a) State the date on which any order directing that a warning be placed on said product first issued;
- (b) Identify any and all persons participating in the decision to issue that order;
- (c) State the first date on which such warning was actually placed on said product;
- (d) State the first date on which such product accompanied by such warning was first sold, distributed or installed;
- (e) State the exact wording of this first warning;
- (f) State the exact location and size of this first warning as it appeared on said product;
- (g) Identify any and all persons who participated in any phase of the drafting or design of said first warning, including, but not limited to, those who performed the actual drafting and design work, those who reviewed the work, those who edited the work and those who approved the warning;
- (h) State why you placed such warning on said product, including, but not limited to, whether you placed such warning on said product because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute; and

VERIFICATION

I, Ernie Dodman, am an employee of Dana Corporation and have been duly authorized to make this verification on its behalf. I verify that I have read **Dana Corporation's Amended Answers and Objections to Plaintiff's Interrogatories Regarding Beck/Arnley Worldparts Corporation** and the same are true and accurate to the best of my knowledge and belief.

That much of the information sought by these interrogatories has been accumulated over time but not necessarily for the purpose of responding to these interrogatories. It is not possible to now identify each person who, at sometime, may have provided information that is now being used to respond to these interrogatories. No single employee, officer or agent of the company has direct knowledge of the documents and information necessary to supply each and every response. I do not have direct knowledge regarding every specific response. I am informed that the review of the documents and discussions referred to above support the response based upon the information currently available.



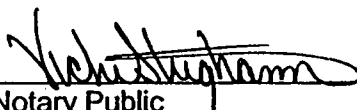
Ernie Dodman

STATE OF OHIO)
 :SS
COUNTY OF LUCAS)

BEFORE ME, a Notary Public, personally appeared Ernie Dodman, who swore upon his oath that the above and foregoing facts and statements are true and correct to the best of his knowledge and belief.

SUBSCRIBED and sworn to before me this 24th day of AUGUST, 2004.

My commission expires:



Notary Public
Printed Name: _____
County of Residence: _____



VICKI L. STRINGHAM
Notary Public, State of Ohio
Commission Expires 10/21/04

**WILKINSON, GOELLER, MODESITT,
WILKINSON & DRUMMY, LLP**

Attorneys At Law

Orig - Def - Jule
cc: RM/KE
Atty

Mr. Goeller
Mr. H. Modesitt
Curtis Wilkinson
William W. Drummy
Elvin L. Roots
John C. Wall
William M. Olah
Craig M. McKee
Scott M. Kyrrouac
Jeffrey A. Boyll
David P. Friedrich
Jeffrey A. Lewellyn
Lacy M. Weber*
William S. Frankel IV

also admitted in Illinois

George O. Dix
874-1968

Lloyd E. Dix
895-1974

Joe Gabbert
929-1978

Lloyd C. Adamson
909-1981

Thomas M. Patrick
918-1989

John A. Wilkinson
932-1997

December 13, 2004

Mr. Ted Gianari
SimmonsCooper Firm, LLC
1579 East McArthur Drive
Bethalto, Illinois 67010

**Re: Dana Corporation - Amended Answers and
Objections to Plaintiff's Interrogatories Regarding
Beck/Arnley Worldparts Corporation**

Dear Ted:

As you know, we have furnished quite some time back Dana's responses regarding Beck/Arnley to the Madison County interrogatories. During the verification process, we determined that there were some slight errors in the preparation of the original answers. Accordingly, we have now prepared Amended Answers, with verification. You will note that the verification process took place in August and I apologize for the delay in transmitting these to you. I actually thought they had been transmitted. The error is mine, and I do apologize.

Enclosed please a verified Amended Response by Dana Corporation regarding Beck/Arnley Worldparts Corporation.

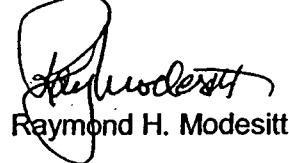
I am directing these to you inasmuch as I understand that Randy is seldom, if at all, now at the offices of SimmonsCooper.

If you have any questions regarding these, please do not hesitate to inquire.

A happy holiday season to you and your family.

Very truly yours,

FOR THE FIRM

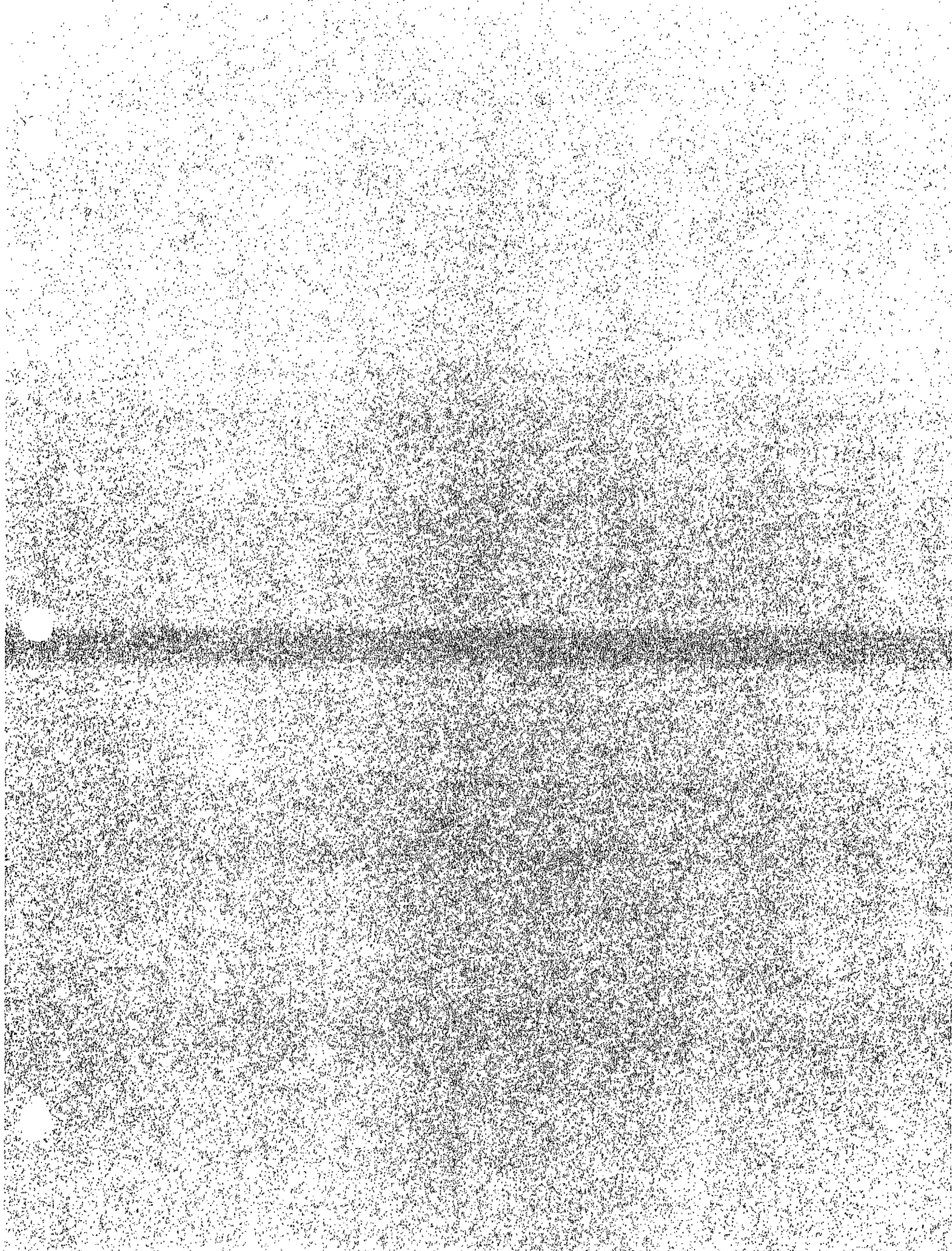

Raymond H. Modesitt

RHM/nlp
Enclosure

13 Ohio Street
2. Box 800
Greene Haute, IN 47808-0800

1: 812-232-4311
2: 35-5107

www.wilkinsonlaw.com



8.26.04

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

IN RE: ALL ASBESTOS LITIGATION)
FILED BY THE SIMMONS FIRM, LLC,)

Plaintiffs,)

vs.)

A.W. CHESTERTON INC., *et al.*,)

Defendants.)

**DANA CORPORATION'S ANSWERS
AND OBJECTIONS TO PLAINTIFFS'
INTERROGATORIES REGARDING
LIPE CORPORATION, PURSUANT TO
ORDER DATED OCTOBER 20, 2003**

PRELIMINARY STATEMENT

Pursuant to Consent Order dated October 20, 2003, Dana Corporation ("Dana") provides answers to Master Interrogatories about Lipe Corporation, "Lipe". This preliminary statement applies to and is incorporated into each Answer.

Dana answers these interrogatories after reasonable investigation with the best available information presently known about Lipe Corporation and its historical product lines. To the extent Dana manufactured products that were not Lipe Corporation's historical product lines, those products will be reported separately as otherwise required by the October 20, 2003 Order.

Lipe Corporation was originally incorporated in Delaware on April 8, 1985, as a wholly owned subsidiary of Echlin, Inc. On April 9, 1985, Echlin acquired the assets of Lipe-Rollway Corporation's Lipe clutch division, which manufactured and remanufactured clutches for heavy duty trucks. Immediately thereafter, Echlin transferred these assets in capitalization of Lipe Corporation. As of February 1998, Lipe became an inactive corporation and was no longer engaged in the manufacture, remanufacture or sale of clutches. During the period of time in which Lipe manufactured or remanufactured clutches, some clutches were asbestos-containing

and some clutches were non-asbestos containing. The assets of Lipe Corporation were sold to an unrelated entity, Haldex, Inc., on April 3, 1998.

Pursuant to an Agreement and Plan of Merger, dated May 3, 1998, between Dana Corporation, Echo Acquisition Corp., and Echlin, Inc., Dana acquired the outstanding stock of Echlin, Inc. Upon this stock acquisition, Echo Acquisition Corp., a wholly owned subsidiary of Dana, was merged with and into Echlin, Inc. Echlin, Inc. was the surviving corporation and became a wholly owned subsidiary of Dana Corporation.

At the present time, Lipe Corporation is owned 95% by Dana Global Holdings, Inc. and 5% by Dana International Holdings, Inc. Dana International Holdings, Inc. is a wholly owned subsidiary of Dana Global Holdings, Inc., which is a wholly owned subsidiary of Dana Corporation.

Historically, Lipe manufactured and remanufactured clutches for medium and heavy duty trucks (classes 6, 7 and 8). In addition, for a short period of time beginning in approximately October 1985, and ending at the end of 1986, Lipe sold and distributed heavy duty brake block, some of which contained asbestos, which was manufactured by Brake Systems, Inc. This brake block carried the trade name "Grey-Rock." Any asbestos utilized in Lipe clutches or Grey-Rock brake block was encapsulated or bonded into the friction materials. Because Lipe ceased doing any active business prior to the merger in which Dana acquired Echlin, Inc., Dana has limited knowledge about the history of Lipe and its products containing asbestos.

Since entry of the October 20, 2003 Order, Dana has reviewed limited information which was maintained by Echlin, Inc. relative to Lipe Corporation. Dana's responses are principally based upon information within Echlin, Inc.'s possession, custody and control.

ANSWER: See answer to Interrogatory Number 61, which is incorporated herein as if fully rewritten.

INTERROGATORY NO. 63:

Did Defendant, any related company, or any predecessor at any time, give to persons, who would be applying and/or removing any of the products listed in response to Interrogatory Nos. 19 and 42, any instructions or guidelines concerning precautions, warnings, procedures, and/or methods to use, in order to safely apply or remove such products? If so, describe such instructions, state to whom they were given, state the dates they were given, and describe the manner in which they were given.

ANSWER: Yes. Specifically regarding asbestos, the United States government warning regulations did not apply to asbestos containing clutch products. Historical, medical and scientific evidence did not support a risk of harm from clutch products. Material safety data sheets were provided upon a customer's request.

Beginning in the early 1970s, OSHA regulations required work place precautions regarding excessive exposure to asbestos. Lipe Corporation made a concerted effort to fully comply with the regulations and reasonably expected its industrial customers to comply as well. Lipe's products did not require the worker actually handling the product to either cut, sand, mix or interact with the product so as to create the release of any asbestos fiber or dust from the product. However, upon information and belief, warnings concerning asbestos were first used by Lipe on its asbestos-containing clutch products commencing in June 1986. This warning label was as follows:

CAUTION - ASBESTOS DUST HAZARD	
C A U T I O N	CONTAINS ASBESTOS FIBERS - AVOID CREATING DUST BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM
	IMPORTANT
	Do NOT Breathe Dust
	Do NOT Use Air Hose for Cleaning
	Do NOT Machine Without Dust Collection Equipment

DO Use Vacuum or Wet Cleaning Methods DO Dispose of Dust in Sealed Container DO Wear Mask if Unable to Avoid Dust
--

The above warning label was an adhesive label, which was affixed to the packaging of clutches.

The above referred to label was also a part of the packaging of asbestos-containing "Grey-Rock" brake block which was sold or distributed by Lipe during the entire time when Lipe sold and distributed that product.

INTERROGATORY NO. 64:

Did Defendant, any predecessor or any related company, at any time, place any warning signs or labels on the containers in which any of the products listed in response to Interrogatory Nos. 19 and 42 were packaged?

ANSWER: See answer to Interrogatory Number 63, which is incorporated herein as if fully rewritten.

INTERROGATORY NO. 65:

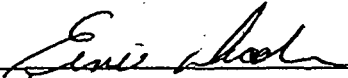
If your Answer to Interrogatory No. 64 is "yes," identify each and every product upon which such a warning was placed, and with respect to each such product identified:

- (a) State the date on which any order directing that a warning be placed on said product first issued;

VERIFICATION

I, Ernie Dodman, am an employee of Dana Corporation and have been duly authorized to make this verification on its behalf. I verify that I have read **Dana Corporation's Answers and Objections to Plaintiff's Interrogatories Regarding Lipe Corporation**, and served by counsel on February 27, 2004, and the same are true and accurate to the best of my knowledge and belief.

That much of the information sought by these interrogatories has been accumulated over time but not necessarily for the purpose of responding to these interrogatories. It is not possible to now identify each person who, at sometime, may have provided information that is now being used to respond to these interrogatories. No single employee, officer or agent of the company has direct knowledge of the documents and information necessary to supply each and every response. I do not have direct knowledge regarding every specific response. I am informed that the review of the documents and discussions referred to above support the response based upon the information currently available.



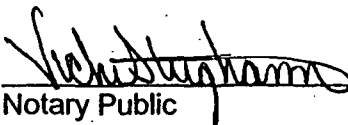
Ernie Dodman

STATE OF OHIO)
 :SS
COUNTY OF LUCAS)

BEFORE ME, a Notary Public, personally appeared Ernie Dodman, who swore upon his oath that the above and foregoing facts and statements are true and correct to the best of his knowledge and belief.

SUBSCRIBED and sworn to before me this 26th day of AUGUST, 2004.

My commission expires:



Notary Public
Printed Name: _____
County of Residence: _____



VICKI L. STRINGHAM
Notary Public, State of Ohio
Commission Expires 10/21/04

**WILKINSON, GOELLER, MODESITT,
WILKINSON & DRUMMY, LLP**

Attorneys At Law

cc: RHM/KC
Atty

IF ... ler
on... Modesitt
rtis Wilkinson
an W. Drummy
L. Roots
C. Wall
an M. Olah
M. McKee
M. Kyroutac
y A. Boyll
J P. Friedrich
y A. Lewellyn
M. Weber
an S. Frankel IV

December 13, 2004

Mr. Ted Gianari
SimmonsCooper Firm, LLC
1579 East McArthur Drive
Bethalto, Illinois 67010

**Re: Dana Corporation - Answers and Objections
to Plaintiff's Interrogatories Regarding
Lipe Corporation**

Dear Ted:

As you know, we have furnished quite some time back Dana's responses regarding Lipe Corporation to the Madison County interrogatories. Copies of these responses were served February 26, 2004. Thereafter, a Verification was prepared and unfortunately I did not send it to you. I thought that they had been transmitted. The error is mine, and I do apologize.

Enclosed please a verified Response by Dana Corporation regarding Lipe Corporation.

I am directing these to you inasmuch as I understand that Randy is seldom, if at all, now at the offices of SimmonsCooper.

If you have any questions regarding these, please do not hesitate to inquire.

A happy holiday season to you and your family.

Very truly yours,

FOR THE FIRM

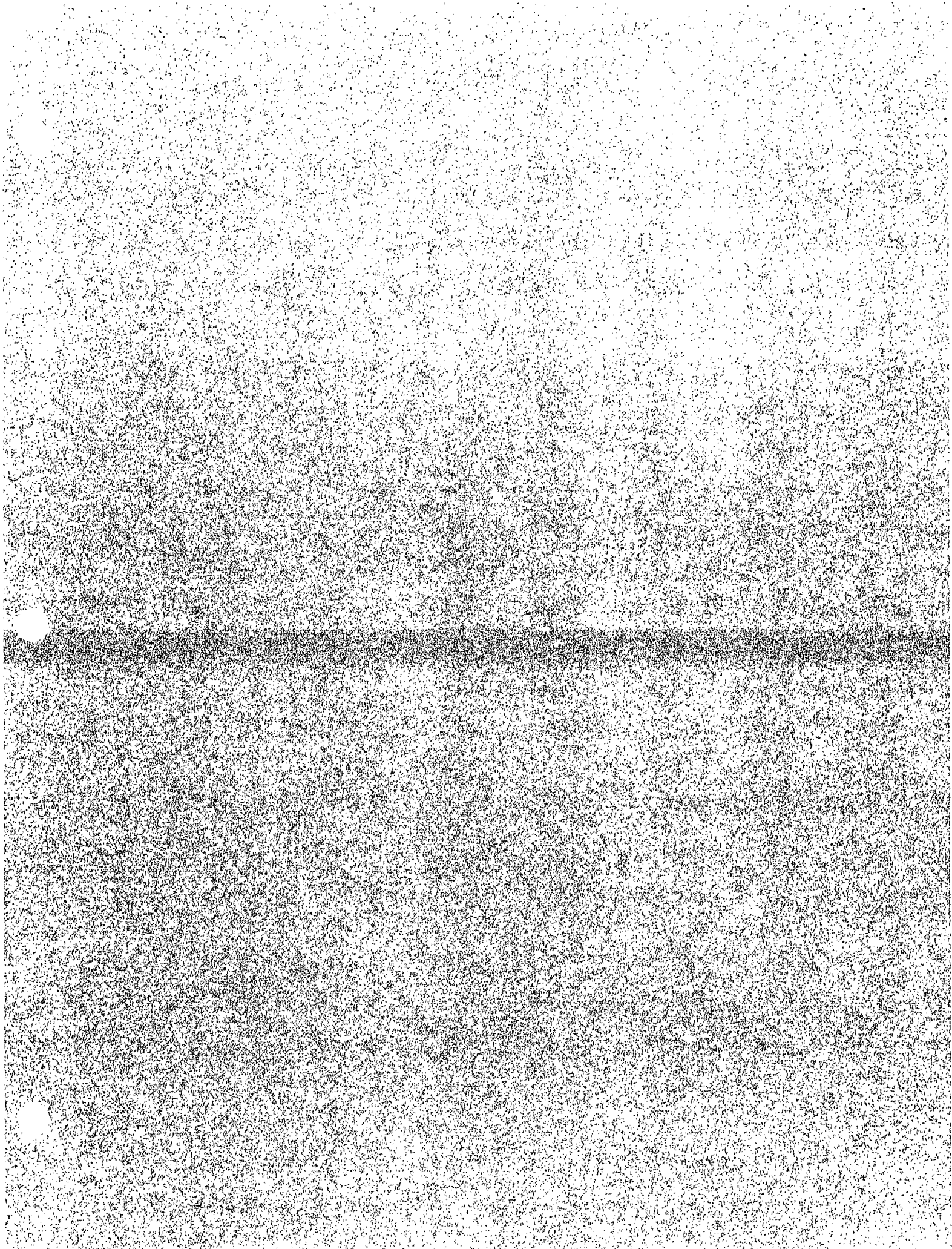

Raymond H. Modesitt

RHM/nlp
Enclosure

13 Ohio Street
Box 800
Greene Haute, IN 47808-0800

h: 812-232-4311
c: 35-5107

www.wilkinsonlaw.com



IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

12/16/03
Rose
Bill

IN RE: ALL ASBESTOS LITIGATION	)	<u>D E F E N D A N T</u>	<u>D A N A</u>
FILED BY THE SIMMONS FIRM, LLC	)	<u>C O R P O R A T I O N ' S</u>	<u>I N I T I A L</u>
Plaintiffs,	)	<u>R E S P O N S E S</u>	<u>T O</u>
	)	<u>P L A I N T I F F S '</u>	
	)	<u>S T A N D A R D</u>	<u>R E Q U E S T</u>
vs.	)	<u>F O R</u>	<u>S T A N D A R D</u>
	)	<u>P R O D U C T I O N</u>	<u>O F</u>
	)	<u>D O C U M E N T S</u>	
	)	<u>R E G A R D I N G</u>	<u>F O R M E R</u>
A.W. CHESTERTON, et al.,	)	<u>S P I C E R</u>	
Defendants.	)	<u>C L U T C H</u>	<u>D I V I S I O N</u>

PRELIMINARY STATEMENT

Pursuant to the consent order dated October 20, 2003, Dana Corporation ("Defendant") submits these responses to Plaintiffs' Standard Request for Production of Documents, addressing documents that relate to the former Spicer Clutch Division. This preliminary statement applies to, and is hereby incorporated into, each response below.

Paragraph 9 of the consent order provides that, although interrogatory responses are to be provided by December 15, 2003, "Plaintiffs understand and agree that production and copying of documents may take longer than stipulated in this agreement." Defendant has expended enormous resources in order to timely respond to Plaintiffs' interrogatories. In addition, Defendant has been diligently been searching for and gathering documents concerning the former Spicer Clutch Division that may be responsive to Plaintiffs' Standard Request for Production of Documents. However, given the large number of divisions or other entities for which Defendant has been compiling information and documents, as well as the historical nature of the issues and the documents themselves, that process of searching for and gathering documents necessarily is taking longer than as was stipulated in the agreement.

Accordingly, Defendant will produce during the week of December 15, 2003 certain documents that are responsive to Plaintiffs' Standard Request for Production of Documents and that Defendant has been able to locate, assemble, copy, and produce at this time. Defendant continues diligently to search for and assemble additional responsive documents, anticipates that it will

LEYL ROYSTER
VOELKER
& ALLEN

105
Suite 100
Main Plaza II
Sandalia Street
Edwardsville, IL 62025-0467
Fax (618) 656-7940
(618) 656-4646

- (d) Identify any and all persons, including, but not limited to, directors, officers, agents or employees of Defendant, who participated in the decision to have said study conducted;
- (e) Describe the nature of said study;
- (f) Describe the nature of any action to eliminate or minimize inhalation of asbestos dust or asbestos fibers undertaken as a result of said study;
- (g) Identify any and all documents referring to, relating to or reflecting said study or the results thereof; and,
- (h) Identify any and all persons receiving a copy of any document referring to, relating to or reflecting the results or conclusions of said study.

RESPONSE: See responses to Interrogatory Nos. 43 and 56.

INTERROGATORY NO. 63:

Did Defendant, any related company, or any predecessor at any time, give to persons, who would be applying and/or removing any of the products listed in response to Interrogatory Nos. 19 and 42, any instructions or guidelines concerning precautions, warnings, procedures, and/or methods to use, in order to safely apply or remove such products? If so, describe such instructions, state to whom they were given, state the dates they were given, and describe the manner in which they were given.

RESPONSE: The United States Government warning regulations did not apply to asbestos-containing clutches. Among other things, with respect to clutches made with asbestos-containing clutch facings: 1) The fibers were encapsulated in the product; 2) The exposure to the facing in the clutch, if any, would have been of such short duration that there would be no opportunity for a meaningful exposure; 3) The type of asbestos generally used in clutch facings does not create a significant risk of harm at levels of exposure associated with such facings; 4) The exposure to the clutch facing would not have occurred on a frequent basis; 5) Historical

medical and scientific evidence did not support a risk of harm from exposure to asbestos in clutch facings. Accordingly, to Defendant's knowledge, the Spicer Clutch Division did not accompany its finished products with Material Safety Data Sheets or package labels warning of the health hazards of asbestos. The clutches sold by the Spicer Clutch Division that were made with asbestos-containing facings were not of a nature or type that, when used in an ordinary and foreseeable manner, would have presented a significant potential for exposure. As such, the Spicer Clutch Division did not believe that its products made with asbestos-containing facings posed any hazards toward end users. See also response to Interrogatory No. 43.

INTERROGATORY NO. 64:

Did Defendant, any predecessor or any related company, at any time, place any warning signs or labels on the containers in which any of the products listed in response to Interrogatory Nos. 19 and 42 were packaged?

RESPONSE: See response to Interrogatory No. 63.

INTERROGATORY NO. 65:

If your answer to Interrogatory No. 64 is "Yes," identify each and every product upon which such a warning was placed, and with respect to each such product identified:

- (a) State the date on which any order directing that a warning be placed on said product first issued;
- (b) Identify any and all persons participating in the decision to issue that order;
- (c) State the first date on which such warning was actually placed on said product;
- (d) State the first date on which such product accompanied by such warning was first sold, distributed or installed;
- (e) State the exact wording of this first warning;

(f) State the exact location and size of this first warning as it appeared on said product;

(g) Identify any and all persons who participated in any phase of the drafting or design of said first warning, including, but not limited to, those who performed the actual drafting and design work, those who reviewed the work, those who edited the work and those who approved the warning;

(h) State why you placed such warning on said product, including, but not limited to, whether you placed such warning on said product because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute; and

(i) Identify any and all documents referring to, relating to or reflecting, said warning, its drafting, and/or the decision to place the warning on said product, including, but not limited to, any communication as described in subpart (h) of this Interrogatory.

RESPONSE: See response to Interrogatory No. 63.

INTERROGATORY NO. 66:

With respect to each product identified in response to Interrogatory No. 65 as having been accompanied by a warning, state whether, subsequent to the first warning described above, any different warning was ever placed upon said product. Any alteration, change or modification in the language, wording, capitalization, punctuation, style of type or printing, size, color, or location on the package or container, of the warning constitutes a different warning.

RESPONSE: See response to Interrogatory No. 63.

INTERROGATORY NO. 67:

With respect to each different warning which accompanied each product listed in response to Interrogatory No. 65:

(a) State the date on which any order directing that such different warning be placed on said product first issued;

(b) Identify any and all persons participating in the decision to issue that order;

- (c) State the first date on which such different warning was actually placed on said product;
- (d) State the first date on which such product accompanied by such different warning was sold, distributed or installed;
- (e) Describe, with specificity, any and all changes, modifications or differences between the different warning and the prior warnings(s);
- (f) Identify any and all persons who participated in any phase of the drafting or design of such different warning, including, but not limited to, those who performed the actual drafting and design work, those who reviewed the work, those who edited the work and those who approved the different warning;
- (g) State why you placed such different warning on said product, including, but not limited to, whether you placed such different warning on said product because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute; and
- (h) Identify any and all documents referring to, relating to or reflecting, said different warning, its drafting, and/or the decision to place the different warning on said product.

RESPONSE: See response to Interrogatory No. 63.

INTERROGATORY NO. 68:

Prior to the date on which Defendant first directed that a warning accompany any product identified in response to Interrogatory Nos. 19 and 42, did any person, firm, organization or other entity, within or without your employ, suggest, recommend, counsel, advise, or otherwise indicate in any manner, that a warning should accompany any or all such products or asbestos-containing products generally?

RESPONSE: Not applicable. See response to Interrogatory No. 63.

INTERROGATORY NO. 69:

If your answer to Interrogatory No. 68 is "Yes," with respect to each such suggestion, recommendation, counseling, advice or other indication:

VERIFICATION

I, Tom Dickson, state that I have read the foregoing answers to interrogatories and the answers are true and accurate to the best of my knowledge and belief.

Information sought by these interrogatories have been accumulated over time but not necessarily for purposes of responding to these interrogatories. It is not possible to now identify each person who, at some time, may have provided information that is now being used to answer these interrogatories. No single employee, officer or agent of defendant has direct knowledge of the documents and information necessary to supply each and every response. I am informed that the review of documents and discussions with people with knowledge support the answers based upon the information available as of the date of my signature.



Tom Dickson

Sworn to and subscribed in my presence this 12 day of December, 2003.



Notary Public – State of Indiana

My Commission Expires 6-20-08

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon the attorneys of record to the above cause via hand delivery on December 15th, 2003.

By: Mara Yung
HEYL ROYSTER, VOELKER & ALLEN

Copies Hand Delivered To:

John Simmons
Marcus E. Raichle, Jr.
The Simmons Firm, L.L.C.
707 Berkshire Avenue
East Alton, IL 62024
Attorneys for Plaintiffs

HEYL ROYSTER
VOELKER
& ALLEN

Suite 100
Main Plaza II
103 Vandalia Street
P.O. Box 467
Edwardsville, IL 62025-0467
Fax (618) 656-7940
(618) 656-4646