

IN THE CIRCUIT COURT OF THE FOURTH
JUDICIAL CIRCUIT IN AND FOR DUVAL,
FLORIDA

CASE NO: 97-03539 CA
DIVISION: CJ

ALLEN GEORGE FULLER and
MARY ANN FULLER, his wife,

Plaintiffs,

vs.

RAYMARK INDUSTRIES, INC., a
Connecticut corporation et al.,

Defendants.

DANA CORPORATION'S RESPONSES TO
PLAINTIFFS' FIRST REQUEST FOR INSPECTION AND
PRODUCTION OF DOCUMENTS

INTRODUCTION

Dana Corporation ("Dana") objects to plaintiffs' characterization of it as the successor by merger with Victor Manufacturing & Gasket Company. The relationship between these entities is described in the following Preliminary Statement.

PRELIMINARY STATEMENT

Dana is a multinational corporation with thousands of employees at numerous plants and facilities across the country and around the world. Dana manufactures a variety of industrial and vehicular products for original equipment manufacturers and for the aftermarket. In view of Dana's size, it would be overly burdensome to inquire at every Dana plant and facility to respond to these requests for production. Necessarily, Dana must narrow the scope of its inquiry based upon the allegations of the complaint and plaintiff Allen Fuller's deposition testimony.

In this case, plaintiffs have named as a defendant Dana Corporation as successor by merger with Victor Manufacturing & Gasket Company. In the 1960's Victor Manufacturing & Gasket Company was dissolved pursuant to and in conformity with relevant provisions of the Illinois Business Corporation Act of 1933, contained at Ill. Rev. Stat. Ch. 32 §§74-81 (1967). The Act was in effect in Illinois at the time of the voluntary dissolution of Victor Manufacturing & Gasket Company. Other provisions of the Act governed merger and consolidation. See Ill.