



DEC. 02. 95* 1464

NO. 94-CI-10078

	§	IN THE DISTRICT COURT
	§	
IN RE: ASBESTOS LITIGATION	§	BEXAR COUNTY, TEXAS
	§	
	§	285TH JUDICIAL DISTRICT

**DEFENDANT'S, GENERAL MOTORS CORPORATION, RESPONSES
TO PLAINTIFFS' MASTER REQUEST FOR PRODUCTION**

TO: Mr. Russell W. Budd
BARON & BUDD, P.C.
The Centrum
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219

Now comes Defendant, GENERAL MOTORS CORPORATION, and files its
Responses to Requests for Production propounded by Plaintiffs:

PRELIMINARY STATEMENT

These Requests for Production improperly inquire about products which have been manufactured, marketed or sold over a span of some sixty (60) years. As a result, many of the individuals who might have had personal knowledge of the matters to which these Requests for Production relate are deceased or are otherwise unavailable to General Motors Corporation and investigations to date indicate that at least some documents which might relate to matters inquired into by these Requests for Production may have been destroyed pursuant to General Motors Corporation's normal record retention policy or are otherwise unable to be found. General Motors

JMM/CAB\135358-11/28/95

SCF-EC-4350

Corporation is engaged in a continuing investigation in an attempt to locate or confirm the absence of such documents and is also engaged in a continuing investigation with respect to the matters inquired into by these Requests for Production. Unless otherwise stated in a response to a specific Request for Production, the responses set out hereinafter are limited to the period of time during which General Motors Corporation manufactured asbestos-containing products and to the facilities related to that business. The following is a part of and is incorporated by reference into every response provided hereafter:

This response is accurate as of the date made. However, General Motors Corporation's investigation is continuing and General Motors Corporation cannot exclude the possibility that it may be able to obtain more complete information or even information which indicates that the response being supplied is incorrect. General Motors Corporation objects to answering this Request for Production in regard to any period of time other than the period during which it engaged in the manufacture of the asbestos-containing product(s) involved in this case or concerning any facility not related to that business, on the basis that any such response would be irrelevant to the subject matter of this case, would not be reasonably calculated to lead to the discovery of admissible evidence, and would be burdensome and oppressive. In addition, General Motors Corporation objects to answering this Request for Production to the extent that it seeks documents and/or other information protected by the attorney work product or attorney-client privilege.

RESPONSES TO REQUESTS FOR PRODUCTION

1. Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

RESPONSE:

General Motors Corporation objects to this request on the grounds that it is overly broad and unduly burdensome. Without waiving these objections,

General Motors Corporation states that documents will be made available for Plaintiffs' inspection at a mutually agreed upon time and place.

- 2. Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.**

RESPONSE:

General Motors Corporation objects to this request on the grounds that it is overly broad, vague and ambiguous. Without waiving these objections, General Motors Corporation states that to the best of our knowledge, no such diagram or schematic exists.

- 3. Please produce copies of all reports of Defendants' experts and any and all documents relied upon by such experts.**

RESPONSE:

General Motors Corporation objects to this request on the grounds that it is overly broad, vague and ambiguous. Defendant further objects to the extent that this Request seeks production of documents protected by the consulting expert privilege under Rule 166b(3)(b) of the Texas Rules of Civil Procedure. Without waiving the foregoing objections, General Motors Corporation will present its testifying experts in this case for deposition, and produce its reports at said time.

Respectfully submitted,


J. MICHAEL MYERS
State Bar No. 14760800
Direct Line: (210) 731-6309

BALL & WEED, P.C.
A Professional Corporation
745 East Mulberry, Suite 500
San Antonio, Texas 78212
(210) 731-6300
Telecopier No. (210) 731-6499

ATTORNEY FOR DEFENDANT,
GENERAL MOTORS CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been sent by certified mail, return receipt requested, to:

Mr. Russell W. Budd
BARON & BUDD, P.C.
The Centrum
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219

and by regular U.S. mail, postage prepaid, to all other known counsel of record on this the 30th day of November, 1995.


J. MICHAEL MYERS

NO. 94-CI-10078

IN RE: ASBESTOS LITIGATION

§ IN THE DISTRICT COURT
§
§ BEXAR COUNTY, TEXAS
§
§ 285TH JUDICIAL DISTRICT

**DEFENDANT'S, GENERAL MOTORS CORPORATION, OBJECTIONS
AND RESPONSES TO PLAINTIFFS' MASTER SET OF INTERROGATORIES**

TO: Plaintiffs
By and Through Their Attorney of Record
Mr. Russell W. Budd
BARON & BUDD, P.C.
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

Now comes the Defendant, GENERAL MOTORS CORPORATION, and files the following Objections and Responses to the Plaintiffs' Master Set of Interrogatories heretofore propounded by Plaintiffs.

Respectfully submitted,


J. MICHAEL MYERS
State Bar No. 14760800
Direct Line: (210) 731-6309
BALL & WEED, P.C.
A Professional Corporation
Trinity Plaza II, Suite 500
745 East Mulberry
San Antonio, Texas 78212
(210) 731-6300
Telecopier No. (210) 731-6499
ATTORNEY FOR DEFENDANT,
GENERAL MOTORS CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been sent by certified mail, return receipt requested, to:

Mr. Russell W. Budd
BARON & BUDD, P.C.
The Centrum
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219

and by regular U.S. mail, postage prepaid, to all other known counsel of record on this the 20th day of November, 1995.


J. MICHAEL MYERS

PRELIMINARY STATEMENT

These interrogatories improperly inquire about products which have been manufactured, marketed or sold over a span of some sixty (60) years. As a result, many of the individuals who might have had personal knowledge of the matters to which these interrogatories relate are deceased or are otherwise unavailable to General Motors Corporation and investigations to date indicate that at least some documents which might relate to matters inquired into by these interrogatories may have been destroyed pursuant to General Motors Corporation's normal record retention policy or are otherwise unable to be found. General Motors Corporation is engaged in a continuing investigation in an attempt to locate or confirm the absence of such documents and is also engaged in a continuing investigation with respect to the matters inquired into by these interrogatories. Unless otherwise stated in an answer to a specific Interrogatory, the answers set out hereinafter are limited to the period of time during which General Motors Corporation manufactured asbestos-containing products and to the facilities related to that business. The following is a part of and is incorporated by reference into every answer provided hereafter:

This answer is accurate as of the date made. However, General Motors Corporation's investigation is continuing and General Motors Corporation cannot exclude the possibility that it may be able to obtain more complete information or even information which indicates that the answer being supplied is incorrect. General Motors Corporation objects to answering this Interrogatory in regard to any period of time other than the period during which it engaged in the manufacture of the asbestos-containing product(s) involved in this case or concerning any facility not related to that business, on the basis that any such answer would be

irrelevant to the subject matter of this case, would not be reasonably calculated to lead to the discovery of admissible evidence, and would be burdensome and oppressive. In addition, General Motors Corporation objects to answering this Interrogatory to the extent that it seeks documents and/or other information protected by the attorney work product or attorney-client privilege.

ANSWERS TO INTERROGATORIES

1. State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

ANSWER:

Defendant objects to Interrogatory No. 1 because it requires it to list those persons who gave information regarding these interrogatories since such information is irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff seeks through this interrogatory the same information sought in various other interrogatories, specifically Interrogatory No. 61, and, therefore, this interrogatory is duplicitous and seeks to harass and oppress as well as impose an undue burden upon Defendant. Subject to and without waiving the foregoing objections, these interrogatories were answered by General Motors Corporation, P.O. Box 33122, Detroit, Michigan 48232, with the assistance of its attorneys and were verified by its authorized agent.

2. State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

ANSWER:

General Motors Corporation ("GM") is incorporated in Delaware. Its principal place of business is 3044 West Grand Boulevard, Detroit, Michigan 48202. CT Corporation, 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201, is authorized to accept service of process on behalf of GM in the State of

Texas. GM has been authorized to do business in Texas since December 12, 1941.

- 3. Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Bexar County asbestos litigation.**

ANSWER:

Defendant objects to Interrogatory No. 3 because it is vague, ambiguous and indefinite to the extent it fails to define "predecessor." Further, it calls for a legal conclusion without setting forth a factual basis or a foundation for such an opinion. Moreover, the interrogatory is overly broad, general and global to the extent it is not limited in time or to the products at issue in this case. In this regard, the interrogatory improperly seeks information which is neither relevant nor material to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit. Subject to and without waiving the foregoing objections, Defendant has never mined or sold asbestos.

- 4. Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.**

ANSWER:

Defendant objects to Interrogatory No. 4 because it is vague, ambiguous and indefinite to the extent it fails to define "predecessor." Further, it calls for a legal conclusion regarding what companies are "predecessors" without setting forth a factual basis or a foundation for such an opinion. The interrogatory seeks information which is irrelevant and immaterial to any issue in this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the interrogatory is overly broad, general and global to the extent it fails to limit its application to GM as does Plaintiffs' petition to those automotive friction materials manufactured and sold by GM. Further, the interrogatory is not limited in time. Subject to and without waiving the foregoing objections, Defendant has manufactured and sold disc and drum brake linings and automatic transmission bands and vehicles incorporating those items. GM also sold and distributed clutch plates and bands for automatic and

standard transmissions for automobiles, light duty trucks, medium/heavy duty trucks, buses and coaches.

5. Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

ANSWER:

Defendant objects to Interrogatory No. 5 because it is vague, ambiguous and indefinite to the extent it fails to define "predecessor." Further, it calls for a legal conclusion regarding what companies are "predecessors" without setting forth a factual basis or a foundation for such an opinion. The interrogatory seeks information which is irrelevant and immaterial to any issue in this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the interrogatory is overly broad, general and global to the extent is not limited in time and it fails to limit its application to GM as does Plaintiffs' petition to those automotive friction materials manufactured and sold by GM. Subject to and without waiving the foregoing objections, Defendant has manufactured and sold disc and drum brake linings and automatic transmission bands and vehicles incorporating those items. GM also sold and distributed clutch plates and bands for automatic and standard transmissions for automobiles, light duty trucks, medium/heavy duty trucks, buses and coaches.

6. If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:
- (a) As to each product, state whether such product was mined, manufactured, marketed, and/or sold.
 - (b) The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.
 - (c) The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
 - (d) The date each of the named products was placed on the market.
 - (e) A description of the physical (chemical composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.

- (f) The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.
- (g) The date asbestos was removed from such products, if ever, and the reasons therefor.
- (h) A description of the physical appearance of each of the named products.
- (i) A detailed description of the intended uses of the named products.
- (j) Identify the last year that you sold each asbestos-containing product.

ANSWER:

Defendant objects to Interrogatory No. 6 because it is argumentative, multifarious, harassing and oppressive and seeks to impose an undue burden upon Defendant. It calls for information which is immaterial and irrelevant to any issue in this lawsuit and it is not reasonably calculated to lead to the discovery of admissible evidence. Further, the interrogatory attempts to invade the trade secrets privilege by requesting proprietary and confidential information regarding specific GM products. Subject to and without waiving the foregoing objections, Defendant answers as follows:

As to drum brake linings:

- (a) GM began the manufacture of molded drum brake linings containing chrysotile asbestos in 1939 and began use and sale of them in the 1920s.
- (b) See response to (a). Outside suppliers of drum and disc brake linings were Johns-Manville, Abex Corporation, Eaton Brake Division, Dana Axle, American Coleman, Delco moraine, Inland/Inlite, B.F. Goodrich, Bendix, Dayton Walther, H.K. Porter, Kelsey Hayes, Kelsey Products Division, Rockwell International, Unibond Brake, Wagner Electric, Raybestos Manhattan, Friction Division Products, Ferodo, ITT AMCO, Multibestos, Universal Friction, Akebono, AMCO and Marshall Eclipse.
- (c) Trade Names: United Motors (1918-1961); United Delco (1961-1974); AC-Delco (1974-present); Delco Moraine (1942-present); GM Parts (Unknown date before 1969-present); Goodwrench (1985); Buick*; Cadillac*; Chevrolet*; GMC Truck*; Oldsmobile*; or Pontiac*. Dates

are approximate. Names marked with an asterisk were used, if at all, for an unknown period of time before 1969.

- (d) See response to (c).
- (e) The grade of chrysotile asbestos in drum brake linings GM purchased is unknown. The specific formulations used in the manufacture of brake linings are valuable proprietary information that are disclosed only within GM on a need-to-know basis. These formulations are the result of decades of investment of time and money and their disclosure would put GM at a serious competitive disadvantage because domestic and foreign competitors could duplicate GM's products without having to undertake the lengthy and expensive laboratory and vehicle testing programs undertaken by GM. Competitors could also use this information to improve their products and processing methods without having to compensate GM for its efforts. For these reasons, GM objects to the disclosure of the details of its formulations.
- (f) GM continues to manufacture drum brake linings containing chrysotile.
- (g) Not applicable.
- (h) Drum brake lining segments consist of a solid, curved, dense, grayish material. Typical arc lengths range from 90 to 130 degrees and are for drum diameters of 7, 8, 9½, 11, 12, and 12½ inches.
- (i) Drum brake linings are one component of a vehicle braking system.
- (j) Not applicable.

As to disc brake linings:

- (a) GM began the manufacture and sale of disc brake linings in 1966.
- (b) See response to (a). Outside suppliers of drum and disc brake linings were Johns-Manville, Abex Corporation, Eaton Brake Division, Dana Axle, American Coleman, Delco Moraine, Inland/Inlite, B.F. Goodrich, Bendix, Dayton Walther, H.K. Porter, Kelsey Hayes, Kelsey Products Division, Rockwell International, Unibond Brake, Wagner Electric, Raybestos Manhattan, Friction Division Products, Ferodo, ITT AMCO, Multibestos, Universal Friction, Akebono, AMCO and Marshall Eclipse.

- (c) Trade Names: AC Delco, Delco Moraine, GM Parts, Goodwrench.
- (d) See responses to (a) and (c).
- (e) The grades of chrysotile asbestos used in disc brake linings purchased by GM is unknown. The specific formulations used in the manufacture of brake linings are valuable proprietary information that are disclosed only within GM on a need-to-know basis. These formulations are the result of decades of investment of time and money and their disclosure would put GM at a serious competitive disadvantage because domestic and foreign competitors could duplicate GM's products without having to undertake the lengthy and expensive laboratory and vehicle testing programs undertaken by GM. Competitors could also use this information to improve their products and processing methods without having to compensate GM for its efforts. For these reasons, GM objects to the disclosure of the details of its formulations.
- (f) GM stopped manufacturing these linings in 1985 because of production priorities but continues to sell them.
- (g) Not applicable.
- (h) Disc brake linings segments are a dense grayish or tan material. Typical dimensions are height of 57-63 millimeters, width of 125-142 millimeters, and thickness of 11-13 millimeters.
- (i) Disc brake linings are one component of a vehicle braking system.
- (j) GM distributed asbestos-containing linings from 1966 to present.

Clutch Plates and Bands for Automatic Transmissions:

- (a) Automatic transmissions were introduced in GM model year 1940. Clutch plates and bands containing asbestos were used as early as 1946, according to available information. GM (Delco Moraine) manufactured some of the band material (approximately 1965-1979) and the rest were purchased. See (e).
- (b) See responses to (a) and (c).

- (c) Trade Names: United Motors (1940-1961); United Delco (1961-1964); Delco Moraine, Hydra-Matic, Allison (1940s-1969); Detroit Diesel Allison (1970-1987); A.C. Delco (1974-1985); Allison Transmission (1988-present).
- (d) See response to (h).
- (e) The band linings GM manufactured contained about 40-50 percent chrysotile asbestos. The range of weight percentages for certain materials used for automobiles and light trucks were approximately 10 to 50 percent chrysotile from 1964-1982 and from 10 to 25 percent chrysotile from 1983-1985. The following asbestos containing paper materials were purchased by GM and assembled into automatic transmission clutch plates, bands, or torque converter clutches.

DATE	SUPPLIERS	TYPE*	FIBER TYPE	IDENT.	USE
1985	Armstrong	TCC	7RS Chrysotile	Orange Stripe	THM 125, 180, 250, 350, 200, 325, 440T4, 700R4
1981-1989	Armstrong	TCC	7RS Chrysotile	Orange Stripe	2004R, 700R4
1985-1988	Armstrong	CL	7RS Chrysotile	Blue Stripe	700R4, 2004R
1980-1981	Delco Moraine	TCC	7RS Chrysotile	Orange Stripe	2004R, 700R4
1974-1985	Armstrong	CL	7RS Chrysotile	Black Stripe	125, 200, 325, 700R4
1978-1985	Armstrong	TCC	7RS Chrysotile	Blue Stripe	Powerglide, THM-350, 700R4
1981-1985	Armstrong	CL	7RS Chrysotile	Blue Stripe	THM 350, 700R4
1979-1989	Armstrong	CL	7RS Chrysotile	Purple Stripe	180
1974-1984	Armstrong	CL	7RS Chrysotile	Black Stripe	125-C, 325

1974-1986	Armstrong	CL	7RS Chrysotile	Black Stripe	125, 200-C, 325, 700R4
1974-1989	Delco	TCC	Chrysotile	Blue Stripe	125, 440T4, 700R4
1974-1985	Armstrong	TCC	7RS Chrysotile	Blue Stripe	Powerglide THM-350, 700R4
1981-1985	Armstrong	CL	7RS Chrysotile	Blue Stripe	THM-350, 700R4
1969-1986	Armstrong Wrenn Strathmore	CL	7RS Chrysotile	Blue Stripe	THM 180, 350
1969-1975	Armstrong Strathmore	CL	Crocidolite & Anthophyllite	None	Powerglide
1968-1983	Armstrong Strathmore	CL	Crocidolite & Anthophyllite**	Red Stripe Blue Stripe	THM-350 THM-350
1968-1983	Armstrong	CL	Crocidolite & Anthophyllite**	Green Stripe	THM 476
1969-1981	Raybestos	BL	Unknown	"Raybestos"	THM 180
1966-1974	Armstrong Strathmore	CL	Crocidolite & Anthophyllite	Orange Stripe	Powerglide
1965-1975	Armstrong Wrenn	CL	Crocidolite & Anthophyllite	Black Stripe	THM 400
1965-1975	Wrenn	BL	6D Chrysotile	None	THM 350, 400
1965-1973	Unknown	BL	6D Chrysotile	None	Unknown

- CL = clutch lining
TCC = torque converter clutch
BL = band lining
- ** Changed to chrysotile in 1973

(f) The items in (e) were superseded at the dates indicated because the product was no longer produced and serviced or because other materials were used.

- (g) See response to (f).
- (h) For typical clutch plates, the asbestos-containing material is a ring with an inside diameter of 2 1/4 to 4 inches, an outside diameter of 3 1/4 to 6 inches, and a thickness of .25 to .35 inches. The material is light tan to medium brown in color and has a smooth, paper-like texture. The suppliers of plates since 1964 have been Raymark and Spring-Brummer Division of Borg-Warner Corporation. The suppliers of bands since 1964 have been Spring-Brummer Division of Borg-Warner Corporation and D.A.B. Industries. Clutch plates for Allison Transmissions range in size from five to eighteen inches in diameter. Suppliers of clutch plates are Sheepbridge, Raybestos, Manhattan, Raymark, S.K. Wellman, Thermoset, Borg-Warner, and Delco Moraine. Further delineation of dates is not possible without a search that would take an estimated 100 man-hours. Identification markings are described in part (c) and (e) above have an ink-stamped date code, such as A07, B10 or J13, that represent January 7, February 10 and October 13 respectively.
- (i) Not applicable.

As to Clutch Plates for Manual Transmissions:

- (a) Beginning around 1930, clutch driven plates assemblies for manual transmissions were manufactured by GM with friction materials purchased from suppliers or purchased as assemblies from suppliers. Suppliers of facings were (dates are approximate):

Raymark Industrial Division, Southfield, Michigan (1965-1985);

H.K. Porter, Troy, Michigan (1965-1971);

Sources of assemblies were (dates are approximate):

Borg-Warner Corporation, Chicago, Illinois (1930-1985);

Borg & Beck, Sterling Heights, Michigan (1974-1984);

LUK, Inc., Southfield, Michigan (1983-1985);

Alma Products Company, Alma, Michigan (1974-1985);

Isuzu, Southfield, Michigan (1983-1984);

Daikan (Asahi facings), Troy, Michigan (1983-1984).

- (b) See responses to (a) and (c) and (h).**
- (c) Trade Names: GM Parts (1969-present); Buick*, Cadillac*, Chevrolet*, Oldsmobile*, Pontiac*, and GMC Truck*. Names marked with an asterisk were used, if at all, before 1969.**
- (d) See response to (c).**
- (e) The precise asbestos content of facing materials manufactured by others is unknown to GM. It is known industry practice, however, to use chrysotile asbestos. GM's knowledge of industry practice is based on the education and experience of its engineers and other employees and published literature on friction materials.**
- (f) Distribution of service parts continues.**
- (g) During the 1980s to present for original equipment.**
- (h) An example of a typical assembly for a passenger car includes a facing with an inside diameter of 2.3 millimeters, an outside diameter of 156 millimeters and a thickness of 8 millimeters. The facing is typically dark brown.**
- (i) Clutch driven plates assemblies are one component part of a manual transmission.**
- (j) See (f).**

7. Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- (a) A description of each such document.**

- (b) The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

ANSWER:

Defendant objects to Interrogatory No. 7 to the extent it is overly broad, general and global and uses the language such as "including but not limited to" and "or other written materials of any kind or character." Moreover, the interrogatory is vague, ambiguous and indefinite to the extent that it seeks documents "relating to the design, preparation or introduction into the market of the products." Further, because GM does not keep a list of such documents in its ordinary course of business, this interrogatory seeks to impose an undue burden upon Defendant by requiring it to go to great expense and time to compile such a list. Further, because this interrogatory inquires about documents which span some 60 years, it is not only overly broad and burdensome, but it seeks information which is irrelevant and immaterial to any issue in this lawsuit and it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, Defendant does not have possession, custody or control of all documents prepared over the last sixty years. Engineering drawings, specifications, and manufacturing documents of which GM does have possession, custody or control are generally located at the Delco Chassis Division of GM in Dayton, Ohio.

8. Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine the potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:
- (a) The names of the products tested and the date of each test.
- (b) The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- (c) The results of the tests.

ANSWER:

Defendant objects to Interrogatory No. 8 because it is overly broad, general and global and seeks information which is irrelevant and immaterial and it is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit. Specifically, the interrogatory inquires about ingredients other than asbestos contained in the products listed. Further, the interrogatory fails to define "potential health hazards" and is, therefore, not only overly broad, but vague, indefinite and ambiguous. Moreover, the interrogatory fails to identify, define or limit in any way "any tests." Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, Defendant conducted air sampling in dealership settings on December 8-11, 1975. W.H. Krebs conducted the air sampling at Circle Buick, New York, New York; West Side Pontiac, New York, New York, and Circle Buick-East, New York, New York. On February 13, 1984, W.H. Krebs did air sampling to evaluate the nature and extent of operator exposures to airborne asbestos while performing brake lining resurfacing operations at Pekin Machine & Parts Company, Pekin, Illinois. GM will produce copies of these reports.

9. Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:
- (a) A description of each such document.
 - (b) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

Please see Defendant's answer and objections to Interrogatory No. 8, which answer and objections are incorporated by reference herein as if restated verbatim. Further, Defendant objects to Interrogatory No. 9 to the extent that it is overly broad, general and global because of the use of such language as "including but not limited to" and "other written materials of any kind or character." In this regard, the interrogatory is also vague, ambiguous and indefinite. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure.

10. Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:
- (a) The trade names of the products changed.
 - (b) The nature of the changes made and the date of such changes or modifications.
 - (c) The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

ANSWER:

Defendant objects to Interrogatory No. 10 to the extent it is overly broad, general and global and inquires of "predecessor" companies without defining such. For this reason, the interrogatory also inquires of information which is irrelevant and immaterial and the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further, the question calls for a legal conclusion as to the status of a "predecessor" company without setting forth a factual basis or foundation for such an opinion. Also, the interrogatory, like Interrogatory No. 8 seeks information concerning testing of contents other than asbestos and is, therefore, objectionable. The interrogatory also seeks to invade the trade secrets privilege by inquiring of proprietary and confidential information and the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Finally, the interrogatory is argumentative and improperly inquires of possible subsequent remedial remedies. Subject to and without waiving the foregoing objections, Defendant says that no design changes have been necessary due to asbestos exposure level testing or measurements.

11. After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:
- (a) The names of the products tested and the dates of such tests.
 - (b) The name, address, and job title of each person who conducted those tests.

- (c) The results of those tests.
- (d) Whether, as a result of the tests, any products were removed from the market.
- (e) The names of all products removed from the market as a result of these tests.

ANSWER:

Defendant objects to Interrogatory No. 11 because it is overly broad, general and global and seeks information which is irrelevant and immaterial and it is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit. Specifically, the interrogatory inquires about ingredients other than asbestos contained in the products listed. Further, the interrogatory fails to define "potential health hazards" and is, therefore, not only overly broad, but vague, indefinite and ambiguous. The interrogatory also attempts to invade the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure and the trade secrets privilege by inquiring about proprietary and confidential information. Subject to and without waiving the foregoing objections, Defendant conducted air sampling for asbestos during routine brake maintenance operations and found that the exposure, if any, was below the permissible exposure limit. GM has also conducted a study that showed the emissions from brakes are substantially less than one percent asbestos. Copies of the test results will be made available for inspection at the office of GM's counsel.

12. Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:
- (a) The name of each product.
 - (b) A description of each document and how it relates to each product.
 - (c) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

Defendant objects to Interrogatory No. 12 because it is overly broad, general, global, and vague in that it seeks information regarding testing of exposure to contents other than asbestos and to the extent the interrogatory fails to define or limit "potential health hazards." Moreover, the interrogatory is vague and ambiguous and overly broad to the extent that it inquires of "other written materials of any kind or character." Further, the interrogatory seeks information which is irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory is also duplicative of other interrogatories herein. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, please see Defendant's answers and objections to Interrogatory Nos. 7, 9 and 11, which answers and objections are incorporated herein as if restated verbatim.

13. Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatory No. 10 or 13? If the answer is affirmative, state:
- (a) The names of the products changed or modified.
 - (b) The name, address, and job title of each person responsible for having made a change or modification.
 - (c) The nature of the hazard or defect which resulted in such change or modification.

ANSWER:

Defendant objects to Interrogatory No. 13 because it is duplicative of Interrogatory No. 10 and seeks only to harass, oppress and impose undue burdens on Defendant in the form of time, expense and manpower. For this reason, please see Defendant's answer and objections to Interrogatory No. 10, which answer and objections are incorporated herein as if restated verbatim.

14. Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind or character

containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- (a) The names of each relevant product.
- (b) The exact wording of each warning statement on each printed material.
- (c) A description of the printed material other than the warning statement.
- (d) The method used to distribute the warning to persons likely to use the product.
- (e) The date each warning was first issued, distributed, or placed on packaging.
- (f) The name, address, and job title of each person responsible for having drafted or issued the warning.
- (g) The current location of any such printed material and the custodian thereof.
- (h) The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER:

Defendant objects to Interrogatory No. 14 to the extent it is overly broad, general and global and inquires of "predecessor" companies without defining such. For this reason, the interrogatory also inquires of information which is irrelevant and immaterial and the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further, the question calls for a legal conclusion as to the status of a "predecessor" company without setting forth a factual basis or foundation for such an opinion. Further, the interrogatory is overly broad and general to the extent it is not limited in time and uses language such as "other written material of any kind or character" and does not limit its inquiry "the possibility of injury" from exposure to asbestos contained in the products. Moreover, the interrogatory is multifarious and argumentative and seeks only to harass, oppress and impose undue burdens upon Defendant in the form of extreme and unnecessary time, expense and manpower. Subject to and without waiving the foregoing objections,

Defendant says that in 1975, GM began placing this caution, with language copied from the OSHA regulations, on packages of replacement brake linings:

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

The word "CAUTION" was in no smaller than 12 point type. The rest of the wording was in no smaller than 10 point type. GM specified the minimum size. Beginning in 1989, GM changed the caution to:

Danger: Contains asbestos fibers. Avoid creating dust. Cancer and Lung Disease hazard. Do not grind. Do not clean with compressed air. • See Service Manual Instructions. •

This caution was used on packages of brake and clutch replacement parts.

Starting in 1977 model year, GM included this statement in its service manuals:

Caution: When servicing wheel brake parts, do not create dust by grinding or sanding brake linings or by cleaning wheel brake parts with a dry brush or with compressed air. (A water dampened cloth should be used.) Many wheel brake parts contain asbestos fibers which can become airborne if dust is created during servicing. Breathing dust containing asbestos fibers may cause serious bodily harm.

15. Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Texas State Courts is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- (a) The name and address of each claimant.
- (b) The date of notice of each claim.
- (c) A description of the claim.
- (d) The type of injuries allegedly sustained.

- (e) The name and address of each attorney who represents each individual making a claim.
- (f) The style and court number of each claim.
- (g) The disposition of each claim that has been settled or taken to judgment.

ANSWER:

Defendant objects to Interrogatory No. 15 to the extent it is overly broad, general and global and inquires of "predecessor" companies without defining such. For this reason, the interrogatory also inquires of information which is irrelevant and immaterial and the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further, the question calls for a legal conclusion as to the status of a "predecessor" company without setting forth a factual basis or foundation for such an opinion. Moreover, the interrogatory is multifarious and requests information which is irrelevant, immaterial regarding claimants other than Plaintiffs herein and which is a matter of public record and easily accessible to Plaintiffs. Finally, the interrogatory fails to limit its inquiry to injuries allegedly resulting from the exposure to asbestos from the products listed in response to Interrogatory No. 6. Subject to and without waiving the foregoing objections, Defendant has no record of any product liability lawsuit or claim alleging injury from exposure to asbestos from a GM product before 1970.

16. Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

ANSWER:

GM customarily sells its cars, trucks, and replacement parts to authorized dealers and distributors in Texas and elsewhere, who then resell them. They are not purchased by consumers directly from GM. Records relating to GM's sale of replacement parts for most of the time period inquired of are no longer available. GM does not maintain records of sales of parts by dealers or distributors.

17. Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of

Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Texas and Virginia? If so, state:

- (a) The name and address of each such distributor or sales representatives.
- (b) The years in which such company or person distributed, marketed, or sold your products.
- (c) What products were distributed, marketed, or sold and in what years.

ANSWER:

Defendant objects to Interrogatory No. 17 to the extent it is overly broad, general and global and inquires of "predecessor" and "successor" companies without defining such. For this reason, the interrogatory also inquires of information which is irrelevant and immaterial and the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further, the question calls for a legal conclusion as to the status of a "predecessor" company without setting forth a factual basis or foundation for such an opinion. Further, the interrogatory inquires of products other than those listed in response to Interrogatory No. 6 and is, therefore, overly broad, general and global. Finally, the interrogatory seeks information which is neither relevant nor material to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit. Subject to and without waiving the foregoing objections, Defendant does not have possession, custody, or control of the detailed information requested in (a), (b) and (c), above. GM customarily sells its products to GM dealers and warehouse distributors. Invoices for the sale of replacement parts for most, if not all, of the time period during which plaintiff allegedly performed brake repairs are not available. If Plaintiff will more particularly identify a particular city for a part of that period, GM will attempt to respond further.

- 18. List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER:

Defendant objects to Interrogatory No. 18 to the extent it is ambiguous by inquiring of "only physicians and/or hygienists" but then stating "including but not limited to, physicians and industrial hygienists." Moreover, the interrogatory is overly broad, general and global to the extent it seeks information over a span of 40 years and includes persons who "may have had" knowledge. Further, the interrogatory seeks to impose an undue burden upon Defendant by requiring it to compile a list which is not kept in the ordinary course of business and which would require unnecessary and burdensome amount of time, expense and manpower. Finally, the interrogatory seeks information which is neither relevant nor material to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit. Subject to and without waiving the foregoing objections, Defendant states as follows:

The corporate medical directors of GM were:

Clarence Selby, M.D.	(1935-1949)
Max Burnell, M.D.	(1949-1958)
S.D. Steiner, M.D.	(1958-1976)
R.G. Wieneck, M.D.	(1976-1980)
R.W. Prior, M.D.	(1980-1988)
B.B. Van Brocklin, M.D.	(1988-present)

The directors of the GM Industrial Hygiene Department were:

L.B. Case	(1936-1945)
F.A. Patty	(1945-1960)
V.J. Castrop	(1960-1975)
G.L. Kortsha	(1976-1989)
W.H. Krebs	(1990-1993)

19. Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

(a) The name of each such publication.

- (b) The date of publication and the names of the author and publisher (if any).
- (c) The date received by Defendant, if known.
- (d) The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER:

Defendant objects to Interrogatory No. 19 to the extent that it is overly broad, general and global because it refers to asbestos in general and does not confine its inquiry to the exposure of asbestos from products listed in response to Interrogatory No. 6. The interrogatory is also ambiguous and seeks information which is immaterial and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit and seeks to invade the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Furthermore, Defendant objects to the interrogatory to the extent that it does not specify the time period to which it refers, and fails to address the time when any such documents, if any, came into the possession of GM. The interrogatory also improperly assumes a disputed fact, namely that GM products are hazardous to the health of human beings. Finally, the interrogatory is argumentative and seeks to impose an undue burden upon Defendant by requiring it to locate written materials "of any kind or character" which are located in hundreds of GM facilities and libraries around the country. Subject to and without waiving the foregoing objections, Defendant does not have possession, custody, or control, let alone knowledge, of any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that exposure to asbestos in the asbestos-containing products listed in response to Interrogatory No. 6 through routine brake maintenance or repair causes an excess risk of disease.

- 20. Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

- (a) The name and address of each such association or organization.

- (b) The dates during which Defendant or any of its subsidiaries or predecessors were members.
- (c) The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- (d) Whether any of those publications are still in your possession, and if so:
 - (i) A description of the publications, including the date.
 - (ii) The current location of such publications.
 - (iii) The custodian of such publications.
 - (iv) The method or manner in which such publications are maintained.

ANSWER:

Defendant objects to Interrogatory No. 20 to the extent it is overly broad, general and global and inquires of "predecessor" companies without defining such. For this reason, the interrogatory also inquires of information which is irrelevant and immaterial and the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further, the question calls for a legal conclusion as to the status of a "predecessor" company without setting forth a factual basis or foundation for such an opinion. Moreover, the interrogatory is argumentative and multifarious and is overly broad in that it is not limited in time and not limited to exposure to the asbestos-containing products listed in response to Interrogatory No. 6. Further, the interrogatory seeks to impose an undue burden upon the Defendant. Finally, the interrogatory seeks information which is neither relevant nor material to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit. Subject to and without waiving the foregoing objections, Defendant has been a member of numerous organizations from 1930 to present. GM has not collected or maintained publications it may have received from the organizations. If Plaintiff will more particularly identify an organization, GM will attempt to determine if it was or is a member.

21. Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured,

assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

ANSWER:

Defendant objects to Interrogatory No. 21 to the extent it is overly broad, general and global and seeks to harass, oppress and impose an undue burden upon Defendant in the form of unnecessary time, expense and manpower. Further, the interrogatory is duplicative of Interrogatory Nos. 3, 5 and 6. Finally, the interrogatory seeks information over a broad span of time and seeks information that is irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, please see Defendant's responses to Interrogatory Nos. 3, 5 and 6, which responses are incorporated herein as if restated verbatim. GM combined asbestos fibers and other ingredients to produce asbestos-containing brake linings at plants operated by Inland Division (later Delco Products and Delco Chassis Divisions) in Dayton, Ohio (1939-1964) and Vandalia, Ohio (1962-present). GM combined asbestos fibers and other ingredients to produce asbestos-containing brake linings (1966-1985) and extruded band linings for automatic transmissions (1965-1979) at plants operated by Delco Moraine Division in Dayton, Ohio.

22. Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:
- (a) The name, address, and job title of each person or entity who prepared such materials.
 - (b) The name, address, and job title of each person who currently has possession of such materials and their present location.
 - (c) The date the materials were prepared.
 - (d) The media used to disseminate the sales materials.

ANSWER:

Defendant objects to Interrogatory No. 22 to the extent it is overly broad, general and global and inquires of "predecessor" companies without defining

such. For this reason, the interrogatory also inquires of information which is irrelevant and immaterial and the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further, the question calls for a legal conclusion as to the status of a "predecessor" company without setting forth a factual basis or foundation for such an opinion. The interrogatory is also multifarious and seeks to impose upon Defendant an undue burden in the form of unnecessary time, expense and manpower. Moreover, the interrogatory is not limited in time and seeks information which is irrelevant and immaterial to any issue in this lawsuit. For these reasons, the interrogatory is harassing and oppressive. Subject to and without waiving the foregoing objections, brake linings and clutch assemblies, some in use for over sixty years, have been advertised during this period. Copies of all advertisements and details about their publication have not been kept. GM will attempt, however, to provide a copy of some representative advertising.

23. Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:
- (a) The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
 - (b) The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
 - (c) The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
 - (d) The year each such written material or instruction was prepared and disclosed to potential consumers.

ANSWER:

Defendant objects to Interrogatory No. 23 to the extent it is overly broad, general and global and inquires of "predecessor" companies without defining such. For this reason, the interrogatory also inquires of information which is irrelevant and immaterial and the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further, the question calls for a legal conclusion as to the status of a "predecessor" company without setting

forth a factual basis or foundation for such an opinion. The interrogatory is multifarious and seeks to impose upon Defendant an undue burden in the form of unnecessary time, expense and manpower. Moreover, the interrogatory is not limited in time and seeks information which is irrelevant and immaterial to any issue in this lawsuit. For these reasons, the interrogatory is harassing and oppressive. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, GM's recommendations for maintaining and servicing brake linings and transmission clutches are contained in numerous service manuals. Copies of relevant excerpts and/or manuals will be made available for inspection on reasonable notice at the office of defendant's counsel. For specific language, please see Defendant's response to Interrogatory No. 14, which response is incorporated herein as if restated verbatim.

24. Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

ANSWER:

Defendant objects to Interrogatory No. 24 to the extent it fails to track the language of Rule 166b of the Texas Rules of Civil Procedure, is overly broad, general and global and seeks information which is irrelevant and immaterial to any issue in this lawsuit. Further, the interrogatory is not calculated to lead to the discovery of admissible evidence. Moreover, the interrogatory seeks information which is easily obtained from Plaintiff's review of the insurance policies themselves. For this reason, a response to this interrogatory would impose an undue burden upon GM. Subject to and without waiving the foregoing objections, GM obtained comprehensive general liability coverage from and through American International Specialty Lines Insurance Company, New York, New York. The coverage provided is adequate to satisfy the judgment that may be rendered against GM in this action. This coverage is in effect for all relevant times in this case.

25. As to the disease asbestosis, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant became aware of the existence of the disease.
- (c) Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

ANSWER:

Defendant objects to Interrogatory No. 25 to the extent it refers to and inquires of a "predecessor" without identifying such or providing a definition of such. Further, for Defendant to identify a predecessor would involve a legal conclusion for which there is no factual basis or foundation. Further, the interrogatory is argumentative, implying that the asbestos-containing products pose the same risk as free asbestos fibers and assumes facts not in evidence regarding asbestos. Moreover, the interrogatory calls for medical conclusions, seeks irrelevant and immaterial information and is not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory also inquires of the knowledge of several hundreds of thousands employees, past and current and, therefore, imposes an undue burden upon Defendant. Further, the interrogatory requests information which goes well beyond the standard of knowledge or care required of GM under Texas law in that it requests information regarding circumstances which have no applicability to the types of products manufactured by this Defendant or the circumstances reasonably anticipated for users of this Defendant's product. Finally, the interrogatory seeks information which is protected by the attorney work product,

investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, the precise date or manner in which GM, or any of its employees, learned that asbestosis is related to the prolonged, excessive exposure to respirable asbestos fibers is unknown, but it was no later than 1940. However, to the best of GM's knowledge, there is no recognized scientific substantiation that brake linings create an increased risk of illness to consumers or people who do repairs.

26. As to the disease lung cancer, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of the asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER:

Defendant objects to Interrogatory No. 26 to the extent it refers to and inquires of a "predecessor" without identifying such or providing a definition of such. Further, for Defendant to identify a predecessor would involve a legal conclusion for which there is no factual basis or foundation. Further, the interrogatory is argumentative, implying that the asbestos-containing products

pose the same risk as free asbestos fibers and assumes facts not in evidence regarding asbestos. Moreover, the interrogatory is overly broad, calls for medical conclusions, seeks irrelevant and immaterial information and is not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory also inquires of the knowledge of several hundreds of thousands employees, past and current and, therefore, imposes an undue burden upon Defendant. Further, the interrogatory requests information which goes well beyond the standard of knowledge or care required of GM under Texas law in that it requests information regarding circumstances which have no applicability to the types of products manufactured by this Defendant or the circumstances reasonably anticipated for users of this Defendant's product. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, there have been many general statements about asbestos exposure and lung cancer, but the precise role, if any, of exposure to various types of asbestos in the development of lung cancer is not yet known and is the subject of controversy in the medical and scientific community. GM cannot determine when any of its hundreds of thousands employees, both past and current, first heard of a report causally linking asbestos exposure and lung cancer. Please see Defendant's response to Interrogatory No. 25, which response is incorporated herein by reference as if restated verbatim.

27. As to pleural disease, pleural thickening or pleural plaques, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of the asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

- (e) Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- (f) Who is the custodian of such information.

ANSWER:

Defendant objects to Interrogatory No. 27 to the extent it refers to and inquires of a "predecessor" without identifying such or providing a definition of such. Further, for Defendant to identify a predecessor would involve a legal conclusion for which there is no factual basis or foundation. Further, the interrogatory is argumentative, implying that the asbestos-containing products pose the same risk as free asbestos fibers and assumes facts not in evidence regarding asbestos. Moreover, the interrogatory is overly broad, calls for medical conclusions, seeks irrelevant and immaterial information and is not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory also inquires of the knowledge of several hundreds of thousands employees, past and current and, therefore, imposes an undue burden upon Defendant. Further, the interrogatory requests information which goes well beyond the standard of knowledge or care required of GM under Texas law in that it requests information regarding circumstances which have no applicability to the types of products manufactured by this Defendant or the circumstances reasonably anticipated for users of this Defendant's product. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, pleural disease, pleural thickening or pleural plaques can result from prolonged, excessive exposure to respirable asbestos fibers or from many other unrelated causes. GM cannot determine when any of its hundreds of thousands of current or past employees first heard of these "consequences or effects." However, to the best of GM's knowledge, there is no recognized, scientific substantiation that brake linings create an increased risk of illness to consumers or people who do repairs.

28. As to the disease mesothelioma, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.

- (b) The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- (c) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- (d) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of the asbestos exposure.
- (e) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (f) Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- (g) Who is the custodian of such information.
- (h) Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

Defendant objects to Interrogatory No. 28 to the extent it refers to and inquires of a "predecessor" without identifying such or providing a definition of such. Further, for Defendant to identify a predecessor would involve a legal conclusion for which there is no factual basis or foundation. Further, the interrogatory is argumentative, implying that the asbestos-containing products pose the same risk as free asbestos fibers and assumes facts not in evidence regarding asbestos. Moreover, the interrogatory is overly broad, calls for medical conclusions, seeks irrelevant and immaterial information and is not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory also inquires of the knowledge of several hundreds of thousands employees, past and current and, therefore, imposes an undue burden upon Defendant. Further, the interrogatory requests information which goes well beyond the standard of knowledge or care required of GM under Texas law in that it requests information regarding circumstances which have no applicability to the types of products manufactured by this Defendant or the circumstances reasonably anticipated for users of this Defendant's product. Finally, the interrogatory seeks information which is protected by the attorney work

product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, mesothelioma is found in persons who have had prolonged, excessive exposure to respirable amphibole asbestos fibers and in persons with no history or indications of asbestos exposure. GM is not aware of a cure for mesothelioma. GM cannot determine when any of its hundreds of thousands of current or past employees first heard of these "consequences or effects." However, to the best of GM's knowledge, there is no recognized, scientific substantiation that brake linings create an increased risk of illness to consumers or people who do repairs.

29. As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- (a) The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.
- (b) What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?
- (c) The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- (d) Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of the asbestos exposure.
- (e) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (f) Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- (g) Who is the custodian of such information.

ANSWER:

Defendant objects to Interrogatory No. 29 to the extent it refers to and inquires of a "predecessor" without identifying such or providing a definition of such. Further, for Defendant to identify a predecessor would involve a legal

conclusion for which there is no factual basis or foundation. Further, the interrogatory is argumentative, implying that the asbestos-containing products pose the same risk as free asbestos fibers and assumes facts not in evidence and/or not recognized by the medical community regarding asbestos. Moreover, the interrogatory is overly broad, calls for medical conclusions, seeks irrelevant and immaterial information and is not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory also inquires of the knowledge of several hundreds of thousands employees, past and current and, therefore, imposes an undue burden upon Defendant. Further, the interrogatory requests information which goes well beyond the standard of knowledge or care required of GM under Texas law in that it requests information regarding circumstances which have no applicability to the types of products manufactured by this Defendant or the circumstances reasonably anticipated for users of this Defendant's product. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, gastro-intestinal, laryngeal, pharyngeal and lymphatic cancers have been theorized to have many different causes. GM cannot determine when any of its present or past employees may have first heard of a theory that one of these cancers was caused by or associated with some type of asbestos exposure. However, to the best of GM's knowledge, there is no recognized scientific substantiation that brake linings create an increased risk of illness to consumers or people who do repairs.

30. Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

ANSWER:

Defendant objects to Interrogatory No. 30 to the extent it is argumentative and seeks medical conclusions. Further, it inquires of products other than those involved in this lawsuit and includes "all potential health hazards" and, therefore, is overly broad, general, and global and seeks information which irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the interrogatory is vague, ambiguous and indefinite because it fails to identify, define or limit "potential health hazards." Subject to and without waiving the foregoing objections, every product has some risks associated with it -- people get cuts from pieces of paper. A

mechanic could be allergic to some ingredient in a brake lining or could drop it on his or her foot. Therefore, the answer to this interrogatory is "no," but the asbestos-containing brake linings manufactured and distributed by GM do not pose any significant risk to mechanics who install and remove them from cars and trucks.

31. Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

ANSWER:

Defendant objects to Interrogatory No. 31 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is overly broad, general and global and seeks information which is irrelevant and immaterial to any issue in this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the interrogatory seeks information which is duplicative of other interrogatories, specifically Interrogatory Nos. 14 and 23. In this regard, the interrogatory is harassing and oppressive. Subject to and without waiving the foregoing objections, Defendant answers as follows:

Drum brake linings:

Service parts were shipped in corrugated boxes sized closely to the size and configuration of the parts. The name "Delco" was used on some boxes containing service parts as early as 1936. Boxes with the name "Delco" and colors red and black on white were used commencing in 1958 and subsequently changed to red and blue on white. In addition to the brand name, the box or a label contains a boxmaker's certificate and box number.

Disc brake linings:

Service parts were shipped in corrugated boxes sized closely to the size and configuration of the parts. Boxes with the name "Delco" and colors red and black on white were used commencing in 1958 and subsequently changed to red and blue on white. Boxes with the name "GM Parts" and colors black and

aqua on white have been used since 1974. Boxes with the name "Goodwrench" and colors of black and gray on white have been used since 1985. In addition to the brand name, the box or a label contains a boxmaker's certificate and box number.

Clutch Plates and Bands for Automatic Transmissions:

Service parts were placed in pouches sized closely to size and configuration of the parts and then placed in master boxes.

Through 1976, the pouches (for clutch plates) were green and contained the name "United" and "General Motors Corporation, Detroit, Michigan" and "Made and Printed in U.S.A." From 1977, the pouches are red and blue and contain the name "Delco" and HydraMatic Part" and Hydra-Matic Division, General Motors Corporation, Ypsilanti, Michigan 48197, Made and Printed in U.S.A." The master boxes are plain craft boxes. The bands were distributed in white boxes with yellow, red and black trim and the Allison name (1940's-1969) and Detroit Diesel Allison name (1970-1988), and Allison name (1988-present, logo, part name, and group and part number.

Clutch Plates for Manual Transmissions:

Service parts were shipped in corrugated boxes sized closely to part size and configuration during the entire period. The name "Delco" was used on some boxes containing service parts as early as 1936. Boxes with the name "Delco" and colors red and black on white were used commencing in 1958 and subsequently changed to red and blue on white. Boxes with the name "GM Parts" and colors black and aqua on white have been used since 1974. Boxes with the name "Goodwrench" and colors of black and gray on white have been used since 1985. In addition to the brand name, the box or a label contains a boxmaker's certificate and box number.

Medium and heavy duty truck parts:

For medium and heavy duty truck parts before 1974, some parts were shipped in the boxes in which they were received from the manufacturer with a label added with the GM part number. Otherwise boxes were used with a GMC logo in green and orange before 1963 and GMC truck and coach logo in blue and black from 1963 to 1974.

See also Defendant's responses to Interrogatory Nos. 14 and 23, which responses are incorporated herein as if restated verbatim.

32. Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement;
- (a) The name of the company manufacturing the asbestos products.
 - (b) The trade name affixed to those products.
 - (c) The periods of time covered by each such agreement.
 - (d) The volume, in dollar amount, of each transaction.
 - (e) The initial purchaser of the products.

ANSWER:

Defendant objects to Interrogatory No. 32 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is overly broad, general and global, being not limited to products listed in response to Interrogatory No. 6 and not limited in time. The interrogatory is also vague, ambiguous and indefinite, failing to define or identify "rebranding agreements." Finally, the interrogatory seeks information which is neither relevant nor material to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit. Subject to and without waiving the foregoing objections, replacement brake linings packaged and sold by GM, whether made by GM or others, were generally packaged in containers with GM brand names, except for some linings packaged in plain containers with AMC part numbers.

33. List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

ANSWER:

Defendant objects to Interrogatory No. 33 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is duplicative of other interrogatories herein and seeks only to impose an undue burden upon Defendant in the form of unnecessary time, expense and manpower. The interrogatory is further overbroad, general and global in that it is not limited in time and is vague to the extent that it fails to define or limit in any way "asbestos products." Subject to and without waiving the foregoing objections, Defendant answers as follows:

Chrysotile for drum brake linings:

Asbestos Fibre Corporation Asbestos Corporation, Ltd. % C.L. Zimmerman Company N-303 Cincinnati Union Terminal Cincinnati, Ohio 45203	1939 - 1975
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Asbestos Corporation, Ltd.	1967 - 1970
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Johns Manville Corporation Box 517 Toledo, Ohio	1975 - 1984
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Lake Asbestos of Quebec, Ltd. Box 608 Black Lake, Quebec	1977 - 1985
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JM Asbestos Sales, Inc. Asbestos, Quebec	1984 - 1985
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Chrysotile for disc brake linings:

Asbestos Corporation, Ltd.	1967 - 1970
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Lake Asbestos	1967 - 1970
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Canadian Johns-Manville 1967 - 1984
Asbestos, Quebec

National Gypsum Company 1972
Cleveland, Ohio

C.L. Zimmerman Company 1972 - 1977
3655 Central Parkway
Cincinnati, Ohio

Union Insulating Company 1976
Parkersburg, West Virginia

Chrysler Chemical Division 1978
Trenton, Michigan

Chrysotile for Extruded Clutch Bands:

Asbestos Corporation, Ltd.

Johns-Manville

Clutch Plates and Bands for Automatic Transmissions:

The suppliers of plates since 1964 have been Raymark and Spring-Brummer Division of Borg-Warner Corporation. The suppliers of bands since 1964 have been Spring-Brummer Division or Borg-Warner Corporation and D.A.B Industries. Suppliers of clutch plates are Sheepbridge, Raybestos, Manhattan, Raymark, S.K.Wellman, Thermoset, Borg Warner, and Delco Moraine. Further delineation of dates is not possible without a search that would take an estimated 100 man-hours.

Clutch Plates for Manual Transmissions:

Suppliers of facings were (dates are approximate):

Raymark Industrial Division 1965 - 1985
Southfield, Michigan

H.K. Porter 1965 - 1971
Troy, Michigan

Sources of assemblies were (dates approximate):

Borg Warner Corporation Chicago, Illinois	1930 - 1985
Borg & Beck Sterling Heights, Michigan	1974 - 1984
LUK, Inc. Southfield, Michigan	1983 - 1985
Alma Products Company Alma, Michigan	1974-1985
Dalkin (Asahi facings) Troy, Michigan	Unknown

See Defendant's response to Interrogatory No. 6 about brake linings, which response is incorporated herein as if restated verbatim.

34. Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:
- (a) The name, address, and job title of each person having custody of each of those documents and their current location.
 - (b) A brief description of each such document, including the dates and the parties signatory.

ANSWER:

Defendant objects to Interrogatory No. 34 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory, like Interrogatory No. 32, is vague, ambiguous and indefinite in that it fails to define or limit "rebranding agreements." The interrogatory is overbroad, general and global and seeks information which is irrelevant and immaterial to any issue in this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, please see Defendant's response to Interrogatory No. 32 which response is incorporated herein as if restated verbatim.

35. Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:
- (a) A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
 - (b) The disease alleged in each such claim.
 - (c) A brief summary of the disposition of each such claim.
 - (d) The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

Defendant objects to Interrogatory No. 35 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is overly broad, general and global because it inquires of injuries resulting from products other than those involved in this lawsuit and refers to claimants other than those named as Plaintiffs herein. Thus, the interrogatory seeks information which is irrelevant and immaterial to any issue in this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, because GM does not maintain an index of workers' compensation claims related to exposure of particular materials and because claims are not kept in a central location but at or near the facilities where the claimant worked, this interrogatory would impose an undue burden upon Defendant to so index costing GM extreme and unnecessary time, expense and manpower. Subject to and without waiving the foregoing objections, GM will make workers' compensation claims records available for review by Plaintiffs' counsel, at the facilities where they are maintained, at mutually convenient times.

36. Did Defendant or any of its or its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:
- (a) The dates of each such meeting.
 - (b) The general subject matter discussed at each meeting.
 - (c) Who was in attendance at each meeting.
 - (d) Where and by whom the written minutes are presently maintained.
 - (e) By whom the minutes were taken and put into final format.
 - (f) Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER:

Defendant objects to Interrogatory No. 36 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is overly broad, general and global and seeks information which is irrelevant and immaterial to any issue in this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence. Specifically the interrogatory refers to "any subject matter related to asbestos, asbestos health hazards or asbestos products." The interrogatory seeks to invade the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Finally, the interrogatory seeks only to harass, oppress, and impose an undue burden upon Defendant in the form of extreme and unnecessary time, expense and manpower. Subject to and without waiving the foregoing objections, no meeting minutes of the Board of Directors were found on this subject of asbestos and health.

37. Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- (a) As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- (b) The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- (c) The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- (d) The date each of the named products was placed on the market.
- (e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- (f) A description of the physical appearance of each product and its packaging.
- (g) A detailed description of the intended uses of each of the named products.
- (h) Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

ANSWER:

Defendant objects to Interrogatory No. 37 because it is duplicative of other interrogatories, specifically nos. 6 and 14. Plaintiff is asking for the same voluminous information in different forms and is, thereby, seeking to harass and oppress Defendant, as well as impose undue burdens upon Defendant in the form of extreme and unnecessary time, expense and manpower. Moreover, the interrogatory is overly broad, general and global to the extent it encompasses foreign subsidiaries and seeks information regarding products other than those listed in response to Interrogatory No. 6. Therefore, it seeks information which is irrelevant and immaterial to any issue in this lawsuit and the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

- 38. State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- (a) The location of such documents.
- (b) The name and address of the custodian of the documents.
- (c) The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- (d) In what form the documents can be assessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

ANSWER:

Defendant objects to Interrogatory No. 38 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is overly broad, general and global, seeks information which is irrelevant and immaterial to any issue in this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the interrogatory seeks to harass, oppress, and to impose undue burdens upon Defendant in the form of extreme and unnecessary time, expense and manpower. Subject to and without waiving the foregoing objections, GM's usual business practice is to maintain records concerning the sale of replacement automotive parts, including friction parts for approximately six years. Records of vehicle sales are generally kept for approximately ten years.

39. Will you call company representatives as witnesses at the trial of any of these cases? If so, list:
- (a) The name, address, and job title of each company representative who may be called.
 - (b) A summary of the testimony expected to be given by each such witness.
 - (c) List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER:

Defendant objects to Interrogatory No. 39 to the extent it exceeds the scope of Texas Rule of Civil Procedure 166b by asking for a witness list. The interrogatory thereby seeks to invade the attorney work-product, investigative, and third-party communications privileges set forth in Texas Rule of Civil Procedure 166b. The interrogatory is overly broad, general and global and requires Defendant to engage in speculation. Subject to and without waiving the foregoing objections, GM has not yet determined who will be called as witnesses or designated as experts. If GM designates GM employees as experts, and if such experts have prior depositions in their control, copies of the prior depositions will be made available to Plaintiff.

40. Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processes, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:
- (a) Full and correct name;
 - (b) Principal place of business;
 - (c) State of incorporation;
 - (d) Date of acquisition by Defendant;
 - (e) Whether or not the business entity was ever authorized to transact business in the State of Texas.

ANSWER:

Defendant objects to Interrogatory No. 40 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory seeks information which is neither relevant nor material and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit. Subject to and without waiving the foregoing objections, GM acquired the assets of the Bondall Company, 500 Bittner Street, St. Louis, Missouri, in 1939. Bondall designed and manufactured brake linings and clutch facings.

41. Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

ANSWER:

Defendant objects to the use of the word "asbestos products." The interrogatory is also vague and ambiguous. In this regard, the interrogatory is overly broad, general and global. Further, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, yes.

42. For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

ANSWER:

Defendant objects to Interrogatory No. 42 to the extent it is argumentative and requires speculation on the part of Defendant and requires Defendant to invade the fact finder's province. Further, the interrogatory is overly broad, general and global to the extent it refers to persons other than Plaintiffs. Subject to and without waiving the foregoing objections, GM expected mechanics to replace brake linings from time to time.

43. Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- (a) If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- (b) If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or

years you are referring to and the specific products you are referring to and year involved.

ANSWER:

Yes. Brake linings are solid and the chrysotile fibers are locked in a plastic matrix.

44. Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

ANSWER:

Defendant objects to Interrogatory No. 44 to the extent it is vague, ambiguous and confusing in that Defendant does not know what Plaintiff means by "removed" or "stripped." Further, Defendant objects because the interrogatory is not limited to those products listed in response to Interrogatory No. 6. Finally, the interrogatory requires Defendant to speculate as to the treatment or use of products after the sale of such. Subject to and without waiving the foregoing objections, brake linings wear out and it is expected that they will be replaced.

45. Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

ANSWER:

Defendant objects to Interrogatory No. 45 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory seeks to invade the attorney work-product, investigative, and third-party communications privileges set forth in Texas Rule of Civil Procedure 166b. The interrogatory is also overly broad, general and global to the extent it is not limited in time. The interrogatory is also vague and ambiguous to the extent it fails to define or identify "dust level counts" or the reason for such. Finally, the interrogatory, like so many others, is duplicative of other interrogatories and is, therefore, harassing and oppressive and seeks

only to impose an undue burden upon Defendant. Subject to and without waiving the foregoing objections, no. Air sampling was conducted in 1975, as stated in response to Interrogatory No. 8, which response is incorporated herein as if restated verbatim.

46. If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

ANSWER:

Defendant objects to this interrogatory because it is duplicative of other interrogatories herein and it seeks only to harass, oppress and impose undue burden upon Defendant. Further, it is vague, overly broad, general and global. The interrogatory also seeks information which is not reasonably calculated to lead to the discovery of admissible evidence and which is neither relevant nor material to any issue in this case. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, please see Defendant's responses to Interrogatory Nos. 8, 10, 11, 13, and 45, which responses are incorporated herein by reference as if restated verbatim.

47. Has your company or its or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- (a) Name of the person or firm conducting such studies;
- (b) The date the studies began and the date they were completed;
- (c) Any publication or other written dissemination of the results of the studies;
- (d) The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers.

ANSWER:

Defendant objects to Interrogatory No. 47 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the

interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. The interrogatory is also argumentative, assumes facts not in evidence and/or not recognized by the medical community. Further, the interrogatory is overly broad, general and global in that it is not limited in time or to the effects known from the products involved in this lawsuit. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, GM is not aware of any study that establishes that potential exposure to asbestos during brake repair or maintenance operations is a health hazard. GM did, however, evaluate the performance of a brake assembly cleaning device. A copy of the report will be made available for inspection and copying.

48. Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:
- (a) The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
 - (b) What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
 - (c) State in detail the purposes, duties, and responsibilities or (sic) such Research Department.

ANSWER:

Defendant objects to Interrogatory No. 48 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is overly broad, general and global, seeks information which is neither relevant nor material to any issue in this lawsuit, and is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the interrogatory seeks to harass, oppress, and impose

undue and unnecessary burdens upon Defendant. Subject to and without waiving the foregoing objections, GM has many departments that do research on a very wide range of topics. The central research facility was the Research Laboratories, located in Michigan.

49. Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:
- (a) The year such Medical Department was established;
 - (b) Whether or not such Medical Department has operated continuously since being established;
 - (c) The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
 - (d) State the duties and responsibilities of such Medical Department.

ANSWER:

Defendant objects to Interrogatory No. 49 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is overly broad, general and global, seeks information which is neither relevant nor material to any issue in this lawsuit, and is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the interrogatory seeks to harass, oppress, and impose undue and unnecessary burdens upon Defendant. Subject to and without waiving the foregoing objections, there are medical departments at many GM plants and other units, some of which have been in operation since the incorporation of GM. There is no list of all of the directors of these many medical departments since the date of their organization. Please see Defendant's response to Interrogatory No. 18, which response is incorporated herein as if restated verbatim.

50. Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

ANSWER:

Defendant objects to Interrogatory No. 50 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is duplicative of other interrogatories, specifically Nos. 14 and 23, and is, therefore, oppressive and harassing. The interrogatory is also overly broad, general and global in that it is not limited in time or to those products listed in response to Interrogatory No. 6. Subject to and without waiving the foregoing objections, please see Defendant's responses to Interrogatory No.s 14 and 23, which responses are incorporated herein by reference as if restated verbatim.

51. Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER:

Defendant objects to Interrogatory No. 51 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is overbroad, general and global and is not limited to those products listed in response to Interrogatory No. 6. The interrogatory also seeks information which is neither relevant nor material to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit and seeks information protected. Subject to and without waiving the foregoing objections, brake linings have contained an edge code and certification number since about 1967. For drum brake linings manufactured by GM, the edge code is "DELCO" and the certification code begins with "2." For disc brake linings, the edge code is "DM" and the certification code begins with "1" or "2." Disc brake shoes do not have identification markings. Drum brake shoes manufactured by GM have contained the marks of "Delco Moraine" or "DM" or a logo that depicts the outline of two brake shoes. Drum brake shoes with these markings may be relined by various manufacturers with non-GM linings. Before 1974, some

clutch facings that were assembled by GM had a "GM" marking on the facing. Current manual transmission clutch facings do not have identification markings.

52. Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

ANSWER:

Defendant objects to Interrogatory No. 52 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is overly broad, general, global and vague in that it is not limited in time. The interrogatory is unintelligible and seeks information that is neither relevant or material to any issue in this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence. Finally, GM objects to this interrogatory because it serves only to harass, oppress, and impose undue burdens upon Defendant and seeks information protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, brake linings that did not contain asbestos were used on GM vehicles before the introduction of asbestos-containing linings in the 1920's, and some disc and drum brake linings from 1980 to present, and in special applications, like police cars, at other times.

53. Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:
- (a) All details of such recall;
 - (b) The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;
 - (c) The dates of recall;

(d) The purpose for the recall.

ANSWER:

Defendant objects to Interrogatory No. 53 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the Interrogatory is overly broad, general and global in that it is not limited in time, not limited to reasons for recall having to do with exposure to asbestos fibers, and not limited to those products listed in response to Interrogatory No. 6. Further, the Interrogatory seeks information which is neither relevant nor material to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit. Finally, the Interrogatory is argumentative. Subject to and without waiving the foregoing objections, no. GM has not recalled an asbestos-containing brake lining or clutch facing for any reason related to its asbestos content.

54. Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

ANSWER:

Defendant objects to Interrogatory No. 54 because it is duplicative of other interrogatories, specifically Interrogatory No. 52. Further, the interrogatory is not limited to those products listed in response to Interrogatory No. 6 and is, therefore, overly broad, general and global. Moreover, the interrogatory seeks information which is neither relevant nor material to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit. Subject to and without waiving the foregoing objections, asbestos-containing friction has different characteristics than non-asbestos friction products and, therefore, one is not a substitute for another.

55. Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

ANSWER:

Not applicable. Please see Defendant's response to Interrogatory Nos. 52 and 54, which responses and objections are incorporated herein as if restated verbatim.

56. Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

ANSWER:

Defendant objects to Interrogatory No. 56 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, Defendant objects because the interrogatory is duplicative of other interrogatories herein, specifically 8, 11 and 45 and is, therefore, harassing and oppressive. The interrogatory is overly broad, general and global in that it is not limited in time, not limited as to the reason for such surveys, and not limited to "dust" allegedly released from the products listed in response to Interrogatory No. 6. Thus, the interrogatory seeks information which is neither relevant nor material and it is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, please see Defendant's response to Interrogatory Nos. 8 and 11 regarding brake repairs, which responses are incorporated herein as if restated verbatim.

57. As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:
- (a) The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
 - (b) The name of the employee or official of the company receiving such advice;

(c) How Defendant received notice of such limits or concentrations.

ANSWER:

Defendant objects to Interrogatory No. 57 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory is improper because it is overly broad, general and global to the extent it inquires of levels of "asbestos dust" and other "dust" not resulting or released from products listed in response to Interrogatory No. 6. The interrogatory seeks merely to harass, oppress and impose an undue burden upon Defendant and seeks information which is neither relevant nor material to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this lawsuit. Subject to and without waiving the foregoing objections, GM would have become aware of recommended threshold limit values or maximum allowable concentrations established by the American Conference of Governmental Industrial Hygienists shortly after their adoption and publication. Because these values have existed for many years, GM cannot identify the specific employee who first received the information.

58. Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 63 for total dust, and not asbestos dust alone?

ANSWER:

Defendant objects to Interrogatory No. 58 for the same reasons set forth in objection to Interrogatory No. 57, which objections are incorporated herein as if restated verbatim. Further, the interrogatory is vague, ambiguous, and unintelligible as framed. Subject to and without waiving the foregoing objections, not applicable.

59. State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing your asbestos-containing products.

ANSWER:

Defendant objects to Interrogatory No. 59 because it is duplicative of other interrogatories, specifically Interrogatory Nos. 8, 11, 45 and 56. The objections made in response to those interrogatories are, therefore, incorporated herein as if restated verbatim. Further, the interrogatory is overly broad, general, and global to the extent it seeks information regarding "dust or particles" other than asbestos. The interrogatory is also vague and ambiguous and seeks information protected by the attorney work product, investigative and third-party communication privilege set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, please see Defendant's response to Interrogatory No. 56, which response is incorporated herein by reference as if restated verbatim.

60. Please state the following with respect to each expert witness you that you (sic) may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:
- (a) The name, address, and job classification of each such expert witness;
 - (b) The subject matter on which the expert is expected to testify;
 - (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
 - (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report;
 - (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;
 - (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER:

Defendant objects to Interrogatory No. 60 to the extent it attempts to exceed the scope of Texas Rule of Civil Procedure 166b by inquiring of experts other than those Defendant will call at trial. The interrogatory seeks to invade the attorney work-product, the investigative, and the third-party communications privileges set forth in Texas Rule of Civil Procedure 166b. Further, the interrogatory seeks to impose an undue burden upon Defendant by requiring it to recount information which will later be supplied to Plaintiff through requests for production or through subpoena duces tecum at the time of the experts' depositions. Subject to and without waiving the foregoing objections, GM has not yet determined the identities of those expert witnesses it will call at trial.

61. Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:
- (a) Identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.
 - (b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
 - (c) The negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
 - (d) Each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

ANSWER:

Defendant objects to Interrogatory No. 61 to the extent that it attempts to exceed the scope of Texas Rule of Civil Procedure 166b. Further, the interrogatory seeks to invade the attorney work-product, investigative and third-party communications privileges set forth in Texas Rules of Civil Procedure

166b. Moreover, the interrogatory seeks legal conclusions without providing a factual or legal foundation for such opinions and imposes upon Defendant the onerous burden of determining what constitutes "relevant facts."

62. Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

Defendant objects to Interrogatory No. 62 because it is an improper request and exceeds the scope and intent of Texas Rule of Civil Procedure 166b. The interrogatory seeks to invade the attorney work-product, investigative, and third-party communications privileges set forth in Texas Rule of Civil Procedure 166b. Finally, the interrogatory requires Defendant to engage in speculation and conjecture and imposes upon Defendant the onerous burden of determining at this stage what is "relevant" to this cause of action.

63. When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels," published in January 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

- (a) Identify the name and position of the employee or officer who received same;
- (b) Please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;
- (c) Please produce all documents upon which your responses above are based;
- (d) Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- (e) Did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;

- (f) If so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- (g) If your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

Defendant objects to Interrogatory No. 63 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory seeks information which is neither relevant nor material to any issue in this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this case. The interrogatory also imposes an undue burden upon Defendant by requiring it to determine when any one of hundreds of thousands of current and past employees situated around the country first saw this article. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, it is likely that some employee received the Fleischer-Drinker article because it is a well-known article, but when it was first received and who received it is unknown.

- 64. When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry," published in 1983 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W. (c) Dreessen ("the Dreessen Report")?
 - (a) Identify the name and position of the employee or officer who received same;
 - (b) Please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
 - (c) Please produce all documents upon which your responses above are based;

- (d) Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- (e) Did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- (f) If so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- (g) If your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

Defendant objects to Interrogatory No. 64 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory seeks information which is neither relevant nor material to any issue in this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this case. The interrogatory also imposes an undue burden upon Defendant by requiring it to determine when any one of hundreds of thousands of current and past employees situated around the country first saw this article. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, a reference to the Dreessen article was made in an Industrial Hygiene Department report written in late 1939 or 1940. A copy will be made available for inspection and copying. It is not known when the article was received.