

MAY 01 2000

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

JAMES HUTCHESON,

Plaintiff,

v.

A. P. GREEN INDUSTRIES, INC.,
et al.,

Defendants.

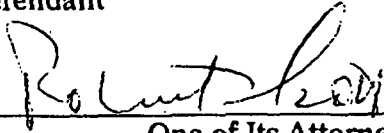
No. 99 - L - 450

CERTIFICATE OF SERVICE

I hereby certify that on April 27th, 2000, I served a copy of Defendant Pneumo Abex Corporation's Responses to Plaintiff's Interrogatories, upon the following by enclosing the same in an envelope with proper postage fully prepaid, and by depositing said envelope in a United States Post Office mail box in Peoria, Illinois.

John Simmons, Esq.
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PNEUMO ABEX CORPORATION,
successor-in-interest to Abex
Corporation, a dissolved corporation,
Defendant



One of Its Attorneys

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SCF-ABEX-3375

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

IN RE: ALL ASBESTOS LITIGATION)
FILED BY THE SIMMONS FIRM, L.L.C.)

Plaintiffs,)

vs.)

A.P. GREEN REFRACTORIES, et al.,)

Defendants.)

**DEFENDANT PNEUMO ABEX CORPORATION'S
RESPONSES TO PLAINTIFF'S INTERROGATORIES**

Pursuant to the Illinois Rules of Civil Procedure, defendant Pneumo Abex Corporation, as successor-in-interest to Abex Corporation, ("Abex") hereby responds to Plaintiff's Interrogatories as follows:

INTRODUCTION AND GENERAL OBJECTIONS

Abex has never mined asbestos, nor has Abex manufactured, processed, distributed, marketed or sold any asbestos-containing building products. The answers of Abex hereinafter set forth are limited to providing information concerning domestic automotive friction products manufactured, sold or distributed by Abex for the relevant time period only.

The information provided in these answers to interrogatories is based upon such information as is presently available to Abex, and Abex expressly reserves the right to supplement or amend these answers when and if additional relevant information or documentation is discovered. Some information provided herein is based upon knowledge obtained through a review of Abex's documents and records. This review is continuing. Abex does not concede that any of its answers to these interrogatories are or will be admissible evidence at a trial of this action, and Abex does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answer at trial.

The following General Objections are hereby explicitly incorporated into each and all of the responses hereinafter provided.

- A. Abex objects to any request that purports to impose upon Abex any obligations

not expressly set forth in the Illinois Code of Civil Procedure.

B. Abex further objects to these interrogatories on the grounds that they are burdensome, overbroad and harassing in that they request information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which can be ascertained or derived only from a page-by-page review of the existing voluminous documents and records of Abex. Many of the interrogatories call for Abex to provide answers concerning events and records without any limitation as to time. There is no compilation, abstract, index or summary of most records in Abex's possession which may be responsive to these interrogatories, and the burden of deriving or ascertaining the answer to most interrogatories is substantially the same for plaintiff as for Abex. Consequently, the entire set of interrogatories is overly broad, unduly burdensome, oppressive and harassing, and beyond the scope of proper discovery.

C. Abex further objects to these discovery requests on the grounds that even if it were possible to supply such detailed and voluminous information, the process of doing so would be unduly burdensome to Abex and would not further plaintiff's discovery of information that would be relevant to the subject matter of the claims in this action. In addition, Abex objects that these requests are overbroad and irrelevant because the information sought is not in any way limited in time or to activities which transpired in Illinois or to the alleged exposure of the plaintiff. The interrogatories have been propounded indiscriminately to every defendant without any attempt to tailor them to any individual defendant.

D. Abex generally objects to these interrogatories on the grounds that they are unduly burdensome, oppressive, vague, overly broad as to time, scope and location, lack particularity, and are repetitive. The use of the words "any," "all" and "each" is overly broad and is objected. Abex cannot determine the precise nature of the information sought and, therefore, is required to respond or cannot respond without an unreasonable risk of inadvertently providing a misleading, confusing, inaccurate, or incomplete response.

E. To the extent that these interrogatories seek information regarding alleged potential health risks to individuals who worked at plants where Abex's asbestos-containing automotive friction products were manufactured, Abex objects on the grounds that such information is not relevant to this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to these interrogatories to the extent that they make no distinction among exposure to raw asbestos fibers, exposure to asbestos-containing building products and exposure to asbestos-containing automotive friction products.

F. Many of these interrogatories call for Abex to characterize the state of knowledge or awareness of a corporation at any given time with regard to a particular fact, event or subject. Abex can only respond to such interrogatories, if at all, by stating on information and belief the degree of knowledge of a particular fact, event or subject as held by a person at a specific time. Such answer, if given, is not intended and should not be deemed to constitute an acknowledgment by Abex that such knowledge is attributable to it.

G. Objection is also made to these interrogatories to the extent that they seek information or materials which have been gathered or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of an/or in connection with litigation, or any other applicable privilege. Abex further objects to these interrogatories to the extent these discovery requests seek or make inquiry into confidential, proprietary or trade secret information or materials.

H. Abex objects to these interrogatories on the ground that they seek information from and identification of each and every person with knowledge of a particular fact, event or subject matter and as such these interrogatories are overly broad, unduly burdensome, oppressive and harassing. The interrogatories are complex and vague and have overlapping subject matters. Hundreds of persons may have knowledge of some of the subjects into which inquiry is made. In other cases the subjects are too ill-defined to allow specification of persons with knowledge. Many of the persons who have or may have had knowledge of particular facts, events or subject matters of which inquiry is made are now deceased or cannot be located. Others, although they may be located, are not presently in the employ or under the control of Abex and cannot be compelled to assist in the preparation of answers to these interrogatories. Moreover, due to the extensive time, covered by these interrogatories, in some instances open ended the persons who may have had knowledge of a particular fact or event may not be able to recall the extent of their knowledge, the source of such knowledge or the time at which such knowledge was acquired.

I. Abex objects to plaintiff's interrogatories on the grounds that the plaintiff has failed to properly identify any Abex products to which he was exposed. Without any identification by plaintiffs of specific products, Abex cannot adequately determine what requests are proper and relevant to this action.

J. In an effort to overcome these limitations, Abex's counsel has conducted a reasonably diligent review of records and inquiry of available persons. Abex has responded in good faith to these interrogatories based on available information. Because of these limitations on Abex's information, the responses that follow are based only upon the information and belief. The statements contained in these responses, therefore, are not and cannot be deemed admissible evidence under the applicable rules of evidence as non-hearsay facts asserted by a party with first-hand knowledge. Abex continues to investigate issues relevant to this action and reserves the right to introduce additional evidence at trial which is produced in the course of its further investigation or review of information.

K. Abex states that these responses are accurate as of the date made. However, Abex's investigation of information that may be responsive to these discovery requests is continuing and Abex reserves the right to supplement its responses when its investigation is complete.

L. At the present time, Abex has not conducted discovery or made a review of discovery conducted by other parties. Abex reserves the right to supplement these responses upon completion of this review and of further discovery.

M. Abex does not concede that any of its responses to plaintiff's interrogatories are or will be admissible evidence at a trial of this action, and Abex does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answer at trial.

N. To the extent to which the information contained herein differs in any respect from any prior answer or response to discovery, these answers shall be deemed to update and supersede any prior answers or responses in any and all actions.

RESPONSES

INTERROGATORY NO. 1:

Identify the person answering these interrogatories on behalf of Defendant.

RESPONSE TO INTERROGATORY NO. 1:

See General Objections. Without waiver of these objections, Abex responds that the preparation of these responses required extensive review of documents and consultation with numerous persons over many years. Furthermore, much of the information provided in these responses has been collected over a number of years by many individuals with personal knowledge of the facts, many of whom are retired, are deceased, or are no longer in Abex's employ, or upon a review of records maintained in the regular course of business.

INTERROGATORY NO. 2:

Has the person answering these interrogatories made reasonable inquiry of all available sources of information such that Plaintiff may rely upon these answers as the truthful and complete answers made on behalf of Defendant? List any and all such sources of information relied upon.

RESPONSE TO INTERROGATORY NO. 2:

See General Objections. Without waiver of these objections, see Abex's response to

Interrogatory No. 1, above.

INTERROGATORY NO. 3:

State the following concerning this Defendant:

- (1) Full and correct name;
- (2) The form in which Defendant presently conducts business (i.e. corporation, partnership, proprietorship, etc.);
- (3) Identify any and all predecessors and related companies as defined above;
- (4) Any and all other forms in which defendant has conducted business at any time, and the date(s) when business was conducted in each form;
- (5) Any and all names by which Defendant has been known or has conducted business, at any time, and the date(s) during which Defendant has been known by and/or conducted business, under each such name;
- (6) Defendant's principal place of business;
- (7) Defendant's present state of incorporation or state in which Defendant is registered as a partnership, association, etc., whichever is applicable; if Defendant has, at any time, been incorporated or registered in a different state, identify which state and when;
- (8) Most recent date of incorporation or reincorporation, and any and all prior date(s) of incorporation or reincorporation;
- (9) Whether this Defendant is authorized to transact business in the State of Illinois and, if so, the date such authority was first issued and last renewed;
- (10) If this Defendant has an agent, representative or place of business in Illinois, identify such agent, representative, or place of business; and,
- (11) If this Defendant has an agent for service in the State of Illinois, identify the registered agent.

RESPONSE TO INTERROGATORY NO. 3:

See General Objections. Abex further objects to this request on the grounds that it is

compound, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this request as it purports to seek information and materials equally available to plaintiffs as defendants. Therefore, the burden of deriving or ascertaining the response to this interrogatory, is substantially the same for plaintiff as Abex.

Without waiver of these objections, Abex responds that the former Abex Corporation, Pneumo Abex Corporation's predecessor, was incorporated as the American Brake Shoe and Foundry Company in New Jersey in 1902, and was reincorporated as that company in 1916 in Delaware. In 1926, the American Brake Shoe and Foundry Company caused to be incorporated a New York corporation named American Brake Materials Corporation. In 1933, American Brake Materials Corporation changed its name to American Brakeblok Corporation. In 1937, American Brakeblok Corporation merged with the American Brake Shoe and Foundry Company, and was thereafter operated as the American Brakeblok Division of that company. In 1943, the American Brake Shoe and Foundry Company changed its name to the American Brake Shoe Company. In 1966, the American Brake Shoe Company changed its name to Abex Corporation. In 1968, Abex Corporation was acquired by IC Industries, Inc.

In 1990, Abex was absorbed into its parent corporation, now known as Pneumo Abex Corporation. Abex's principal place of business is New York, New York.

INTERROGATORY NO. 4:

Has Defendant been sued under its correct legal name? If not, state the correct legal name of Defendant and provide the information requested in No. 3 above concerning the defendant as correctly named.

RESPONSE TO INTERROGATORY NO. 4:

See General Objections. Without waiver of these objections, Abex responds that it was sued under the name "Abex Corporation." Abex's correct corporate name is Pneumo Abex Corporation, as successor-in-interest to Abex Corporation. See also response to Interrogatory No. 3, above.

INTERROGATORY NO. 5:

Identify any and all persons or entities which own, or at any time have owned, more than a ten percent (10%) interest in this Defendant, and for each such person or entity identified, state the date(s) during which said person or entity owned more than a ten percent (10%) interest in Defendant and the specific type and amount of interest owned.

RESPONSE TO INTERROGATORY NO. 5:

See General Objections. Without waiver of these objections, see Abex's response to Interrogatory No. 3, above.

INTERROGATORY NO. 6:

Identify any and all companies, businesses, corporations, and/or ventures in which this Defendant owns, or at any time has owned, more than a ten percent (10%) interest and which engaged in the design, manufacturing, selling, distributing, applying, installing, or relabeling of products containing asbestos.

RESPONSE TO INTERROGATORY NO. 6:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, see Abex's response to Interrogatory No. 10, below.

INTERROGATORY NO. 7:

With respect to each corporation, company, business or joint venture identified in

response to Interrogatory No. 6 state:

- (1) The type of business, conducted by such related company;
- (2) The past and present business relationship(s) between said related company and Defendant;
- (3) The nature of the products or services which Defendant has sold to, or purchased from, said related company;
- (4) Whether or not said related company advertises or has advertised products or services supplied by Defendant;
- (5) Whether or not said related company sells or has sold Defendant's products or services within the State of Illinois and, if so, the approximate value of those sales from 1930 to date;
- (6) Whether or not said related company pays taxes of any type to the State of Illinois or to any political subdivision thereof and, if so, the type of taxes paid;
- (7) Whether or not Defendant controls or has controlled, directly or indirectly, in whole or in part, said related company's advertising; and,
- (8) The identity of any past or present officer or director of Defendant who, at any time, served as an officer or director of said related company.

RESPONSE TO INTERROGATORY NO. 7:

See Abex's response to Interrogatory No. 10, below.

INTERROGATORY NO. 8:

List all directors and officers of Defendant from 1940 to date, and for each state all positions held and the date(s) during which each position was held.

RESPONSE TO INTERROGATORY NO. 8:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible

evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex. Abex's corporate existence spans a period of almost one hundred years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name.

Without waiver of these objections Abex responds that it no longer manufactures, distributes or sells asbestos-containing friction materials of any kind. Abex no longer operates any asbestos-containing friction product manufacturing facilities, and no longer employs any persons in this regard.

The existing business records and documents of Abex, which number in excess of ten (10) million and include an estimated three (3) million sales records, are preserved in the order in which they were found. There is no abstract or summary of most records and documents in Abex's possession which may be responsive to this interrogatory. There was never a central corporate filing system of Abex records and documents.

Therefore, the burden of deriving or ascertaining the response to this interrogatory is substantially the same for plaintiffs as Abex. Abex can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

INTERROGATORY NO. 9:

State whether any of Defendants' present or former officers or directors ever served (whether before, during or after becoming Defendants' officer or director) as an officer or director of any other company, corporation or business which manufactured, sold or distributed asbestos or asbestos-containing products and, if so, please:

- (1) Identify each officer and director of Defendant, who served as such other company's officer or director; and
- (2) Identify each company, corporation or business for which each such officer or director served, each position held by such officer or director for such other company, corporation or business, and the time periods each position was held.

RESPONSE TO INTERROGATORY NO. 9:

See Abex's response to Interrogatory No. 8, above.

INTERROGATORY NO. 10:

Has Defendant ever acquired, through purchase, reorganization or merger, another company, corporation or business which manufactured, sold, processed, distributed or contracted to apply, asbestos and/or asbestos-containing products?

RESPONSE TO INTERROGATORY NO. 10:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds, yes. In 1963, Abex acquired S.K. Wellman Co., a company which manufactured both asbestos and non-asbestos containing friction products.

See also Abex's response to Interrogatory No. 3, above.

INTERROGATORY NO. 11:

If the answer to Interrogatory No. 10 is "Yes", with respect to each such predecessor:

- (1) State its full and correct name;
- (2) State its principal place of business;
- (3) State its State of Incorporation;
- (4) State its date and manner of acquisition by Defendant;
- (5) Whether this predecessor was, at any time, authorized to transact business in the State of Illinois; and
- (6) Identify any and all documents referring to, relating to or reflecting the acquisition.

RESPONSE TO INTERROGATORY NO. 11:

See Abex's response to Interrogatory No. 10, above.

INTERROGATORY NO. 12:

Has Defendant ever acquired from another corporation, company, or business, by any means other than those specified in Interrogatory No. 10, assets or rights to manufacture, sell, distribute or apply asbestos or asbestos-containing products?

RESPONSE TO INTERROGATORY NO. 12:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, to the best of its's knowledge, information and belief, Abex responds, no.

INTERROGATORY NO. 13:

If the answer to Interrogatory No. 12 is "Yes", with respect to each such acquisition:

- (1) State the full and correct name of the company from which such assets or rights were acquired;
- (2) State the principal place of business of the company from which said assets or rights were acquired;
- (3) Describe the assets or rights acquired, including the specific asbestos-containing products to which said assets or rights related; and
- (4) Identify any and all documents referring to, relating to or reflecting the transaction.

RESPONSE TO INTERROGATORY NO. 13:

Not applicable.

INTERROGATORY NO. 14:

Other than any transaction identified in response to Interrogatories Nos. 10-13, has this Defendant ever been involved, in any capacity, including but not limited to, seller, transferor, grantor, franchiser, licensor, buyer, transferee, grantee, franchisee or subject of the transaction, in any transaction, of any kind, concerning any of the following:

- (1) the purchase/sale or transfer of ownership of a company, corporation or business which manufactured, sold, processed, distributed or contracted to apply asbestos and/or asbestos-containing products; or
- (2) the purchase/sale or transfer of ownership of the assets or rights to manufacture, sell, distribute or apply asbestos or asbestos-containing products; or
- (3) the purchase/sale or transfer of liabilities arising out of the manufacture, sale, processing, distribution or application of asbestos or asbestos-containing products.

RESPONSE TO INTERROGATORY NO. 14:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is so vague, ambiguous

and potentially misleading that Abex cannot determine the precise nature of the information sought and, therefore, cannot respond without a substantial risk of inaccuracy.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO 15:

If the answer to any sub-part of Interrogatory No. 14 is "Yes", with respect to each such transaction:

- (1) Identify all parties to the transaction;
- (2) Identify the subject matter of the transaction;
- (3) State the date of the transaction; and,
- (4) Identify any and all documents, referring to, relating to or reflecting the transaction.

RESPONSE TO INTERROGATORY NO. 15:

See Abex's response to Interrogatory No. 14, above.

INTERROGATORY NO. 16:

State the first and last dates on which any asbestos-containing product was manufactured by:

- (1) Defendant;
- (2) each and every predecessor; and
- (3) each and every related company.

RESPONSE TO INTERROGATORY NO. 16:

See General Objections. Abex further objects to this interrogatory on the ground that it is compound, overly broad and unduly burdensome. In addition, this interrogatory seeks information concerning time periods and products not at issue in this case, and Abex further objects on the ground that such information lacks relevance and, therefore, is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these interrogatories, Abex responds that it manufactured and sold various asbestos-containing automotive friction products during various periods from approximately 1927 to 1987.

INTERROGATORY NO. 17:

State the first and last dates on which any asbestos-containing product was specified, sold, distributed, applied and/or installed within the United States by:

- (1) Defendant;
- (2) each and every predecessor; and
- (3) each and every related company.

RESPONSE TO INTERROGATORY NO. 17:

See Abex's response to Interrogatory No. 16, above.

INTERROGATORY NO. 18:

State the last date on which Defendant or any related company specified, sold, distributed, applied and/or installed any asbestos-containing product outside the United States and identify by brand or trade name the products so specified, sold, distributed, applied and/or installed.

RESPONSE TO INTERROGATORY NO. 18:

See General Objections. Abex further objects to this interrogatory on the ground that it is compound, overly broad and unduly burdensome. In addition, this interrogatory seeks information concerning time periods and products not at issue in this case, and Abex further objects on the ground that such information lacks relevance and, therefore, is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 19:

Identify by full and complete trade name, any and all asbestos-containing products as defined above, which this Defendant, any related company, or any predecessor(s) has, at any time:

- (1) Designed;
- (2) Manufactured;

- (3) Processed;
- (4) Sold;
- (5) Distributed;
- (6) Applied;
- (7) Installed;
- (8) Patented;
- (9) Specified; or
- (10) Re-labeled.

RESPONSE TO INTERROGATORY NO. 19:

See General Objections. Abex further objects to this interrogatory on the ground that it is compound, overly broad and unduly burdensome. In addition, this interrogatory seeks information concerning time periods and products not at issue in this case, and Abex further objects on the ground that such information lacks relevance and, therefore, is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, and insofar as it understands this interrogatory, and to the best of current and reasonably available information and belief, Abex manufactured and sold its asbestos-containing automotive friction products under one or more of the following trade names at various times:

Abex
American Brake Materials
American Brakeblok
American Eagle
American Brake Shoe
Brakeblok
Crossing Guard

Esline
121 Super Brakes
Protector
Stopper
Velvetouch Organik

INTERROGATORY NO. 20:

With respect to each asbestos-containing product listed for each subpart of Interrogatory No. 19:

- (1) Identify the specific company (Defendant, predecessor, related company) which designed, manufactured, processed, specified, sold, distributed, applied, installed, patented or re-labeled such product;
- (2) State the year in which Defendant, its related company or its predecessor first designed, manufactured, processed, specified, sold, distributed, applied, installed, patented or re-labeled such product; and,
- (3) State the year in which the Defendant, its related company or predecessor last designed, manufactured, processed, specified, sold, distributed, applied, installed, patented or re-labeled such product.

RESPONSE TO INTERROGATORY NO. 20:

See Abex's response to Interrogatory Nos. 3 and 16, above.

INTERROGATORY NO. 21:

Were any of the products, which were listed in response to Interrogatory No. 19 as having been specified, sold, distributed, applied or installed by Defendant, its predecessor or related company(ies), purchased from another company and relabeled for sale or distribution by Defendant, its predecessors or related companies? If so, identify those products, and with respect to each:

- (1) Identify the company from which Defendant, its predecessor or related company purchased the product; and
- (2) Identify the company which manufactured the product; and,
- (3) State the date(s) during which said re-labeled product was sold, distributed or applied.

RESPONSE TO INTERROGATORY NO. 21:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, upon information and belief, Abex is not aware of any information whereby Abex agreed to rebrand and sell under its own name asbestos-containing brake products manufactured by another entity.

INTERROGATORY NO. 22:

Has this Defendant, at any time, applied, contracted to apply, installed or engaged in the business of applying or installing, asbestos-containing products? If so:

- (1) State the date(s) on which or during which Defendant applied, contracted to apply, installed or engaged in the business of applying or installing asbestos-containing products;
- (2) Identify any and all sites within the State of Illinois at which Defendant applied, installed or contracted to apply or install asbestos-containing products, and for each such site:
 - (1) State whether the products you applied, installed or contracted to apply or install were included as part of the project's contract price or whether you applied the products that were provided at the worksite;
 - (2) Identify by manufacturer and trade name each and every asbestos-containing product applied or installed;
 - (3) State the date(s) during which said application or installation took place;
 - (4) Identify the employee(s) of Defendant who was (were) in charge of the job;
 - (5) Identify the person or entity for which products were applied or installed; and

- (6) Identify all documents relating to such contract, application or installation.

RESPONSE TO INTERROGATORY NO. 22:

No.

INTERROGATORY NO. 23:

Has this Defendant, any predecessor or any related company, ever engaged in the business of mining asbestos? If so:

- (1) Identify which company(ies) whether (Defendant, predecessor or related company) engaged in said business;
- (2) State the date(s) during which each said company engaged in such business;
- (3) State each and every location at which such mining was done;
- (4) Identify each and every officer, employee and/or agent of said company who, at any time, was in charge of each mining operation; and,
- (5) Identify each and every entity, if any, to which said company sold the asbestos which was mined.

RESPONSE TO INTERROGATORY NO. 23:

No.

INTERROGATORY NO. 24:

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

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

RESPONSE TO INTERROGATORY NO. 24:

No.

INTERROGATORY NO. 25:

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

RESPONSE TO INTERROGATORY NO. 25:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex does not possess sufficient knowledge concerning its purchase of raw chrysotile asbestos fiber. Abex is generally aware that chrysotile asbestos fiber, the only asbestos fiber ever utilized by Abex, was purchased from the following companies at various periods since 1948:

Asbestos Corporation, Ltd.
Thetford Mines
Quebec, Canada

*omit
WAAC*

Bell Asbestos Mines, Ltd
Thetford Mines
Quebec, Canada

Lake Asbestos
Lac d' Amiante
Black Lake
Quebec, Canada

Johns-Manville Corp.
Canadian Johns-Manville Corp.
Asbestos, Canada

GAF Corp.

Hyde Park, Vermont

Vermont Asbestos Group, Inc.
Hyde Park, Vermont

INTERROGATORY NO. 26:

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

RESPONSE TO INTERROGATORY NO. 26:

No.

INTERROGATORY NO. 27:

With respect to each and every product listed in response to Interrogatory No. 19, provide a full and complete description of the package in which the product was sold, including, but not limited to, type of package, size, color and writings thereon.

RESPONSE TO INTERROGATORY NO. 27:

See General Objections. Abex further objects to this interrogatory on the ground that it is compound, overly broad and unduly burdensome. In addition, this interrogatory seeks information concerning time periods and products not at issue in this case, and Abex further objects on the ground that such information lacks relevance and, therefore, is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory in that it seeks to shift the burden of proof and product identification from plaintiff to defendants.

Without waiver of these objections, Abex responds that its asbestos-containing automotive friction products were generally packaged in cardboard boxes according to size. The

brand name appears on the package as did the product name.

INTERROGATORY NO. 28:

For each subpart below, state whether or not, to Defendant's knowledge any items as described therein presently exist and, if so, identify any and all such existing items and state the present location of each:

- (a) any product listed in response to Interrogatory No. 19, including, but not limited to, any sample, part or piece thereof;
- (b) any package of the type in which any or all of the products listed in response to Interrogatory No. 19 were or would have been sold, including, but not limited to, any partial package;
- (c) any catalogue, brochure, sales literature or like item referring to, relating to or reflecting any or all of the products listed in response to Interrogatory No. 19;
- (d) any picture, drawing, photograph or like representation of the items described.

RESPONSE TO INTERROGATORY NO. 28:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory in that it seeks to shift the burden of proof from plaintiff to defendants.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 29:

Did Defendant, any related company or any predecessor ever stamp or otherwise place (including affixing tags or labels) a company name, initials, or any identifying logo on any of the products listed in response to Interrogatory No. 19?

RESPONSE TO INTERROGATORY NO. 29:

See General Objections. Abex further objects to this interrogatory on the ground that it is compound, overly broad and unduly burdensome. In addition, this interrogatory seeks information concerning time periods and products not at issue in this case, and Abex further objects on the ground that such information lacks relevance and, therefore, is not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory in that it seeks to shift the burden of proof and product identification from plaintiff to defendants.

Without waiver of these objections, Abex responds that edge codes were on some of its asbestos-containing products.

INTERROGATORY NO. 30:

If your answer to Interrogatory No. 19 is "Yes," identify each and every such product upon which such name, initials or identifying logo appeared and for each such product identified:

- (a) Describe each and every name, initials or identifying logo appearing on said product, at any time, by stating the wording, lettering, symbols, size, color and

manner in which it was stamped, placed or affixed to said product;

- (b) State the date(s) during which each such name, initials, or identifying logo appeared on said product; and
- (c) Identify any and all documents referring to, relating to or reflecting the stamping, placing or affixing of names, initials or logos to said product, including, but not limited to, any pictures, photographs or like representations of such names, initials or logos.

RESPONSE TO INTERROGATORY NO. 30:

See Abex's response to Interrogatory No. 29, above.

INTERROGATORY NO. 31:

Was each of the asbestos-containing products listed in response to Interrogatory No. 19 generally expected to reach, or was each packaged to reach, the consumer or user, without substantial change in the condition in which it was sold?

RESPONSE TO INTERROGATORY NO. 31:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that its asbestos-containing automotive friction products were generally sold in ready-to-use form. Most of the asbestos-containing products Abex manufactured in most instances were not intended by Abex to be cut, sewed, scribed, shaped or mixed by the ultimate user and/or his employees in the application or installation of these products.

INTERROGATORY NO. 32:

If your answer to Interrogatory No. 31 is "No" with respect to any product(s), explain in

what manner Defendant claims said product(s) were altered or substantially changed after sale or distribution and before reaching the consumer or user.

RESPONSE TO INTERROGATORY NO. 32:

Not applicable.

INTERROGATORY NO. 33:

With respect to each product listed in response to Interrogatory No. 19, state whether, based upon the material contents, the method of manufacturing, and the method of application, such product could generally be applied or installed without liberating asbestos fibers?

RESPONSE TO INTERROGATORY NO. 33:

Abex further objects to this request on the ground that the terms "method of manufacturing," "method of application," and "liberating" are vague, ambiguous and undefined rendering this request incomprehensible, thereby making it impossible for Abex to formulate a meaningful answer.

Without waiver of these objections, Abex responds that it considers its brake products to be inherently safe when used properly because the asbestos in Abex's asbestos-containing automotive friction products was resin bound and encapsulated.

See also Abex's response to Interrogatory No. 31, above.

INTERROGATORY NO. 34:

This interrogatory has been withdrawn by plaintiff or stricken by the Court.

INTERROGATORY NO. 35:

Identify each person who participated in the design and/or preparation of manufacturing specifications for each product listed in response to Interrogatory No. 19.

RESPONSE TO INTERROGATORY NO. 35:

See General Objections. Abex further objects to this request on the grounds that it is

vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 36:

Identify any and all documents, including, but not limited to, written memoranda, specifications, blueprints, formulas, patterns and designs, referring to, relating to or reflecting the design, preparation, application and/or installation of each product listed in response to Interrogatory No. 19.

RESPONSE TO INTERROGATORY NO. 36:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory on the grounds that it seeks or makes inquiry into

confidential, proprietary or trade secret information or materials.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's objections and response to Interrogatory No 8, above.

INTERROGATORY NO. 37:

With respect to each product listed in response to Interrogatory No. 19, state:

- (a) The type of asbestos contained in the product as it was first manufactured;
- (b) The percentage of asbestos contained in the product as it was first manufactured;
- (c) Any modification to the product which altered the percentage or type of asbestos in the product and the dates of such modification;
- (d) The source of asbestos in each product;
- (e) The color, physical characteristics, and appearance of each products;
- (f) Any and all other names under which the product was sold, at any time;
- (g) The number and date of each patent or patent application for each product;
- (h) If the product continued to be produced after the deletion of asbestos, all reasons why the asbestos was deleted, the identity of the person(s) who made the decision

to delete the asbestos, and the date the product was first produced without the asbestos;

- (i) If the product is no longer produced, all reasons it was discontinued, the identity of the person(s) who made the decision to discontinue the product, the brand name of the replacement product, and the date the replacement product first went into production; and
- (j) The reasons why asbestos was used as an ingredient in each such product.

RESPONSE TO INTERROGATORY NO. 37:

See General Objections. Abex further objects to this request on the grounds that it is duplicative, compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it seeks or makes inquiry into confidential, proprietary or trade secret information or materials.

Without waiver of these objections, Abex responds that Abex's asbestos-containing automotive friction products contained approximately 25 to 70 percent chrysotile, only. Abex's asbestos-containing automotive friction products were not manufactured pursuant to any single formula. Any variations in the formulas of Abex's asbestos-containing automotive friction products were made to meet specifications, characteristics and uses established by the manufacturer of the vehicle or equipment on which the product would have been applied.

bought
from
NAAC

Abex ceased producing asbestos-containing automotive friction products in 1987 due to a shift in the demand of the automotive friction products market.

See also Abex's response to Interrogatory Nos. 19 and 25, above.

INTERROGATORY NO. 38:

Identify any and all facilities at which Defendant, any predecessor or any related company, at any time, manufactured or processed asbestos-containing products, or processed raw asbestos. For each such facility identified:

- (a) State the date(s) which said facility was owned and/or operated by Defendant, any predecessor or any related company;
- (b) State the date(s) during which asbestos-containing products and/or raw asbestos were manufactured or processed, at said facility; and,
- (c) Identify each person serving as the manager or supervisor of said facility during any time which the facility has been owned and/or operated by Defendant, any predecessor or any related company, and state the date(s) of the tenure as manager or supervisor for each.

RESPONSE TO INTERROGATORY NO. 38:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that its asbestos-containing automotive friction products were manufactured at various times in Detroit, Michigan (approximately 1927 to early to mid 1950's); in Salisbury, North Carolina (1974 to 1987); and in Winchester, Virginia (1947 to 1987).

INTERROGATORY NO. 39:

Withdrawn by plaintiff or stricken by the Court.

INTERROGATORY NO. 40:

Identify any and all persons known by you to have any knowledge concerning the manufacture, sale, distribution, possession, application, installation or use of the products listed in response to Interrogatory No. 19.

RESPONSE TO INTERROGATORY NO. 40:

See General Objections. Abex further objects to this interrogatory on the ground that its seeks information from and identification of each and every person with knowledge of a particular fact, event or subject matter and as such this interrogatory is overly broad, unduly burdensome, oppressive and harassing. Abex's corporate existence spans a period of almost one hundred years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. Many people may have or have had knowledge of some of the subjects listed in this interrogatory. Many of the persons who have or may have had knowledge of particular facts, events or subject matters of which inquiry is made are now deceased or cannot be located. Others, although they may be located, are not presently in the employ or under the control of Abex. Additionally, Abex objects to this interrogatory on the grounds that the subjects contained in this interrogatory are too ill-defined to allow specification of persons with knowledge.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 41:

Has Defendant, any predecessor or any related company, at any time, designed, manufactured, processed, sold, distributed, supplied, applied, installed or contracted to apply or install any product which contained vermiculite?

RESPONSE TO INTERROGATORY NO. 41:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds, upon information and belief, no.

INTERROGATORY NO. 42:

If you answer to Interrogatory No. 41 is "Yes," identify by brand/trade name any and all such products which contained vermiculite and for each:

- (1) State the date(s) during which said product contained vermiculite;
- (2) State, in percentage terms, the amount of vermiculite contained in the product;
- (3) Identify the source of the vermiculite used in the product;
- (4) Identify the specific company (Defendant, predecessor, related company) which designed, manufactured, processed, sold, distributed, applied, installed or patented such product;
- (5) State the year in which Defendant, its related company or its predecessor first designed, manufactured, processed, sold, distributed, applied, installed or patented such product;
- (6) State the year in which the Defendant, its related company or predecessor last designed, manufactured, processed, sold, distributed, applied, installed or patented such product;

- (7) State whether any sample, part or piece of such product is still in existence; and
- (8) Identify all documents relating to such product, including but not limited to any package, brochure, catalog, picture, photograph or like representation of the product or packaging.

RESPONSE TO INTERROGATORY NO. 42:

Not applicable.

INTERROGATORY NO. 43:

With respect to the products listed in response to Interrogatories Nos. 19 and 42, did Defendant, any predecessor or related company or the manufacturer of the products ever conduct test of any kind on any or all of said products concerning possible or potential health hazards involved in its use or in the use of material contained therein.

RESPONSE TO INTERROGATORY NO. 43:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that upon information and belief it did not conduct tests of the kind described in this interrogatory. Abex considers its brake products to be inherently safe when used properly because the asbestos in Abex's asbestos-containing automotive friction products was resin bound and encapsulated.

INTERROGATORY NO. 44:

If your answer Interrogatory No. 43 is "Yes," with respect to each product test:

- (1) State the location where the test was performed;
- (2) Identify each and every individual who conducted or participated in said test;

- (3) Describe the results of said test;
- (4) State the date or dates upon which said test was conducted;
- (5) Identify any and all documents referring to, relating to or reflecting said test or the results thereof; and
- (6) Identify each and every individual who received a copy of any document referring to, relating to or reflecting the results of said test.

RESPONSE TO INTERROGATORY NO. 44:

Not applicable.

INTERROGATORY NO. 45:

Did any person, including but not limited to, an officer, agent or employee of Defendant, any predecessor or related company recommend any design changes as a result of any test referenced in your response to the preceding interrogatory?

RESPONSE TO INTERROGATORY NO. 45:

Not applicable.

INTERROGATORY NO. 46:

If your answer to Interrogatory No. 45 is "Yes," with respect to each such recommended design change:

- (1) State the product or products involved;
- (2) State the test or tests involved;
- (3) State the nature of the change recommended;
- (4) Identify the person(s) making the recommendation;
- (5) State the nature and effective date of any change made; and
- (6) Identify each and every person who participated in the decision to make or not make the recommended design change.

RESPONSE TO INTERROGATORY NO. 46:

Not applicable.

INTERROGATORY NO. 47:

Identify any and all persons employed by Defendant, its predecessor or related company at any time from 1940 to date as an industrial hygienist or similar position.

RESPONSE TO INTERROGATORY NO. 47:

See General Objections. Abex further objects to this request on the grounds that the phrase "similar position" is undefined rendering this request vague and ambiguous.

Abex further objects to this request on the grounds that it overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that it employed a medical director to oversee the health and safety of its employees. The following persons served as medical director for the former Abex Corporation:

	Lloyd E. Hamlin	1941 - 1961	
	Charles C. Blackwell	1961 - 1976	Frederick W.
Knoch		1976 - 1982	
	William F. Redman	1982	
	Dennis G. Egnatz	1982 - 1987	

The primary function of Abex's medical director was to provide a safe working environment for all Abex employees. In addition, the staff of the Medical Department, including industrial hygienists and nurses, reported to the Medical Director. At the present time, defendant does not have a definitive list of all individuals who were employed as Industrial Hygienists. This information will be supplemented.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 48:

Identify any and all persons or entities, other than the employees listed above, which provided industrial hygienic or similar services or information to, or for the benefit of, this Defendant, at any time from 1940 to date, including, but not limited to, employees of, or anyone retained by, any predecessor or related company.

RESPONSE TO INTERROGATORY NO. 48:

See General Objections. Abex further objects to this request on the grounds that the phrase "similar services" is undefined rendering this request vague and ambiguous.

Without waiver of these objections, see Abex's response to Interrogatory No. 47, above.

INTERROGATORY NO. 49:

Does Defendant have, or has Defendant, any predecessor or any related company ever had, a Research Department? If so:

- (1) State when such department was established, and whether or not such department has operated continuously since being established;
- (2) State how much Defendant, its predecessors and/or related company expended each year on research; and
- (3) State the percentage of said expenditure which was for research concerning the health affects or asbestos;
- (4) Identify the person(s) in charge of such department throughout its existence; and
- (5) Identify the person(s) in charge of any asbestos-related research conducted by such department throughout the years.

RESPONSE TO INTERROGATORY NO. 49:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that it maintained a corporate-wide research department. The purpose of this department included designing and developing new products for Abex.

INTERROGATORY NO. 50:

Did Defendant, any predecessor or any related company, or any medical department or industrial hygiene division thereof, maintain a medical and/or scientific library at any time from 1940 to the present? If so:

- (1) State the dates such library existed;
- (2) State the number of volumes maintained therein;
- (3) State the number of employees, part-time or full-time, assigned to the maintenance of said library; and
- (4) Identify the person(s) within the corporate structure to whom said library employees reported throughout the existence of the library.

RESPONSE TO INTERROGATORY NO. 50:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections Abex responds that it did not maintain an official medical library, although its medical department did have various books, articles, and journals relevant to industrial medicine.

INTERROGATORY NO. 51:

Identify any and all scientific or medical periodicals to which defendant, any predecessor

or any related company, or any medical department or industrial hygiene division thereof, subscribed from 1940 to the present, and for each periodical state the dates of such subscriptions.

RESPONSE TO INTERROGATORY NO. 51:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that it is aware that it received the American Industrial Hygiene Association Journal and the Journal of Occupation Medicine, Occupational Health and Safety.

INTERROGATORY NO. 52:

Has Defendant, any predecessor or any related company, at any time since 1940:

- (5) been a member of a medical and/or scientific library or library association?
- (6) been a member of any organization or association which maintained a medical and/or scientific library?
- (7) been a member of any organization or association through which members obtained the use of, or access to, a medical and/or scientific library?

RESPONSE TO INTERROGATORY NO. 51:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive,

harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 53:

If your answer to any subpart of Interrogatory No. 52 is "Yes,":

- (1) Identify the library(ies) involved and state the years during which Defendant, its predecessor or related company was a member of, or otherwise had use of or access to said library; and
- (2) If applicable, identify the organization or association through which Defendant, its predecessor or related company, obtained the use of or access to, such library(ies)

RESPONSE TO INTERROGATORY NO. 53:

Not applicable.

INTERROGATORY NO. 54:

Has Defendant, any predecessor or any related company, or any person or entity acting on behalf thereof, including but not limited to, any insurance company, at any time, conducted any industrial hygiene surveys concerning any product identified in response to Interrogatory No. 19, including, but not limited to, surveys concerning the manufacture, processing, application, installation, use and/or removal of said products?

RESPONSE TO INTERROGATORY NO. 54:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex or Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence, in that any exposure under such conditions would differ in quality, type, duration, and degree from any exposure at issue in this action. In addition, this interrogatory is overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Illinois or to the alleged exposure of the plaintiff to any product of Abex.

Abex also objects that this request may call for information subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Furthermore, Abex responds that it had no control of job sites or job site workers where its asbestos-containing friction products may have been present. Therefore, upon information and belief, Abex is not aware of any information indicating that it undertook or financed tests or studies at job sites.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex,

its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 55:

If your answer to Interrogatory No. 54 "Yes," with respect to each such survey:

- (1) Identify the product(s) which was used in the survey;
- (2) Identify any and all person(s), firm(s) or entity(ies) conducting or participating in the conducting of said survey;
- (3) State the date(s) of said survey;
- (4) Describe the methodology, results and conclusions of said survey;
- (5) Identify any and all documents referring to, relating to, or reflecting said survey or the results and conclusions thereof; and,
- (6) Identify any and all persons to whom such document may have been sent.

RESPONSE TO INTERROGATORY NO. 55:

Not applicable. See Abex's response to Interrogatory No. 54; above.

INTERROGATORY NO. 56:

Has Defendant, any predecessor or any related company, or any person or entity acting on behalf thereof, including but not limited to any insurance company, at any time, gone into any area where any product identified in response to Interrogatory Nos. 19 and 42 was being manufactured, used, applied or installed to perform a dust level count or similar test?

RESPONSE TO INTERROGATORY NO. 56:

See General Objections. Abex further objects to this request on the grounds that the phrase "similar test" is undefined rendering this request vague and ambiguous.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 57:

If your answer to Interrogatory No. 56 is "Yes," identify each such count or test performed, by stating when and where it was conducted, and with respect to each count or test so identified:

- (1) Identify the product being manufactured, used, applied or installed;
- (2) Identify each and every person who conducted, participated in conducting, or analyzed the results of, said count or test;
- (3) State the purpose of said count or test;
- (4) State what, if any, actions were taken in response to the results of said count or test; and
- (5) Identify any and all documents referring to, relating to or reflecting said count or

test, including, but not limited to, any actions taken in response to the results of such count or test.

RESPONSE TO INTERROGATORY NO. 57:

Not applicable. See Abex's objections and response to Interrogatory No. 56, above.

INTERROGATORY NO. 58:

Has Defendant, any predecessor or any related company, or any person or entity acting on behalf thereof, at any time, conducted any study(ies), of any kind, concerning the effects of the inhalation of asbestos dust or asbestos fibers on one using or being exposed to asbestos or any asbestos-containing product, including, but not limited to, those identified in response to Interrogatory Nos. 19 and 42?

RESPONSE TO INTERROGATORY NO. 58:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 59:

If your answer to interrogatory No. 58 is "Yes," with respect to each such study:

1. Describe the nature of said study, including, but not limited to, the purpose and objectives of the study, the product(s) involved, the date(s) conducted, the methodology employed and the results reached, both raw data and conclusions;
2. Identify any and all entities and/or persons conducting said study or participating in the conducting of said study;
3. Identify any and all documents referring to, relating to or reflecting said study, including but not limited to reports (both interim and final), notes, memoranda, work papers, data compilations and surveys;
4. Identify any an all directors, officers, agents or employees of Defendant who participated in the decision to have the study conducted; and,
5. Identify any and all entities and/or persons who received a copy of any document referring to, relating to or reflecting the results or conclusions reached.

RESPONSE TO INTERROGATORY NO. 59:

See Abex's response to Interrogatory No. 58, above.

INTERROGATORY NO. 60:

Did Defendant, its predecessor or related company, take any action as a result of any study or studies set forth in response to Interrogatory Nos. 56 and 58? If so, identify each and every study which resulted in some action being taken, and:

1. Describe the actions taken, including the effective date of said actions:
2. Identify any and all persons, including, but not limited to, directors, officers, agents and employees of Defendant who participated in the decision to undertake said actions; and
3. Identify any and all documents referring to, relating to or reflecting said actions, or any subsequent modification or discussion of the same.

RESPONSE TO INTERROGATORY NO. 60:

See General Objections. Abex further objects to this request on the ground that the terms "take any action" and "action" are vague, ambiguous and undefined rendering this request incomprehensible, thereby making it impossible for Abex to formulate a meaningful answer. Abex further objects to this interrogatory on the grounds that it is so vague, ambiguous and potentially misleading that Abex cannot determine the precise nature of the information sought and, therefore, cannot respond without a substantial risk of inaccuracy.

To the extent this interrogatory seeks information regarding safety issues at Abex or Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, Abex further objections the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

In addition, this interrogatory is overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Illinois or to the alleged exposure of the plaintiff to any product of Abex.

Without waiver of these objections, see Abex's response to Interrogatory Nos. 56 and 58, above.

INTERROGATORY NO. 61:

Has Defendant, any predecessor, or any related company, or any person or entity acting on behalf thereof, at any time, conducted any study(ies) designed to minimize or eliminate the inhalation of asbestos dust and fibers by those using, handling or exposed to any product listed in response to Interrogatory Nds. 19 and 42?

RESPONSE TO INTERROGATORY NO. 61:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant

to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that upon information and belief it did not conduct tests of the kind described in this interrogatory. Abex considers its brake products to be inherently safe when used properly because the asbestos in Abex's asbestos-containing automotive friction products was resin bound and encapsulated.

INTERROGATORY NO. 62:

If your answer to Interrogatory No. 61 is "Yes." with respect to each such study:

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

RESPONSE TO INTERROGATORY NO. 62:

Not applicable.

INTERROGATORY NO 63:

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

RESPONSE TO INTERROGATORY NO. 63:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that in the mid-1970's, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

**Caution
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause Serious
Bodily Harm**

Abex does not believe the wording of this warning was ever changed.

In addition, in 1979 and 1982, Abex participated in the preparation and distribution of a pamphlet published by the Friction Materials Standards Institute, Inc. entitled, "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing." An excerpt of this pamphlet is reprinted below:

**RECOMMENDED PROCEDURES FOR REDUCING
ASBESTOS DUST DURING BRAKE SERVICING**

Because studies have indicated that exposure to excessive amounts of asbestos dust may be a potential health hazard, OSHA has set maximum limits of levels of airborne asbestos

dust to which workers may be exposed. Since most automotive friction materials normally contain a sizeable amount of asbestos it is important that people who handle brake linings and clutch facings understand the nature of the problem and know the precautions to be taken.

Areas where brake work is done should be set aside if possible, and entrances should be posted with an asbestos exposure sign as follows:

Asbestos
Dust Hazard
Avoid Breathing Dust
Wear Assigned Protective Equipment
Do Not Remain in Area Unless Your Work
Requires It
Breathing Asbestos Dust May Be Hazardous
To Your Health

1. The amount of asbestos in the dust brake lining wear is normally at an extremely low level because of chemical breakdown during use, and if machining of friction material does not take place, simple procedures will minimize exposure. During brake servicing, the mechanic should wear a respirator approved by NIOSH for asbestos dust. It should be worn during all procedures starting with the removal of wheels and including reassembly.
2. When removing worn friction materials, remove the accumulated dust in the assemblies with an industrial vacuum cleaner equipped with a high efficiency filter system. If such equipment is not available, dust can be removed with a damp cloth. Do not use compressed air or dry brushing for cleaning unless the assembly is enclosed and properly exhausted.
3. Whenever possible, purchase friction materials preground and ready for installation. If machining is necessary, the precautions which must be taken are of extreme importance. This is the operation in brake service when exposure to asbestos dust may be at its highest. This increases the difficulty in complying with the OSHA standards. In addition to the approved respirator, there must be local exhaust ventilation such that worker exposures are maintained below the OSHA asbestos standards. If there is any question as to the efficiency of asbestos dust removal by the machine, the manufacturer should be contacted.
4. Industrial vacuum cleaner bags containing asbestos dust and cloths used for wiping brake assemblies should be sealed in plastic bags and labeled with the following warning label printed in letters of sufficient size and contrast to be readily visible and legible.

**Caution
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause Serious
Bodily Harm**

5. All asbestos waste should be disposed of in accordance with OSHA and EPA asbestos regulations. During removal of vacuum bags, an approved respirator, as described in (2) above should be worn.
6. Good housekeeping is essential in a workplace where asbestos containing materials are handled. Industrial vacuum cleaners equipped with multiple stage high efficiency filters should be used for removing accumulations of asbestos dust and waste. Never use compressed air or dry sweeping for cleaning. Water or other dust suppressants should be applied if brooms are used.
7. Good personal hygiene practices are important in minimizing asbestos dust exposure. Do not smoke. Wash before eating. Shower after work. Change to work clothes upon arrival at work and change from work clothes at conclusion of work. Work clothing should not be taken home. Laundering asbestos contaminated clothing shall be done so as to prevent release of airborne asbestos fibers in excess of the exposure limits.

CAUTION: DO NOT BREATHE ASBESTOS.

INTERROGATORY NO. 64:

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

RESPONSE TO INTERROGATORY NO. 64:

See Abex's response to Interrogatory No. 63, above.

INTERROGATORY NO. 65:

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

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

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

RESPONSE TO INTERROGATORY NO. 65:

See General Objections. Abex further objects that this request may call for information subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Without waiver of these objections, see Abex's response to Interrogatory No. 63, above.

INTERROGATORY NO. 66:

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

RESPONSE TO INTERROGATORY NO. 66:

See Abex's response to Interrogatory No. 63, above.

INTERROGATORY NO. 67:

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

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

RESPONSE TO INTERROGATORY NO. 67:

Not applicable. See Abex's response to Interrogatory No. 63, above.

INTERROGATORY NO. 68:

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

RESPONSE TO INTERROGATORY NO. 68:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects that this request may call for information subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Without waiver of these objections, Abex responds that it has been unable to determine the exact circumstances surrounding its decision to place warnings on its asbestos containing products and has been unable to identify any individuals who were involved in this process. Investigation continues.

INTERROGATORY NO. 69:

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

- (9) Identify the person(s) and/or entity(ies) giving the same;

- (10) State the date(s) on which the same was given;
- (11) Identify any and all persons receiving notice of the same;
- (12) Describe what, if any, action Defendant took in response to or upon the same; and,
- (13) Identify any and all documents referring to, relating to or reflecting the same, or any action taken thereon or in response thereto.

RESPONSE TO INTERROGATORY NO. 69:

See Abex's response to Interrogatory No. 68, above.

INTERROGATORY NO. 70:

Did Defendant, any predecessor, or any related company ever place any warning directly upon any of the products listed in response to Interrogatory Nos. 19 and 42?

RESPONSE TO INTERROGATORY NO. 70:

No.

INTERROGATORY NO. 71:

If your answer to interrogatory No. 70 is "Yes," identify each and every product upon which such a warning was placed and for each such product identified:

- (3) State, verbatim, each and every warning which ever appeared on said product;
- (4) State the size, color and location of each such warning and describe the manner in which it was placed upon the product;
- (5) State the dates on which each such warning first and last appeared in said product; and,
- (6) Identify any and all documents referring to, relating to or reflecting the placing of any warning directly upon said products, including, but not limited to, decisions not to place such a warning.

RESPONSE TO INTERROGATORY NO. 71:

Not applicable.

INTERROGATORY NO. 72:

Did any warning of any type concerning the products listed in response to Interrogatory Nos. 19 and 43 ever appear in any sales literature or other materials distributed or provided by Defendant, any predecessor or any related company, to the purchasers, consumers and/or users of such products?

RESPONSE TO INTERROGATORY NO. 72:

See Abex's response to Interrogatory No. 63, above.

INTERROGATORY NO. 73:

If your answer to Interrogatory No. 72 is "Yes," identify each and every item of sales literature or other materials in which such a warning appeared, and for each item so identified:

- (7) State the date on which said item was first provided to distributors, sellers, purchasers, consumers or users;
- (8) List the products discussed in the literature;
- (9) Identify any and all other sales literature concerning the products listed in response to Interrogatory Nos. 19 and 42 which was provided to distributors, sellers, purchasers, consumers or users after the above date and which contained no warning.

RESPONSE TO INTERROGATORY NO. 73:

See Abex's response to Interrogatory No. 72, above.

INTERROGATORY NO. 74:

Does Defendant or any related company have any of the following in its possession, custody or control:

- (5) any package, container, label or item of sales literature which Defendant claims constitutes or contains any warning which ever accompanies any product listed in response to Interrogatory Nos. 19 and 42?
- (6) any picture, photograph or like reproductive representation of any item described in subpart (a)?

RESPONSE TO INTERROGATORY NO. 74:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 75:

State the year the Defendant or any predecessor(s) was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust, promulgated by the American Conference of Governmental Industrial Hygienists, and identify the specific person(s) receiving such advise, and any and all documents communicating such advise.

RESPONSE TO INTERROGATORY NO. 75:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant

to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that it is presently unaware of when it first received information concerning Threshold Limit Values.

INTERROGATORY NO. 76:

State whether such threshold limit values or maximum allowable concentrations referred to in Interrogatory No. 75 involved TOTAL dust or just asbestos dust?

RESPONSE TO INTERROGATORY NO. 76:

See Abex's response to Interrogatory No. 75, above.

INTERROGATORY NO. 77:

Describe, in detail, any and all tests, if any, conducted by Defendant, any predecessor or any related company, or anyone acting on behalf thereof, concerning the quantity, quality or threshold limit values of asbestos dust or particles to which applicators or consumers of asbestos-containing products were exposed while using any product identified in response to Interrogatory Nos. 19 and 42, including:

- (4) The product being used;
- (5) Identify any and all person(s), firm(s) or entity(ies) conducting or participating in the conducting of said test;
- (6) State the date(s) of said test;
- (7) Describe the methodology, results and conclusions of said test;
- (8) Identify any and all documents referring to, relating or reflecting said test or the results and conclusions thereof; and,
- (9) Identify any and all persons to whom any document referring to, relating to or reflecting the results or conclusions of said test was sent.

RESPONSE TO INTERROGATORY NO. 77:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that upon information and belief it did not conduct tests of the kind described in this interrogatory. Abex considers its brake products to be inherently safe when used properly because the asbestos in Abex's asbestos-containing automotive friction products was resin bound and encapsulated.

INTERROGATORY NO. 78:

Did Defendant, any predecessor or any related company, at any time, directly advise the owners or management employees of any worksite in which it sold or applied any product listed in response to interrogatory Nos. 19 and 43, of threshold limit values for exposure to asbestos dust recommended by the American Conference of Governmental Industrial Hygienist? If so, state the date or dates that you so advised each such owner or employees, the manner in which you advised such owner or employee and the name of each such owner or employee.

RESPONSE TO INTERROGATORY NO. 78:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that upon information and belief it is not aware of any information responsive to this request. Abex considers its brake products to be inherently safe when used properly because the asbestos in Abex's asbestos-containing

automotive friction products was resin bound and encapsulated.

INTERROGATORY NO. 79:

State the date on which any official of Defendant or its predecessor (s) first had knowledge, notice, information or understanding that exposure to asbestos would, could or might cause each of the following diseases:

- (5) Pleural disease;
- (6) Asbestosis;
- (7) Mesothelioma;
- (8) Lung cancer;
- (9) Any other forms of cancer.

RESPONSE TO INTERROGATORY NO. 79:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, it is impossible to form an answer to this interrogatory on the grounds that it fails to specify the circumstances of exposure, type of asbestos and other factors.

Without waiver of these objections, Abex responds that it is unaware of when it first became aware of any reported association between asbestos exposure and any particular health hazard.

INTERROGATORY NO. 80:

With respect to each disease set forth in Interrogatory No. 79:

- (1) Identify the official who first obtained the knowledge, notice, information or understanding to which the interrogatory refers;

- (2) Identify any and all documents referring to, relating to or reflecting such knowledge, notice, information or understanding; and
- (3) Describe what, if any, action said official, Defendant, any predecessor or any related company took in response to such knowledge, notice, information or understanding.

RESPONSE TO INTERROGATORY NO. 80:

See Abex's response to Interrogatory No. 79, above.

INTERROGATORY NO. 81:

Does Defendant possess knowledge or information concerning, a causal connection between exposure to asbestos or asbestos-containing products and:

- (4) Pleural disease?
- (5) Asbestosis?
- (6) Mesothelioma?
- (7) Lung cancer?
- (8) other cancer?

RESPONSE TO INTERROGATORY NO. 81:

See General Objections. Without waiver of these objections, Abex responds:

1. Abex further objects to this subpart on the grounds that the term "pleural disease" is so vague, ambiguous and potentially misleading that Abex cannot respond without a substantial risk of inaccuracy;
2. Abex is aware of reports which allege that under certain circumstances prolonged and heavy occupational exposure to asbestos can cause asbestosis;
3. Abex is aware of reports which allege a connection between certain types of asbestos and mesothelioma under certain circumstances;

4. Abex is aware of reports which allege that under certain circumstances there is an alleged increased risk of lung cancer where there is underlying asbestosis; and
5. Abex further objects to this subpart on the grounds that the term "other cancer" is so vague, ambiguous and potentially misleading that Abex cannot respond without a substantial risk of inaccuracy.

INTERROGATORY NO. 82:

For each subpart of Interrogatory No. 81 to which you answered "Yes":

- (4) Describe when and how Defendant first obtained knowledge, or information concerning such connection;
- (5) If such knowledge or information was obtained by attendance at any conference, lecture, convention, symposium or meeting, identify such meeting, any and all person attending, and any and all documents referring to, relating to or reflecting the meeting;
- (6) If knowledge was obtained from medical or scientific studies, or work, published or unpublished, identify the same.

RESPONSE TO INTERROGATORY NO. 82:

See Abex's response to Interrogatory No. 79, above.

INTERROGATORY NO. 83:

With regard to any knowledge or information obtained subsequent to that identified in your answer to Interrogatory No. 82 (a), identify any and all documents or communications (oral and/or written) concerning the causal connection between exposure to asbestos-containing or asbestos products and any disease, which were sent to, or received by, Defendant, and identify any and all persons conveying and/or receiving such communications.

RESPONSE TO INTERROGATORY NO. 83:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant

to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 84:

As to any knowledge or information referred to in Interrogatories 79-83, did Defendant, at any time, educate or inform its employees, distributors, purchasers or any persons working in the vicinity where any asbestos-containing product was being applied or installed as to the hazards known to Defendant or about which Defendant had information, and as to the safety precautions necessary to guard against cancer and other diseases arising from the use and handling of the products identified in response to Interrogatory No. 19?

RESPONSE TO INTERROGATORY NO. 84:

See General Objections. Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex or Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the

discovery of admissible evidence, in that any exposure under such conditions would differ in quality, type, duration, and degree from any exposure at issue in this action. In addition, this interrogatory is overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Illinois or to the alleged exposure of the plaintiff to any product of Abex.

Without waiver of these objections, see Abex's response to Interrogatory No. 63, above.

INTERROGATORY NO. 85:

If your answer to Interrogatory No. 84 is "Yes," identify each such occasion on which Defendant so educated or informed its employees, distributors or purchasers, as follows:

- (4) Identify the persons or parties which you educated or informed;
- (5) State when, where and in what manner they were educated or informed;
- (6) Identify any and all documents referring to, relating to or reflecting the communication or other dissemination of such information; and
- (7) Identify any and all persons who so educated or informed said employees, distributors, purchasers or persons working in the vicinity of application or who participated in the same in any way including, but not limited to, assembling, drafting, writing, rewriting, preparing or conveying such information in any format.

RESPONSE TO INTERROGATORY NO. 85:

See Abex's response to Interrogatory No. 84, above.

INTERROGATORY NO. 86:

Did Defendant or any predecessor entity perform, direct to be performed, finance in whole or in part, sponsor in whole or in part or receive the results of, any studies or tests concerning the relationship between asbestos exposure and asbestosis, cancer and/or mesothelioma?

RESPONSE TO INTERROGATORY NO. 86:

See General Objections. Abex further objects to this request on the grounds that it is duplicative, compound, vague, ambiguous, overly broad as to time and scope, unduly

burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, Abex responds that it is generally aware that it contributed monies for certain studies at the Saranac Laboratory, Saranac, New York. Abex documents reflect that any such studies performed by the Saranac Laboratory on behalf of Abex specifically pertained to siderosis and silicosis studies. Plaintiffs' counsel in a different case produced in discovery unauthenticated photocopies of documents purporting to show that Abex agreed in the 1930's to pay \$250 per year for three years with respect to a single asbestos-related animal study at the Saranac Laboratory. Abex records do not confirm any such agreement, nor do Abex records reflect any such payment.

INTERROGATORY NO. 87:

If your answer to Interrogatory No. 86 is "Yes," with respect to each such study or test:

- (a) State the nature of the involvement (performed, directed it to be performed, financed, sponsored, received results, etc.);
- (b) State when, where and at what intervals said study was performed;
- (c) Identify any and all persons, firms or entities which performed said study;
- (d) Identify any all documents referring to, relating or reflecting or reflecting said study or the results thereof; and
- (e) State all means by which the results of said study were disseminated including, if applicable, publication; and identify any and all persons who received said results and any and all publications in which said results appeared.

RESPONSE TO INTERROGATORY NO. 87:

See Abex's response to Interrogatory No. 86, above.

INTERROGATORY NO. 88:

Did Defendant at any time during the period that the products listed in response to Interrogatory Nos. 19 and 42 were manufactured, sold, applied or installed, inform any purchaser or user of said products that such products could cause cancer, asbestosis, and/or other serious diseases?

RESPONSE TO INTERROGATORY NO. 88:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex or Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence, in that any exposure under such conditions would differ in quality, type, duration, and degree from any exposure at issue in this action. In addition, this interrogatory is overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Illinois or to the alleged exposure of the plaintiff to any product of Abex.

Without waiver of these objections, see Abex's response to Interrogatory No. 63, above.

INTERROGATORY NO. 89:

Did Defendant, any predecessor or any related company, or any workers' compensation insurance carrier thereof, ever have any claims for lung diseases or death from lung disease, whether directly or indirectly attributed to asbestosis, mesothelioma, lung cancer, or exposure to asbestos-containing products?

RESPONSE TO INTERROGATORY NO. 89:

See General Objections. Abex further objects to this request on the grounds that it is

compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex or Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence, in that any exposure under such conditions would differ in quality, type, duration, and degree from any exposure at issue in this action. In addition, this interrogatory is overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Illinois or to the alleged exposure of the plaintiff to any product of Abex.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 90:

To be redrafted and resubmitted to defendants pursuant to order of the Court.

INTERROGATORY NO. 91:

How many past or present employees of Defendant, its predecessors or related companies are known by you who claim to be suffering from, to have suffered from, or have suffered deaths caused by:

- (a) asbestosis?
- (b) lung cancer?
- (c) mesothelioma?

RESPONSE TO INTERROGATORY NO. 91:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex or Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence, in that any exposure under such conditions would differ in quality, type, duration, and degree from any exposure at issue in this action. In addition, this interrogatory is overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Illinois or to the alleged exposure of the plaintiff to any product of Abex.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 92:

For each employee referenced in your answer to Interrogatory No. 91, state the date that *Defendant first knew, or had notice or information, that such past or present employee who claims he/she was suffering, or had suffered from:*

- (a) asbestosis;
- (b) lung cancer;
- (c) mesothelioma;

RESPONSE TO INTERROGATORY NO. 92:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent this interrogatory seeks

information regarding safety issues at Abex or Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence, in that any exposure under such conditions would differ in quality, type, duration, and degree from any exposure at issue in this action. In addition, this interrogatory is overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Illinois or to the alleged exposure of the plaintiff to any product of Abex.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 93:

Identify any and all material safety data sheets concerning the products listed in response to Interrogatory Nos. 19 and 42 prepared, at any time, by, or on behalf of, Defendant, and predecessor or any related company.

RESPONSE TO INTERROGATORY NO. 93:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 94:

Identify any and all trade organizations, associations, or other entities, including but not limited to American Textile Institute (ATI), Asbestos Information Association (AIA), Industrial Health Foundation or Industrial Hygiene Foundation (IHF), National Insulation Manufacturers Assn. (NIMA), National Insulation Contractors Assn. (NICA), National Safety Council (NSC), American Ceramics Society (ACS), National Building Materials Distributors Assn. (NIA), Sprayed Mineral Fiber Manufacturers Assn. (SMFMA), Thermal Insulation Manufacturers Assn. (TIMA), Quebec Asbestos Mining Assn. (QAMA), to which Defendant, any predecessor or any related company has belonged or in which any or all of the same have participated since 1925, and state the applicable dates of such membership or participation.

RESPONSE TO INTERROGATORY NO. 94:

See General Objections. Abex further objects to this interrogatory on the grounds that it

is burdensome, overly broad as to time and scope and not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of these objections, Abex responds that it was a member of the following trade associations at various times:

Asbestos Information Association/ Asbestos Information Association of North
North America (AIA/NA) (1975 to 1980)
The Brake Lining Manufacturing Association (from an unknown period to 1949)
Friction Materials Standards Institute (1949 to 1994)
The Air Hygiene Foundation of America (1946) (subsequently known as the
Industrial Hygiene Foundation)
The American Industrial Hygiene Association ("AIHA") (1937)
The Air Pollution Control Association
The Manufacturers Alliance for Productivity and Innovation (formerly the
Machinery and Allied Products Institute).

Abex is aware that some of its employees attended some meetings of the Industrial Hygiene Foundation ("IHF"), however, Abex has not found any information in its files evidencing a corporate membership in IHF.

INTERROGATORY NO. 95:

Identify any and all persons attending, on behalf of Defendant, any predecessor or any related company, any meetings, seminars or symposiums held by the trade organizations, associations, or other entities identified in response to Interrogatory No. 94.

RESPONSE TO INTERROGATORY NO. 95:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it

requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 96:

Did any officer, employee, agent or representative of Defendant, of any predecessor, or of any related company, serve, at any time, as:

- (a) an officer, director or official of any trade organization, association or entity identified in response to Interrogatory No. 94?
- (b) a member of any committee or subcommittee of any trade organization, association or entity identified in response to Interrogatory No. 94?
- (c) the chair of any committee or subcommittee of any trade organization, association or entity identified in response to Interrogatory No. 94?
- (d) the representative or liaison for any trade organization, association or entity identified in response to Interrogatory No. 94 to any other trade organization, association or entity, including, but not limited to, A.T.I, I.H.F, N.I.M.A, AIA, N.I.C.A, T.I.M.A, Q.A.M.A., N..AC. N.S.C, A.C.S., N.B.M.D.A., N.I.A., S.M.F.M.A.?

RESPONSE TO INTERROGATORY NO. 96:

See Abex's response to Interrogatory No. 95, above.

INTERROGATORY NO. 97:

For each subpart of Interrogatory No., 96 to which your answer is "Yes," identify each

and every person serving in such capacity and:

- (a) state the trade organization, association or entity for which such service was rendered;
- (b) specify the capacity of service, including identifying any specific committee, subcommittee or other trade organizations, associations or entities involved; and,
- (c) state the applicable dates of service.

RESPONSE TO INTERROGATORY NO. 97:

See Abex's response to Interrogatory No. 96, above.

INTERROGATORY NO. 98:

Identify any and all documents which Defendant, its predecessor(s) or any related company submitted to, or received from, the organizations listed in response to Interrogatory Nos. 94 and/or 97:

- (a) which refer to, relate to or reflect the subject of asbestos;
- (b) which refer to, relate to or reflect a relationship between asbestos exposure and any disease; and/or
- (c) which refer to, relate to or reflect the placement or providing of warnings with respect to hazardous products.

RESPONSE TO INTERROGATORY NO. 98:

See Abex's response to Interrogatory No. 95, above.

INTERROGATORY NO. 99:

Identify any and all documents including, but not limited to, minutes, bulletins or reports, created by, or on behalf of, any trade organization, association or entity listed in response to Interrogatory No. 94 and/or 97 or any committee, subcommittee or subgroup thereof;

- (a) which refer to, relate to or reflect the subject of asbestos;
- (b) which refer to, relate to or reflect a relationship between asbestos exposure and any disease; or
- (c) which refer to, relate to or reflect the placement or providing of warnings with

respect to hazardous products.

RESPONSE TO INTERROGATORY NO. 99:

See Abex's response to Interrogatory No. 95, above.

INTERROGATORY NO. 100:

Identify any and all documents including, but not limited to, minutes, bulletins or reports, received by, or on behalf of, any trade organization, association or entity listed in response to Interrogatory No. 94 and/or 97, or any committee, subcommittee or subgroup thereof,

- (a) which refer to, relate to or reflect the subject of asbestos;
- (b) which refer to, relate to or reflect a relationship between asbestos exposure and any disease; or
- (c) which refer to, relate to or reflect the placement or providing of warnings with respect to hazardous products.

RESPONSE TO INTERROGATORY NO. 100:

See Abex's response to Interrogatory No. 95, above.

INTERROGATORY NO. 101:

Identify any and all agreements, oral or written, between or among Defendant, any of the other defendants in this lawsuit, any organization, association or other entity including, but not limited to, those identified in your answer to Interrogatory No. 94 and/or any medical or scientific foundations, relating to the standardization of:

- (a) Specifications for asbestos cloth products;
- (b) Specifications for paper or burlap bags, or other packaging to be used for the transport and/or storage of asbestos cement;
- (c) Warning or caution labels to be applied to asbestos products and/or their packaging, cartons, containers, or boxes;
- (d) Methods of dissemination of public relations information to defendant's purchasers, advertisers, distributors, factory workers, contractors, insulators, users, consumers of asbestos products and/or the general public;

(e) Safety equipment and/or protective clothing to be utilized while handling defendant's asbestos products;

(f) Medical programs to be offered or sponsored by defendant.

RESPONSE TO INTERROGATORY NO. 101:

See General Objections. Abex further objects to this request on the grounds that the term "agreements" is so vague ambiguous and potentially misleading that Abex is unable to respond without a substantial risk of inaccuracy.

Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, upon information and belief, Abex is not aware of any information or documents responsive to this interrogatory.

INTERROGATORY NO. 102:

Did Defendant, any predecessor or related company, direct to be performed, sponsor in whole or in part, finance in whole or in part, receive the results of, or become aware of, any studies or tests performed by the Saranac Lake Laboratory of the Trudeau Foundation relating to asbestos exposure and its effects upon human health?

RESPONSE TO INTERROGATORY NO. 102:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of this objections, see Abex's response to Interrogatory No. 86, above.

INTERROGATORY NO. 103:

If your answer to Interrogatory No. 102 is "Yes":

- (a) Identify any and all documents received by Defendant, its predecessor(s), or a related company referring to, relating to or reflecting any findings or results of those studies or tests, and state the date upon which each was first received;
- (b) Identify any and all communications (oral or written), between Defendant, its predecessor(s) or a related company and Saranac personnel, including but not limited to Gerrit W.H. Schepers, M.D.;
- (c) Identify any and all documents referring to, relating to or reflecting the Saranac studies received or submitted by Defendant, its predecessor(s) or a related company either directly, through related or predecessor companies, through other companies, or through any trade associations, organizations or other entities; and
- (d) Identify any and all documents referring to, relating to or reflecting recommendations or findings of such studies relating to:
 - (1) Adequacy or inadequacy of threshold limit values;
 - (2) Substitution of materials other than asbestos to be used in the insulation process.

RESPONSE TO INTERROGATORY NO. 103:

See General Objections. Without waiver of this objections, see Abex's response to Interrogatory No. 102, above.

INTERROGATORY NO. 104:

With respect to each subject listed below, state whether said subject was, at any time, discussed at a meeting of the board of directors of Defendant, any predecessor or any related company:

- (a) The sale and/or marketing of any asbestos-containing product, including, but not limited to, the products listed in response to Interrogatory Nos. 19 and 42;
- (b) The health hazards resulting from exposure to asbestos, including, but not limited to, exposure resulting from the use, application or removal of asbestos-containing products;
- (c) The placement or possible placement of warning labels on asbestos-containing

products or their packages, or in sales literature, therefore including, but not limited to, the products listed in response to Interrogatory Nos. 19 and 42; and

- (d) Any test, survey, study or similar matter concerning asbestos or asbestos-containing products, including, but not limited to, the products listed in response to Interrogatory Nos. 19 and 42.

RESPONSE TO INTERROGATORY NO. 104:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 105:

If you answer to any one or more of the subparts of Interrogatory No. 104 is "Yes." then with respect to each subpart for which you answered "Yes":

- (a) Identify each and every board meeting at which said subject was discussed by

stating the date(s) on which, and the location(s) at which, each meeting was held;

- (b) Identify any and all persons present at each such meeting; and,
- (c) Identify any and all documents, including, but not limited to, minutes, referring to, relating to, or reflecting each such meeting.

RESPONSE TO INTERROGATORY NO. 105:

See Abex's response to Interrogatory No. 104, above.

INTERROGATORY NO. 106:

Identify any and all seminars, symposiums, conferences or like gatherings attended by any officer, agent or representative of Defendant, any predecessor or any related company, at which the subject of asbestos, the health hazards of asbestos exposure, or the placement or providing of warnings was discussed.

RESPONSE TO INTERROGATORY NO. 106:

See General Objections. Abex further objects to this request on the grounds that the phrase "like gatherings" is undefined rendering this request vague and ambiguous.

Abex further objects to this request on the grounds that it is compound, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be

responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 107:

Identify any and all documents, including, but not limited to, notes, reports, minutes or bulletins, which refer to, relate to or reflect any meeting identified in response to Interrogatory No. 106.

RESPONSE TO INTERROGATORY NO. 107:

See Abex's response to Interrogatory No. 106, above.

INTERROGATORY NO. 108:

With respect to each job site set forth in the attached Exhibit A: (i) identify any and all documents referring to, relating to or reflecting the purchase, sale, delivery, use, application or ordering, of any of the products listed in response to Interrogatory Nos. 19 and 42 by, for, to or at said site; and, (ii) identify any and all persons known by Defendant to have knowledge concerning the same.

RESPONSE TO INTERROGATORY NO. 108:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory in that it seeks to shift the burden of proof from plaintiff to defendants.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex,

its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Furthermore, insofar as Abex understands this interrogatory, invoices relating to sales of Abex's asbestos-containing automotive friction products exist for a period beginning sometime in 1976 to 1987, only. Such invoices, which may or may not indicate the information sought in this interrogatory, are arranged for the most part numerically and chronologically by year and not by customer, product or state. Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 109:

Identify any and all parties, located within a 200 mile radius of Madison County, Illinois, including, but not limited to, distributors, suppliers or contractors, known by you to have purchased, received, sold, distributed, applied or otherwise used, at any time, any or all of the products listed in response to Interrogatory Nos. 19 and 42.

RESPONSE TO INTERROGATORY NO. 109:

See Abex's response to Interrogatory No. 108, above.

INTERROGATORY NO. 110:

To be redrafted and resubmitted to defendants pursuant to order of the Court.

INTERROGATORY NO. 111:

To be redrafted and resubmitted to defendants pursuant to order of the Court.

INTERROGATORY NO. 112:

In any lawsuit, as described in Interrogatory No. 111, has Defendant been subject to sanctions, a contempt citation or similar action for failing, or refusing to comply with, any court order, for discovery fraud, or for the failure to provide complete, accurate and truthful responses to discovery?

RESPONSE TO INTERROGATORY NO. 112:

Since this interrogatory refers to Interrogatory No. 111, this interrogatory cannot be answered unless and until Interrogatory No. 111 has been redrafted and resubmitted to defendants.

INTERROGATORY NO. 113:

If your answer to Interrogatory No. 112 is "Yes," with respect to each such occasion described:

- (a) Identify the lawsuit involved, the court which imposed the sanctions or issued the contempt citation, and any other court which reviewed the same;
- (b) Describe the violation for which sanctions or contempt was imposed;
- (c) If the violation involved the failure or refusal to produce any document(s), identify any and all such documents;
- (d) If the violation involved any failure to truthfully answer or to respond to Interrogatories, identify any and all such Interrogatories and your response thereto, including the person answering on your behalf;
- (e) State the present status or final disposition of the matter, whichever is applicable; and;
- (f) Identify any and all documents referring to, relating to or reflecting said matter, including, but not limited to, pleadings, exhibits and court orders.

RESPONSE TO INTERROGATORY NO. 113:

Since this interrogatory refers to Interrogatory No. 112, this interrogatory cannot be answered unless and until Interrogatory No. 111 has been redrafted and resubmitted to

defendants.

INTERROGATORY NO. 114:

To be redrafted and resubmitted to defendants pursuant to order of the Court.

INTERROGATORY NO. 115:

To be redrafted and resubmitted to defendants pursuant to order of the Court.

INTERROGATORY NO. 116:

Withdrawn by plaintiff or stricken by the Court.

INTERROGATORY NO. 117:

Withdrawn by plaintiff or stricken by the Court.

INTERROGATORY NO. 118:

Withdrawn by plaintiff or stricken by the Court.

INTERROGATORY NO. 119:

Withdrawn by plaintiff or stricken by the Court.

INTERROGATORY NO. 120:

Has Defendant, any predecessor or any related company, ever been cited, warned, fined or sanctioned for, any violation of a federal or state statute, law, rule, ordinance, code, administrative order, executive order, or the like, by any federal or state governmental entity, which violation concerned asbestos in any way?

RESPONSE TO INTERROGATORY NO. 120:

See General Objections. Abex further objects to this request on the grounds that the term "warned" is undefined rendering this request so vague, ambiguous and potentially misleading that Abex is unable to respond without a substantial risk of inaccuracy.

Abex further objects to this request on the grounds that it is argumentative, oppressive, misleading, prejudicial, compound, vague, ambiguous, overly broad as to time and scope, unduly

burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex or Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence, in that any exposure under such conditions would differ in quality, type, duration, and degree from any exposure at issue in this action. In addition, this interrogatory is overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Illinois or to the alleged exposure of the plaintiff to any product of Abex.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

INTERROGATORY NO. 121:

If your answer to Interrogatory No. 120, is "Yes," with respect to each such violation:

- (a) Withdrawn by plaintiff or stricken by the Court.
- (b) State the date of the citation, warning, fine, sanction or write-up;
- (c) Describe the violation and state the date(s) during which it occurred;
- (d) Identify the statute, law, rule, ordinance, code or order to which it occurred;
- (e) State what, if any, specific fine, penalty, or sanction was imposed;
- (f) State the date in which and the manner in which said violation was corrected;
- (g) Identify any and all officials of Defendant, its predecessor or its related company having knowledge or notice of said violation and state the date on which said knowledge or notice was received; and
- (h) Identify any and all documents referring to, relating to or reflecting said violation.

RESPONSE TO INTERROGATORY NO. 121:

See Abex's response to Interrogatory No. 120, above.

INTERROGATORY NO. 122:

Has any federal or state government entity, at any time, conducted an inspection, test or survey concerning asbestos or asbestos exposure at any facility where the products listed in response to Interrogatory Nos. 19 and 42 were manufactured, processed, applied, used or removed?

RESPONSE TO INTERROGATORY NO. 122:

See General Objections. Abex further objects to this request on the grounds that it is argumentative, oppressive, misleading, prejudicial, compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex or Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and

irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence, in that any exposure under such conditions would differ in quality, type, duration, and degree from any exposure at issue in this action. In addition, this interrogatory is overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Illinois or to the alleged exposure of the plaintiff to any product of Abex.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it is aware that Gordon S. Siegel, M.D. Chief of the Occupational Medicine Section, Division of Occupational Health, Department of Health, Education and Welfare of the U.S. Public Health Service in Washington D.C. in 1965, prepared to embark of a 20 year study entitled, "Occupational Health Study of the Asbestos Products Industry in the United States." As part of the study, Abex voluntarily agreed that all its employees who worked or would be hired at the Winchester, Virginia facility were to be surveyed. Information currently available to Abex indicates that this study may have been terminated for reasons unknown to Abex by the Government before it was concluded.

INTERROGATORY NO. 123:

If your answer to Interrogatory No. 122 is "Yes," then with respect to each such inspection, test or survey:

- (a) Identify the governmental entity conducting the same;

compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections Abex responds that it is currently involved in litigation with various insurance companies concerning the coverage available to Abex in asbestos personal injury actions.

INTERROGATORY NO. 126:

If your answer to Interrogatory No. 125 is "Yes," identify each such policy of insurance as follows:

- (a) Identify the insurer(s)
- (b) Identify the insured(s)
- (c) State the date on which the policy was first purchased and the date on which the policy expired or was terminated;
- (d) Describe the coverage provided, including, but not limited to, the time period over which the policy applied, the nature of the acts, omissions and injuries covered, and whether the policy provides primary or excess coverage; and
- (e) State the dollar limits of the coverage provided, including, if applicable, the "per person" limitations and "per occurrence" limitation.

RESPONSE TO INTERROGATORY NO. 126:

See Abex's response to Interrogatory No. 125, above.

INTERROGATORY NO. 127:

With respect to each policy described in response to Interrogatory No. 126, state:

- (a) the dollar amount of coverage which remains unexpended; and
- (b) whether any dispute exists between insurer and insured with respect to coverage.

RESPONSE TO INTERROGATORY NO. 127:

See Abex's response to Interrogatory No. 125, above.

INTERROGATORY NO. 128:

Other than the policies of insurance described in response to Interrogatory No. 126, do there exist any agreements providing for the benefit of Defendant, any predecessor or any related company, complete or partial indemnification for any or all expenses incurred with respect to any or all of these cases, including, but not limited to, judgments, settlements, costs, experts' fees and/or attorneys' fees?

RESPONSE TO INTERROGATORY NO. 128:

See General Objections. Abex further objects to this request on the grounds that the term "agreement" is undefined rendering this request so vague, ambiguous and potentially misleading that Abex is unable to respond without a substantial risk of inaccuracy.

Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiver of these objections, upon information and belief, Abex is aware of certain information and/or documents which would be responsive to this request. Pursuant to the Order of the Court issued at a hearing held on April 13, 2000, Abex will produce this information upon receipt of a properly executed protective order securing the confidentiality and limiting the use of this information.

INTERROGATORY NO. 129:

If your answer to interrogatory No. 128 is "Yes," for each such agreement:

- (a) Identify all parties to the agreement and state the capacity of each such party (i.e. indemnitor, indemnitee, etc.);

- (b) State the terms of the agreement, including the nature of the expenses covered and, if applicable, any limitations on payment, reimbursement or indemnification; and
- (c) Identify any and all documents referring to, relating to or reflecting said agreement.

RESPONSE TO INTERROGATORY NO. 129:

See Abex's response to Interrogatory No. 128, above.

INTERROGATORY NO. 130:

Was this Defendant ever allowed to use the trademark or logo of any other company, including but not limited to, its predecessor or related company, on any products Defendant sold, distributed or installed, and if so please state:

- (a) The trademark or logo used by you;
- (b) The company allowing such use of its trademark or logo;
- (c) The time period such use was allowed;
- (d) Whether such use was by written, verbal or implied agreement;
- (e) Each and every product such trademark or logo was placed upon;
- (f) Identify all documents which refer to, relate to or reflect the use of such trademark or logo.

RESPONSE TO INTERROGATORY NO. 130:

See General Objections. Abex objects to this request on the grounds that the terms "trademark" and "logo" are undefined rendering this request so vague, ambiguous and potentially misleading that Abex is unable to respond without a substantial risk of inaccuracy.

Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory in that it seeks to shift the burden of proof from plaintiff to defendants.

Without waiver of these objections, upon information and belief, Abex is not aware of any information or documents which would be responsive to this request.

INTERROGATORY NO. 131

From 1940 to present, state whether Defendant and/or predecessor or related company ever provided workers' compensation health, accident and disability and/or life insurance coverage for its employees, and if so:

- (a) Withdrawn by plaintiff or stricken by the Court;
- (b) State whether such insurance carrier(s) ever conducted any dust counts or studies, industrial hygiene surveys or other tests relating to any asbestos-containing products that Defendant's employees may have been working with or around; and,
- (c) If your response to subpart (b) hereof is in the affirmative, please indicate the date of each such count, study, survey or other test and identify all documents relating thereto.

RESPONSE TO INTERROGATORY NO. 131:

See General Objections. Abex further objects to this request on the grounds that it is compound, vague, ambiguous, overly broad as to time and scope, unduly burdensome, irrelevant to any issue in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent this interrogatory seeks information regarding safety issues at Abex or Abex plants where asbestos-containing and non-asbestos-containing products were manufactured, on the grounds that this interrogatory is overly broad and irrelevant, and therefore not reasonably calculated to lead to the discovery of admissible evidence, in that any exposure under such conditions would differ in quality, type, duration, and degree

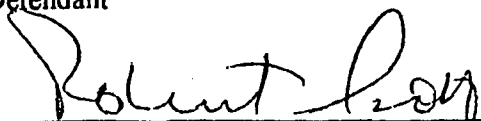
from any exposure at issue in this action. In addition, this interrogatory is overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Illinois or to the alleged exposure of the plaintiff to any product of Abex.

Abex further objects to this interrogatory on the grounds that it is over broad, oppressive, harassing and otherwise unduly burdensome, and calls for speculation to the extent to which it requests information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex.

Without waiver of these objections, Abex responds that it can provide plaintiff with a reasonable opportunity for inspection and copying of non-privileged documents which may be responsive to this interrogatory and to which objection is not made through Abex counsel at a mutually convenient time and at the Abex document storage facility where they are maintained.

See also Abex's response to Interrogatory No 8, above.

PNEUMO ABEX CORPORATION,
successor-in-interest to Abex
Corporation, a dissolved corporation,
Defendant



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VERIFICATION TO FOLLOW AT LATER DATE