

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

PLAINTIFF'S EXHIBIT

HII-8

LENNY DALE RHOTON, SR. and
BARBARA J. RHOTON,

Plaintiffs,

-vs-

A-BEST PRODUCTS COMPANY, ET AL.,

Defendants.

CASE NO. 434065

(JUDGE HARRY A. HANNA)

ANSWERS OF DEFENDANT, ALLIEDSIGNAL INC.
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS

On April 1, 1985, The Bendix Corporation was merged into Allied Corporation and ceased to exist as a legal entity. On September 30, 1987, Allied Corporation was merged into AlliedSignal Inc. and ceased to exist as a legal entity. The Bendix Corporation was incorporated in the State of Delaware and maintained its principal place of business in the State of Michigan. Allied Corporation was incorporated in the State of New York and maintained its principal place of business in the State of New Jersey. AlliedSignal Inc. is incorporated in the State of Delaware and maintains its principal place of business in the State of New Jersey.

AlliedSignal Inc. is the successor in interest to Allied Corporation which, in turn, was the successor in interest to The Bendix Corporation. The Automotive Sector of AlliedSignal Inc. is the business unit within AlliedSignal Inc. which continues the "Bendix" line of automotive friction products.

The following responses to Plaintiff's Interrogatories are based upon: (a) information supplied by employees of The Bendix Corporation or documents in the possession of the Bendix Corporation through March 31, 1985; (b) information or documents acquired by or known to employees of the Automotive Sector of Allied Corporation from April 1, 1985, through September

29, 1987; and (c) information or documents acquired by or known to employees of the Automotive Sector of AlliedSignal Inc. since September 30, 1987.

In its responses this party will be identified as "AlliedSignal" with the understanding that such term refers to: (a) The Bendix Corporation prior to April 1, 1985; (b) The Automotive Sector of Allied Corporation from April 1, 1985 to September 29, 1987; and (c) the Automotive Sector of AlliedSignal Inc. since September 30, 1987. As the context of particular questions may require, the automotive friction products manufactured by AlliedSignal and its predecessors will be described by reference to their registered trademark. "Bendix." Questions directed to matters of corporate identity (e.g., state of incorporation, principal place of business, etc.) are answered as they apply to AlliedSignal Inc.

General Objections

A. AlliedSignal, Inc. reserves all objections to admissibility at trial of any admission, information or documents provided hereunder. The production of any documents or information does not constitute an admission by AlliedSignal that such documents or information are relevant to the issues in the pending litigations and AlliedSignal reserves the right to object to further inquiry with respect to any matter.

B. The documents and information produced are for use in this litigation only and for no other purpose.

C. AlliedSignal objects to producing documents and providing information protected by the attorney-client privileged or the work product privilege.

D. Allied Signal objects to providing information or producing documents generated or prepared in anticipation of litigation.

E. AlliedSignal objects to the use of the term "friction products" to the extent that it encompasses a product to which plaintiff does not claim exposure.

F. AlliedSignal objects to all interrogatories, requests for production of documents and requests for admission which do not set forth a specific time or specific time period.

G. AlliedSignal objects to all interrogatories, requests for production of documents and requests for admission which reference a time during which plaintiff does not claim exposure to an asbestos-containing product of this defendant.

H. AlliedSignal objects to the Definitions and Instructions to the extent that they are contrary to the Ohio Rules of Civil Procedure.

INTERROGATORIES

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include job title, length of time employed by Defendant and a year by year list of all other positions, titles, or jobs held when working for Defendant.

ANSWER: These interrogatories are answered by AlliedSignal Inc., a corporation.

1.1 Please identify all documents used, related to, or referred to in connection with the preparation of or answers to these Interrogatories and state the number of the Interrogatory and its subpart to each such document.

ANSWER: Information used to respond to these Interrogatories has been gathered at various times since 1975 and was derived from interviews with current and former employees and a review of business records. No record was made of the source for specific information given in each response and it is impossible to reconstruct those specific sources at this time.

2. Please state whether or not Defendant is a corporation. If so, please state:

- (a) Your correct corporate name;
- (b) The state of your incorporation;
- (c) The address of your principal place of business;
- (d) Your registered agent for service in the state of Ohio;
- (e) For each Defendant claiming that this Court lacks personal jurisdiction, list year by year the total amount of income received by Defendant from entities in Ohio, any and all years that Defendant, as defined, has been licensed to do business in Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

ANSWER:

- (a) AlliedSignal Inc.
- (b) Delaware
- (c) Morris Township, New Jersey
- (d) CT Corporation
- (e) Not Applicable

3. State Defendant's complete corporate or business history, including dates of incorporation, mergers, consolidations, reincorporations, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs. In addition:

- (a) if Defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos-containing products into the stream of commerce or the insuring of asbestos-related risks, then please state the following as to each acquisition:
- (b) the name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- (c) the manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (d) the date of each such acquisition;
- (e) the state in which each such acquisition was effected;
- (f) the state law governing each such acquisition if specified by contract;
- (g) whether Defendant became legally responsible for the past torts of each such corporation or entity;
- (h) identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory.

ANSWER: See Introductory Statement.

4. Please state whether or not Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following:

- (a) the name or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- (b) the manner by which each such corporation, entity, or interest therein, was acquired (e.g. merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (c) the date of each such acquisition;
- (d) the state in which each such acquisition was effected;
- (e) the state law governing each such acquisition if specified by contract;
- (f) whether Defendant became legally responsible for the past torts of each such corporation or entity;
- (g) whether the acquisition concerned asbestos-containing products.

ANSWER: See Introductory Statement.

4.1 For each corporation, other than the answering Defendant, that has at any time in the past been involved in the placing of asbestos-containing products into the stream of commerce for which officers of the answering Defendant's corporation have also served as officers, directors or served in any managerial position while employed by the answering defendant, state:

- (a) the name of the entity involved in the placing of asbestos products into the stream of commerce;
- (b) the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding,

etc.);

- (c) the specific products placed into the stream of commerce by the entity, year by year and by brand or trade name;
- (d) the name, positions and a brief description of the responsibilities of the person or persons serving the answering Defendant and the entity simultaneously, including the positions held with the entity and with the answering Defendant.

ANSWER: **None.**

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- (a) The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, Defendant's subsidiary or some other entity related to Defendant);
- (b) As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:
 - (1) The trade or brand name.
 - (2) Its identification number (model, serial number, etc.).
 - (3) The time period it was manufactured, mined, marketed, distributed or sold.
 - (4) Its physical description including color, general composition, and form.
 - (5) A detailed description of its intended use and purpose.
 - (6) A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
 - (7) The percent of asbestos which it contained.
 - (8) The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite, chrysotile).
- (c) The time period during which each of these products were on the market;

- (d) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
- (e) How each of these asbestos-containing product can be distinguished from those of competitors;
- (f) A description of the physical appearance of such product;
- (g) A detailed description of the intended uses.

ANSWER:

Objection. This interrogatory is overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Plaintiff does not claim exposure to Bendix brand products. Without waiving the objection, AlliedSignal manufactured and sold Bendix brand brake linings from 1939 to present, Bendix brand disc brake pads from 1963 to present and Bendix brand brake blocks from 1948 to 1988. Furthermore, Allied Signal objects to this Interrogatory because the composition of its friction products is a trade secret and, therefore, proprietary information. Without waiving this objection, Allied Signal states that over the years, motor vehicle manufacturers have made changes in vehicle design (weight, chassis length, engine performance, etc.) and in brake performance criteria (noise, durability and stopping distance limits) which required modifications in product formulations to meet the changed criteria. As a result, the percentage of processed chrysotile asbestos fiber in asbestos-containing brake linings and disc brake pads varies depending upon the composition of a particular item but, on average, is approximately 50% (by weight). The percentage of processed chrysotile asbestos fiber in asbestos-containing brake blocks varied depending upon the composition of a particular item but, on average, was approximately 35% (by weight). Brake linings and disc brake pads also contain a resin binder system and various friction modifiers and fillers which encapsulate the processed chrysotile asbestos fibers. Asbestos-containing brake blocks (manufactured between 1948 and 1988) also contained a resin binder system and various friction modifiers and fillers which encapsulated the processed chrysotile asbestos fillers.

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

- (a) The date of each patent;
- (b) The date same was issued;
- (c) The number of each patent application that is pending.

ANSWER: No.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

- (a) The trade name of each such product;
- (b) The date each such product was altered;
- (c) The nature of the alteration;
- (d) The reason for the alteration.

ANSWER: **Objection. This interrogatory is overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Plaintiffs do not allege exposure to a Bendix brand product other than brakes. Furthermore, Allied Signal objects to this Interrogatory because the composition of its friction products is a trade secret and, therefore, proprietary information. Without waiving this objection, Allied Signal states that over the years, motor vehicle manufacturers have made changes in vehicle design (weight, chassis length, engine performance, etc.) and in brake performance criteria (noise, durability and stopping distance limits) which required modifications in product formulations to meet the changed criteria. As a result, the percentage of processed chrysotile asbestos fiber in asbestos-containing brake linings and disc brake pads varies depending upon the composition of a particular item but, on average, is approximately 50% (by weight). The percentage of processed chrysotile asbestos fiber in asbestos-containing brake blocks varied depending upon the composition of a particular item but, on average, was approximately 35% (by weight). Brake linings and disc brake pads also contain a resin binder system and various friction modifiers and fillers which encapsulate the processed chrysotile asbestos fibers. Asbestos-containing brake blocks (manufactured between 1948 and 1988) also contained a resin binder system and various friction modifiers and fillers which encapsulated the processed chrysotile asbestos fillers.**

8. Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- (a) The name and address of each such company.
- (b) The names and address of Defendant's distributors in Ohio, West Virginia, Pennsylvania and Kentucky since 1940.
- (c) The date of each sale.
- (d) The name of the person at each location with whom you primarily dealt.

- (e) A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- (f) The amount of each asbestos product sold to each location during this period.
- (g) Please identify all documents relating to this distributor for the particular location.

ANSWER: Objection. AlliedSignal objects to this question as being overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. AlliedSignal states that this question is seeking irrelevant information inasmuch as this question pertains to entities and sites not at issue in this litigation.

8.01 Has Defendant ever purchased asbestos-containing products from any other Defendant?

ANSWER: No

8.02 If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each Defendant from whom this Defendant purchased any asbestos-containing product;
- (b) list each product purchased from each co-Defendant;
- (c) list the dates of each purchase of asbestos-containing products from each co-Defendant.

ANSWER: N/A

8.03 Has Defendant ever sold asbestos-containing products to any other Defendant?

ANSWER: Objection. AlliedSignal objects to this question as being overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence.

8.04 If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each Defendant to whom this Defendant sold any asbestos-containing product;
- (b) list each product sold to each co-Defendant;
- (c) list the dates of each sale of asbestos-containing products to each co-Defendant.

ANSWER: Objection. AlliedSignal objects to this question as being overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the above objections, AlliedSignal believes that it may have supplied products to Ford Motor Company and DiamlerChrysler Corporation.

8.05 Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing products for use in connection with temperatures above 125° Fahrenheit since 1930? If so, please state:

- (a) the date such activity began;
- (b) the years during which such activity took place;
- (c) the date when such activity was terminated;
- (d) if such activity was terminated, the reason(s) why;
- (e) the geographical area into which you claim the product(s) were sold, purchased, or used;
- (f) identify the organizational unit of Defendant so engaged;
- (g) the site(s) at which each such product was manufactured;
- (h) the material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;
- (i) the temperature ranges for which each product(s) was intended to be used;
- (j) the product's generic name;
- (k) the product's trade or brand name;
- (l) the container in which the product was shipped (i.e., paper bags, cardboard boxes) including the size and amount of the container;
- (m) a description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared on the package;

- (n) whether the words "non-asbestos" or "asbestos free" were used on the package;
- (o) a detailed description of the intended method of preparation and application of the product;
- (p) a description of the physical appearance of the product, including size, shape, color and texture.

ANSWER:

AlliedSignal objects to this question as being overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. AlliedSignal states that this question is seeking irrelevant information inasmuch as this question pertains to non-asbestos-containing products manufactured and/or marketed by this defendant. Without waiving these objections AlliedSignal states that AlliedSignal and its predecessors have manufactured and sold both asbestos-containing and asbestos-free friction products. The development of asbestos free friction products is an ongoing evolutionary process. Without seriously compromising the critical safety function of brakes, it is not yet possible to eliminate asbestos from all friction products for all vehicular applications. This is particularly true for vehicles in the "aftermarket" where braking systems were designed initially with asbestos-containing linings or pads. AlliedSignal and its predecessors have conducted and continue to conduct research and development to design and produce asbestos-free friction products. This has been accomplished by replacing the fiber reinforcement and bulk volume characteristics of processed chrysotile asbestos fiber with chopped steel wool, iron powder, sponge iron particles, and natural or man made fibers. Asbestos-free brake blocks for super heavy duty drum brakes (e.g. logging and mining trucks) were introduced in 1966. Asbestos-free disc brake pads for severe service applications (e.g. ambulances, police cars and taxis) were introduced in 1969. Asbestos free disc brake pads for passenger cars and light trucks were introduced in 1971. Asbestos-free drum brake lining segments for OEM and OES passenger cars and light trucks were introduced in 1983. Asbestos-free brake blocks for heavy vehicles using air brake systems (e.g. semi-trailers) were introduced in 1983. Asbestos-free motorcycle brake pads (including brake pads for all terrain vehicles, off road vehicles and touring models) were introduced in 1987. Asbestos-free drum brake lining segments and disc brake pads for most passenger car and light truck "aftermarket" applications were introduced in 1988. A full line of asbestos-free brake blocks for heavy vehicles was introduced in 1988.

8.06 Did Defendant ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:

- (a) the name and address of the manufacturer;
- (b) the product's trade and brand name;
- (c) the organizational unit of Defendant who did so;
- (d) date(s) beginning, ending and during which the marketing or distributing took place;

- (e) whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution;
- (f) identify all documents relating the marketing or distribution.

ANSWER: No.

8.1 Does Defendant have reason to believe that any of the asbestos-containing products listed in response to Interrogatory No. 5 were used at any of the sites listed on Exhibit A, attached hereto? If your answer is "yes", please state:

- (a) The basis of your answer.
- (b) Which of Defendant's asbestos-containing products listed in Interrogatory No. 5 were used at each job site listed on Exhibit A.

ANSWER:

Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, AlliedSignal responds that it can only provide the names and shipping addresses of its direct purchasers. Additionally, AlliedSignal objects due to the lack of specificity in regard to time periods.

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold those products listed in response to Interrogatory No. 5, please state the following as to each job site listed on Exhibit A:

- (a) The name and address of each such company;
- (b) The date of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt.
- (d) Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.
- (e) Identify all documents relating to the sales to each such company.

ANSWER:

Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection,

AlliedSignal responds that it can only provide the names and shipping addresses of its direct purchasers. Additionally, AlliedSignal objects due to the lack of specificity in regard to time periods.

8.3 If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, installed and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- (a) Name and address of each such company;
- (b) The dates of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt;
- (d) The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

ANSWER:

Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, AlliedSignal responds that it can only provide the names and shipping addresses of its direct purchasers. Additionally, AlliedSignal objects due to the lack of specificity in regard to time periods.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to any of the sites listed on Exhibit A, attached hereto? If so, please state the following as to each job site listed on Exhibit A:

- (a) The names and last known addresses of those people with such knowledge.
- (b) The location of such records.

ANSWER:

Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, AlliedSignal responds that it can only provide the names and shipping addresses of its direct

purchasers. Additionally, AlliedSignal objects due to the lack of specificity in regard to time periods.

9. Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on the sites listed on Exhibit A, attached hereto, from 1945 to 1975? If your response is yes, as to each site listed on Exhibit A, please state the following:

- (a) The name and last known address of each such representative and whether they are still employed by Defendant;
- (b) The period of time they acted as your representative;
- (c) Their general responsibility as to each facility;
- (d) Whether that person is still alive; and
- (e) Any documents relating, referring or pertaining thereto.

ANSWER:

Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, AlliedSignal responds that it can only provide the names and shipping addresses of its direct purchasers. Additionally, AlliedSignal objects due to the lack of specificity in regard to time periods.

9.1 Identify all managers and sales personnel responsible for your sales or installation of any asbestos-containing products in Ohio from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

ANSWER: AlliedSignal objects to this interrogatory because the question is vague, over broad, unduly burdensome and is not calculated to lead to the discovery of relevant, material, or admissible evidence. Without waiving those objections, AlliedSignal states that at various times during the relevant period, Allied signal and its predecessors have employed or retained sales staff.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing products? If so, please state:

- (a) The name of each subdivision;

- (b) The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- (c) Whether said division or subsidiary conducted such business at any of the sites listed on Exhibit A from 1940 to 1975? If so, please state the following as to each job site listed on Exhibit A:
 - (1) The dates of such contracts;
 - (2) The specific asbestos-containing products that were used or removed in each contract.

ANSWER: No.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

ANSWER: No.

12. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

ANSWER: Asbestos containing brake products were manufactured at Green Island, NY and Cleveland, TN.

13. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials?

If so, please state:

- (a) The name of the company manufacturing the asbestos products under such agreement;
- (b) The trade name affixed to such products;
- (c) The periods of time covered by each such agreement;

- (d) The volume (in dollars amounts) of each such transaction;
- (e) The purchaser of such products;
- (f) Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

ANSWER: Certain products manufactured for sale to original equipment customers are marked to OEM specifications.

13.1 Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear-out of furnaces, pipes, boilers, turbines, lehrs, ovens, kilns, etc? If so, please state:

- (a) the name of said business;
- (b) the date of commencing business and cessation of business, if applicable;
- (c) type of construction or tear-out performed;
- (d) state whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e., gaskets, pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;
- (e) state the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Exhibit A.
- (f) provide the dates for the applicable construction, installation or tear-out project.

ANSWER: No.

13.2 Do you have within your custody, possession, or control any packages that presently or formerly packaged asbestos-containing products or were produced for the purpose of packaging asbestos-containing products contemporaneous with your manufacture sale or distribution of such asbestos-containing products? If so, provide the following:

- (a) a description of each such package;

- (b) the present location and custodian of each such package;
- (c) the date or approximate date on which each such package was produced.

ANSWER:

The products are packaged and distributed in chipboard or corrugated cardboard cartons or boxes. Since October 1973, all boxes have been imprinted with a version of the label referenced in answer to Interrogatory No. 41. AlliedSignal has examples of the packaging in which its current product line is distributed. The custodian is the Automotive Sector, AlliedSignal Inc.

14. What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed above in answer to Interrogatory No. 5?

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Plaintiff does not claim exposure to Bendix brand products. Without waiving the objection, it is not possible to determine the names of every individual that participated in the design and preparation of the manufacturing specifications.

15. As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.

ANSWER:

AlliedSignal objects that this interrogatory is vague and overly broad. Brake assemblies containing Bendix friction material were manufactured to fit specific makes and models of vehicles.

16. Based upon the material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

ANSWER:

Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, please refer to the testimony and reports of defense experts.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

- (a) List each such written material or document;
- (b) Identify the person or persons presently in possession of each such document;
- (c) State where each such document is located.

ANSWER:

Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Plaintiff has not claimed exposure to Bendix brand products.

18. Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER: No.

18.1 Prior to releasing any products for sale and usage (whether asbestos-containing or not), were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.

- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER: No.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 herein above?

- (a) Identify each such written material or document;
- (b) Identify each person who presently has possession of each such document;
- (c) State where each such document is located.

ANSWER:

Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the above objection, AlliedSignal refers to its answer to interrogatory 21.

20. Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 herein above? If so, please state:

- (a) The trade name of the product changed or modified;
- (b) The nature of the change made and the date of such changes or modifications;
- (c) The name, address, and job classification of each person in charge of making a change.

ANSWER: No.

21. After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

- (a) The names of the products tested and the dates of said tests;
- (b) The name, address, and job classification of each person and/or agency conducting said tests;

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

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. To the extent that the following research may be considered to be a test involving potential health hazards, AlliedSignal responds as follows. From May 1971 to March 1973, AlliedSignal (then Bendix Corporation), under contract with the Environmental Protection Agency, Office of Air and Water Programs, conducted extensive research into the survivability of asbestos during the braking process. Michael G. Jacko and Robert T. DuCharme of Bendix Corporation and Joseph H. Somers of the Office of Air and Water Programs of the EPA performed the research. They found that the great majority of asbestos contained in brake linings was heated to a temperature high enough to cause its chemical conversion to harmless forsterite or olivine. On average, 99.75% of the asbestos in brake linings was converted. Samples of wear debris resulting from the braking process were analyzed and found to contain on average, only 00.25% asbestos. To provide a systematic, independent check on that analysis, the EPA Project Officer entered into a separate contract with Battelle Columbus Laboratories to analyze the wear debris. Battelle Laboratories found that, on average, the wear debris resulting from the braking process contained only 00.17% asbestos.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

- (a) The dates and nature of such studies;
- (b) The names and addresses of persons conducting such studies;
- (c) The purpose of such studies;
- (d) Identify and list those persons to whom such reports were given and the date of such dissemination;
- (e) State any publication or other written dissemination of the results of such studies;
- (f) State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and
- (g) Attach a copy of reports based upon such studies.

ANSWER: Please see Answer to Interrogatory No. 21.

23. Before placing in the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- (a) The date of said studies;
- (b) What studies were done; and
- (c) The titles of each study.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, this Defendant does not believe that use of its friction products presents a health hazard.

24. Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- (a) The date, place and nature of each and every test;
- (b) The particular asbestos-containing products to which each test applied;
- (c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- (d) The persons to whom the results said tests were given and the date of such dissemination.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, this Defendant does not believe that use of its friction products presents a health hazard.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- (a) When Defendant first became aware of the hazardous potential of asbestos

dust and asbestos fibers;

- (b) The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- (c) What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- (d) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (e) The name, address and job classification of the custodian of such information.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, it is impossible to state with a reasonable degree of certainty when any of these many officers and employees first heard or read such information. It is recognized that notice of data concerning the potential hazards of asbestos inhalation have been published in the Federal Register in the form of OSHA regulations since 1972.

26. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

ANSWER: See Answer to Interrogatory No. 25.

27. Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

ANSWER: Objection. AlliedSignal objects to this Interrogatory because the question seeks irrelevant information and is not calculated to lead to the discovery of relevant material or admissible evidence. Without waiving the above objections, Michael G. Jacko and Robert T. DuCharme of Bendix Corporation and Joseph H. Somers of the Office of Air and Water Programs of the EPA performed research relating to asbestos.

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

ANSWER: Objection. AlliedSignal objects to this Interrogatory because the question seeks irrelevant information and is not calculated to lead to the discovery of relevant material or admissible evidence. Without waiving the above objections, AlliedSignal states that at various times it and its predecessors have employed or retained physicians from the local communities in which its facilities are/were located to perform routine physical examinations and to administer medical treatments to its employees when necessary. It is impossible to determine what, if any, advice was given in regard to asbestos.

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, this Defendant does not believe that use of its friction products presents a health hazard.

30. Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

ANSWER: Objection. AlliedSignal objects to this Interrogatory because the question seeks irrelevant information and is not calculated to lead to the discovery of relevant material or admissible evidence and seeks information not related to this litigation. Without waiving the above objections, this Defendant has subscribed to "Automotive Aftermarket News", "Warehouse Distribution Jobber Topics", "Warehouse Distributor News", "Motor Age" and "Brake and Front End".

30.1 Please state whether Defendant, its medical officer or industrial hygienist or medical consultant or physicians were ever involved in testing or received literature or correspondence from the Mellon Institute.

ANSWER: See answer to Interrogatory 30 above.

30.2 Has Defendant, or any engineer, industrial hygienist or physician in Defendant's employ, been a member in any professional group, trade group or any of the following groups:

American Ceramics Society
Asbestos Textile Institute
National Insulation Manufacturers Association
Thermal Insulation Manufacturers Association
Quebec Asbestos Mining Association
Asbestos Information Association
Industrial Health Foundation
Industrial Hygiene Foundation
Iron and Steel Institute
National Safety Counsel
Refractories Institute
Air Hygiene Foundation of America, Inc.
Sprayed Mineral Fiber Association
American Society of Mechanical Engineers

If the answer is yes, state the following:

- (a) The name of the group or groups in which Defendant or individual(s) were members;
- (b) The name and position individual(s) within the Defendant, as defined, who were members;
- (c) The years Defendant or individual(s) were members of the groups;
- (d) Whether Defendant paid the individual(s) dues or membership fees or reimbursed the individual(s) for dues or membership fees in the group.

ANSWER: **Bendix Corporation was a member of the Asbestos Information Association of North America from 1974 to 1984.**

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

ANSWER: See answer to Interrogatory 21, above.

32. For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

ANSWER: See answer to Interrogatory 21, above.

33. Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

ANSWER: AlliedSignal objects to this Interrogatory because the question is overly broad and unduly burdensome. Without waiving these objections, AlliedSignal responds that it is impossible to state with a reasonable degree of certainty when any of its officers or employees became aware of reported, potential hazards concerning asbestos. AlliedSignal does acknowledge notice of data concerning the potential hazards of asbestos inhalation which has been published in the Federal Register in the form of OSHA Regulations since 1972.

33.1 State whether Defendant at any time conducted, caused to be conducted, or had conducted on any job site, or at any of Defendant's plants or buildings, any air sampling, dust counts, dust observations, dust sampling tests or other activities to determine air quality. If your answer is in the affirmative, please indicate:

- (a) the date of any such air samples, tests, or activities;
- (b) by whom such activities were performed;
- (c) where such activities were performed;
- (d) the results of any such activities.

ANSWER: AlliedSignal objects to this Interrogatory because the question seeks irrelevant information and is not calculated to lead to the discovery of relevant, material or admissible evidence. Additionally, AlliedSignal objects because plaintiff was neither employed by AlliedSignal nor present in any of its friction product manufacturing plants at any time. Events occurring in those plants during the mass production of friction materials bear no equivalence to the conditions experienced by an end-user of individual units of finished automotive friction products.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- (a) The date each such library was established;
- (b) The location of each library;
- (c) The name(s) of the librarian(s) since 1930;
- (d) List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- (e) List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

ANSWER: Objection. This request is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, Allied Signal responds that it has never had a library in regard to asbestos.

35. Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

ANSWER: No.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

ANSWER: Objection. This question is vague, unduly burdensome and overly broad. Without waiving those objections, AlliedSignal states that it is impossible to determine if or when any of its officers or employees became aware of the above reports.

36.1 Did Defendant ever contract with Saranac Laboratories to study the hazards of any dust producing product manufactured by you (whether asbestos-containing or not)? If so, identify by date and author all documents concerning or any way related to such study.

ANSWER: No.

36.2 Did Defendant ever contract with Saranac Laboratories to analyze dust or products?
If so, identify by date and author all documents concerning or any way related to such analysis.

ANSWER: No.

37. Please state whether Defendant at any time has been a member of any "trade organization" or "trade association" composed of other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER: **Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, this Defendant states that it and its predecessors have been members of the following organizations:**

Friction Material Standards Institute, Inc	1949 to Present
Asbestos Information Association of North America	1974 to 1984
Brake Lining Manufacturers Association	1939 to 1949

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

ANSWER: **Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, this Defendant has no knowledge of such information.**

39. Please identify by name the technical and trade association periodicals to which Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

(a) The title of each such article;

- (b) The periodical in which each such article was published;
- (c) The date each such article was published;
- (d) A detailed explanation of the reason for withholding any such article for printing;
- (e) Produce documentation which refers, alludes or mentions articles which were withheld for publication.

ANSWER: Objection. AlliedSignal objects to this Interrogatory because the question seeks irrelevant information and is not calculated to lead to the discovery of relevant material or admissible evidence. Without waiving the above objections, this Defendant has subscribed to "Automotive Aftermarket News", "Warehouse Distribution Jobber Topics", "Warehouse Distributor News", "Motor Age" and "Brake and Front End".

40. Please state whether, prior to 1975, Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

ANSWER: Objection. AlliedSignal objects to this question as being overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence.

41. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- (a) The name of each relevant product;
- (b) The wording of each such warning;
- (c) A description of each such printed material;
- (d) The method used to distribute the warning to persons who are likely to use the products;
- (e) The date each such warning was issued;

- (f) Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- (g) Please attach a copy of the warning and date said warning was issued;
- (h) The name, address, and job classification of each person who presently has possession of the above-described documents;
- (i) The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

ANSWER:

Objection. This interrogatory is overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, AlliedSignal answers as follows. Although AlliedSignal does not believe that there is any health hazard associated with the proper use of its friction products, since 1973, in recognition of OSHA regulations concerning asbestos exposure, a warning label has been placed on all cartons and boxes of asbestos-containing friction products shipped to customers. AlliedSignal and its predecessors have complied with OSHA warning regulations even though it has never been determined that exposure to friction products results in an exposure to asbestos fibers equal to or in excess of OSHA exposure limits for asbestos fibers. From October, 1973 to August, 1986 the warning label read as follows: "CAUTION/ CONTAINS ASBESTOS FIBERS/AVOID CREATING DUST /BREATHING ASBESTOS DUST MAY CAUSE/ SERIOUS BODILY HARM." From September 1986 until the present, cartons of friction material products have been marked with the OSHA warning "DANGER/CONTAINS ASBESTOS FIBERS/AVOID CREATING DUST/CANCER AND LUNG DISEASE HAZARD" By way of further answer, in 1977 AlliedSignal mailed to its rebuilder customers, the Friction Materials Standards Institute Brake Lining & Clutch Facing Automotive Data Book or a Supplement thereto which contained a page entitled "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing." Moreover, in March 1979, Allied Signal mailed to its distributor and rebuilder customers a Friction Materials Standards Institute publication dated October 1978 entitled "Friction Materials Work Practices Guide" and transmitted it by means of a General Bulletin.

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, please state:

- (a) The name and address of each person or entity who prepared same;
- (b) The name, address and job title of each person who presently has possession of same;
- (c) The date same was prepared;
- (d) The media used to disseminate the sales material.

ANSWER: **Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the above objection, this Defendant states that it and its predecessors have furnished customers over the past 50 years with promotional and advertising materials relating to automotive friction products, and have published numerous advertisements in trade journals and other periodicals. It is impossible to determine the identity of all persons who prepared such material.**

43. Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user or those working in facilities or at job sites where the product was used, installed or removed, including, but not limited to, those sites listed on the job site list attached as Exhibit A? If so, please state the following:

- (a) The name, address and job classification of each person who prepared same;
- (b) The name, address and job classification of each person who presently has possession of same;
- (c) The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

ANSWER: **Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving these objection, AlliedSignal responds as follows: In 1977 AlliedSignal mailed to its rebuilder customers the Friction Materials Standards Institute Brake Lining & Clutch Facing Automotive Data Book or a Supplement thereto which contained a page entitled "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing." Moreover, in March 1979, Allied Signal mailed to its distributor and rebuilder customers a Friction Materials Standards Institute publication dated October 1978 entitled "Friction Materials Work Practices Guide" and transmitted it by means of a General Bulletin.**

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- (a) Identify the written material by content and date;
- (b) To whom was it delivered.

ANSWER: **Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving these objections, AlliedSignal refers to its answer to interrogatory 43, above.**

45. Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- (a) The date that Defendant first determined that another product could be used in place of asbestos;
- (b) The chemical of the substitute;
- (c) Whether the substitute is suitable for the purpose for which they are to be used;
- (d) Whether Defendant used the substitute for asbestos to 1971;
- (e) Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, please refer to the testimony and reports of defense experts.

46. Did Defendant give any warnings to any individuals at the sites listed on Exhibit A, including any individuals who owned, operated, or managed the facilities at the sites listed on Exhibit A, regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- (a) Name of person most knowledgeable about this communication.
- (b) Name of person at the sites listed on Exhibit A, attached hereto most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, it is impossible to determine what information may have been given to the sites listed on Exhibit A. Without waiving the above objections,

asbestos-containing friction products manufactured by AlliedSignal contain processed chrysotile asbestos fibers that are encapsulated or locked into the product itself. Together with various friction modifiers and fillers, the asbestos fibers are bound together with a resin binder system and then baked at a temperature in excess of 350 degrees. Exposure to or the proper use of AlliedSignal's friction products does not pose a health hazard. Although AlliedSignal does not believe that there is any health hazard associated with the proper use of its friction products, since 1973, in recognition of OSHA regulations concerning asbestos exposure, a warning label has been placed on all cartons and boxes of asbestos-containing friction products shipped to customers. In 1977 the Bendix Corporation first mailed to its distributors and rebuilder customers copies of the Friction Materials Standard's Institute's Brake Lining and Clutch Facing Automotive Data Book which contained a section entitled "Recommended Procedures For Reducing Asbestos Dust During Brake Servicing." Since 1977, subsequent editions of the FMSI Data Book (also containing a section entitled "Recommended Procedures For Reducing Asbestos Dust During Brake Servicing") have been distributed to customers by the Bendix Corporation and its successors (Allied Corporation's Automotive Sector and AlliedSignal Inc.'s Automotive Sector). In March 1979, The Bendix Corporation, by means of a general bulletin, mailed to its distributors and rebuilder customers a Friction Materials Standards Institute publication (dated October, 1978) entitled "Friction Materials Work Practices Guide". During 1984 and 1985 Allied Corporation's Automotive Sector mailed "Product Fact Sheets" to all customers. Beginning July 30, 1986, Allied Corporation's Automotive Sector distributed a Material Safety Data Sheet to all customers. Beginning March 1, 1988 AlliedSignal Inc.'s Automotive Sector distributed a Material Safety Data Sheet to all customers.

47. Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- (a) A list of each such claim by claimant's name, date filed, the caption and jurisdiction involved;
- (b) The disease alleged in each such claim;
- (c) A brief summary of the disposition of each such claim; and
- (d) The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

ANSWER: No.

47.1 Please identify all documents concerning or in any way related to any decisions made

by you to cease manufacturing asbestos-containing products.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence.

47.2 Has any person or company from which you purchased asbestos-containing products ever issued a recall of their products or taken any action to take those products off the market after said products were in your possession? If so, provide:

- (a) the date of said recall;
- (b) the name of the company which issued the recall;
- (c) a copy of the recall.

ANSWER: No.

47.3 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the manufacture or production of asbestos-containing products.

ANSWER:

Objection. This Interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Events occurring in friction manufacturing plants during the mass production of friction materials bear no equivalence to the conditions experienced by an end-user of individual finished automotive products. Without waiving the above objection, Allied-Signal responds that it has complied with OSHA requirements regarding its manufacturing facilities.

47.4 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of asbestos-containing or industrial insulation products or who were otherwise exposed to asbestos-containing or industrial insulation products.

- (a) describe such action;
- (b) state when such action was taken;
- (c) state what written material exists related to such action;
- (d) state the names, job titles and last known address of the individuals who undertook such actions.

ANSWER: Objection. This Interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving these objections, AlliedSignal states that it never manufactured, sold, or distributed any insulation product.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury or had sustained an abnormal x-ray reading as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- (a) The name and address of each claimant;
- (b) The date of notice of each claim;
- (c) A description of the claim;
- (d) The type of injuries allegedly sustained;
- (e) The name and address of each attorney representing the individuals making such claims;
- (f) The style and court number of each such claim;
- (g) The resolution of each claim.

ANSWER: No.

48.1 Describe the method by which you have maintained records concerning the manufacture, sale, supply, distribution, use, advertising, delivery and/or installation or tear-out of each of asbestos-containing products. For each description provide the following:

- (a) each present and former company or corporate department, division or subdivision responsible for maintaining such records;
- (b) the manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.);
- (c) the inclusive dates of any such manufacture, sale, supply, distribution,

use, advertising, delivery, and/or installation or tear-out which such record keeping system covers;

- (d) the present location at which all such records are maintained;
- (e) the identity of each person employed by you at any time from 1930 to the present who is or was responsible for the collection and maintenance of such records.

ANSWER: **Objection. This Interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the above objections, this defendant has maintained records on microfilm.**

48.2 State whether any records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation or tear-out of asbestos-containing products have been destroyed or discarded and if so, indicate:

- (a) the date and location of such destruction or discard;
- (b) the custodian and location of such records prior to their destruction or discard and the identity of each employee, representative, official or agent who ordered, authorized or supervised such destruction or discard.

ANSWER: **Objection. This Interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the above objection, AlliedSignal has no knowledge of any records being destroyed.**

48.3 For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

ANSWER: **See Response to Interrogatory No. 48.1.**

48.4 For all invoices, work orders and/or purchase orders, which relate to matters relevant to all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

ANSWER: See Response to Interrogatory No. 48.1.

49. Has Defendant obtained statements from any witnesses including Plaintiffs? If so, please:

- (a) list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

ANSWER: AlliedSignal has obtained no statements from plaintiff and objects to otherwise answering this Interrogatory because the question seeks discovery of the work product of AlliedSignal's trial counsel.

50. Do you contend that Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set forth in detail in what respect the product was improperly used.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, this Defendant does not believe that use of its friction products presents a health hazard and objects to otherwise answering this Interrogatory because the question seeks discovery of the work product of AlliedSignal's trial counsel.

51. As to the sites listed on Exhibit A, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed to

or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- (a) The facts upon which you rely;
- (b) The identity of the sources upon which you rely which substantiate these facts.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the objection, this Defendant cannot respond to this Interrogatory because discovery is still continuing.

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- (a) When the respirator was sold;
- (b) A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- (c) The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- (d) Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- (e) List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. AlliedSignal does not believe that use of its friction products present a health hazard.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity and last known address;
- (b) The subject matter on which the expert is expected to testify;
- (c) The expert's specific conclusion and specific opinions and the specific basis therefore;

- (d) The expert's qualifications to render the opinions set forth above;
- (e) Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- (f) Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- (g) Describe in detail the education and work history of, and identify any books, treaties, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to sub-paragraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

ANSWER: AlliedSignal will identify expert witnesses and provide reports and curriculum vitae of those expert witnesses in accordance with the Case Management Order handed down by the court in this action.

54. Please state the name and last known address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

ANSWER: See answer to No. 53 above.

55. Does Defendant admit that service of process was properly had on it in these cases?
If not, please state why.

ANSWER: Yes.

55.1 For each and every affirmative defense asserted in Defendant's Answer to Plaintiffs' Complaint, or the cross-claims or counter-claims of any party against Defendant, state:

- (a) the facts upon which Defendant relies for each and every affirmative defense;
- (b) each and every document which will be offered to prove each and every affirmative defense; and
- (c) each and every witness who will testify in support of each and every affirmative defense.

- (d) the substance and subject matter of the anticipated testimony of each witness identified in the preceding response.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving these objections, AlliedSignal answers that it is impossible to answer this question at this time as discovery is still continuing.

56. Does Defendant have policies of insurance that might cover the claims that have been made by Plaintiffs herein?

- (a) If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER: AlliedSignal objects to this Interrogatory because the question seeks irrelevant information and is not calculated to lead to the discovery of relevant, material or admissible evidence. Without waiving said objection, see enclosed schedule Exhibit 1.

56.1 Has Defendant ever been involved in any litigation concerning potential insurance coverage for asbestos products liability matters? If so, please state:

- (a) the case caption, court and date of filing of each case in which you have been involved;
- (b) whether you were Plaintiff or Defendant;
- (c) a brief statement of the issues;
- (d) identify by date, author and recipient(s), (including recipients of carbon copies) all documents listed as exhibits by either party in this litigation;
- (e) identify by deponent and date all individuals who were deposed in these cases;
- (f) identify by date, author and recipient(s) all documents that have been placed on a protective order in such litigation;
- (g) identify all expert witnesses retained for use at trial in any of the above litigation by name, address and telephone number.

ANSWER: AlliedSignal objects to this Interrogatory because the question seeks irrelevant information and is not calculated to lead to the discovery of relevant, material or admissible evidence.

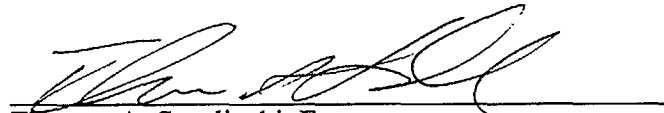
57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. It is impossible for this defendant to determine every person who has such knowledge.

58. State the last date that Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome and not calculated to lead to the discovery of relevant evidence. Without waiving the above objection, this Defendant answers that it still currently manufactures both asbestos and non-asbestos friction materials.

Respectfully submitted,



Thomas A. Smolinski, Esq.
Ohio Admission Pro Hac Vice
Counsel for Defendant
AlliedSignal Inc.

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Pittsburgh Pa, 15237
(412)-366-3333
tsmolinski@willmanlaw.com

VERIFICATION

STATE OF NEW JERSEY)
)SS.
COUNTY OF MORRIS)

Lorraine Jablecki, being first duly sworn, upon her oath at law, deposes and says:

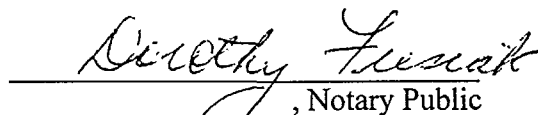
1. I am a Legal Research Assistant employed by Honeywell International, Inc., formerly known as AlliedSignal Inc., successor to Bendix Corporation. I am authorized to sign the foregoing Discovery Responses on behalf of Honeywell International, Inc.

2. The responses were prepared with the assistance and advice of counsel and other representatives of Honeywell International, Inc. The information contained in the responses was furnished by various employees of and departments within Honeywell International, Inc. and/or has been derived from business records maintained by Honeywell International, Inc.

3. While I do not have personal knowledge of the facts recited in the responses, they are true to the best of my knowledge, information and belief.


Lorraine Jablecki

Subscribed and sworn to before me this
23rd day of October, 2001.


_____, Notary Public

Morris County, New Jersey
My Commission Expires:

DOROTHY FUSIAK
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 9/29/2003

FIDELITY & CASUALTY COMPANY OF NEW YORK

<u>POLICY DATES</u>	<u>POLICY NO.</u>	<u>COVERAGE LIMITS</u>
01-1-39 to 01-1-40	P216269	50/100 BI
01-1-40 to 10-1-41	XP236500	50/100 BI
10-1-41 to 10-1-44	XAP1457	50/100 BI; 50 PD
10-1-44 to 10-1-47	XP20619	100/500 BI; 100 PD
10-1-47 to 10-1-50	XP25711	100/500 BI; 100 PD
10-1-50 to 10-1-53	XP84943	250/500 BI; 100/100 PD
10-1-53 to 10-1-56	XP88153	250/500 BI; 100/100 PD
10-1-56 to 10-1-59	XP226030	250/500 BI; 100/100 PD
10-1-59 to 10-1-62	XP323487	250/500 BI; 100/100 PD
10-1-62 to 10-1-65	XP389303	250/500 BI; 100/100 PD

CONTINENTAL INSURANCE COMPANY

<u>POLICY DATES</u>	<u>POLICY NO.</u>	<u>COVERAGE LIMITS</u>
10-1-65 to 10-1-67	LZ49509	250/500 BI; 100/100 PD
10-1-67 to 10-1-70	CBP048567	250/500 BI; 100/100 PD
10-1-70 to 10-1-75	CBP048568	1,000,000 CSL
10-1-75 to 12-31-75	L6348763	1,000,000 CSL
12-31-75 to 10-1-77	L6348763	2,000,000 CSL
10-1-77 to 10-1-78	L6348763	5,000,000 CSL
10-1-78 to 10-1-79	L6348763	5,000,000 CSL
10-1-79 to 10-1-83	SRL6348763	5,000,000 CSL

THE TRAVELERS INSURANCE COMPANY

<u>POLICY DATES</u>	<u>POLICY NO.</u>	<u>COVERAGE LIMITS</u>
10-1-83 to 3-1-84	PRNSL137T91G	1,000,000 CSL
3-1-84 to 3-1-85	TEESLG137T910	1,000,000 CSL



CERTIFICATE OF SERVICE

The undersigned certifies an exact copy of the foregoing has been electronically filed on this the 24rd day of October, 2001.

A handwritten signature in black ink, appearing to read 'Thomas A. Smolinski', written over a horizontal line.

Thomas A. Smolinski

EXHIBIT A
BARON & BUDD SITE LIST

Tennessee Eastman Corp., Kingsport, TN
Specialty Paper Co., Dayton, OH
General Motors, Moraine, OH
Interstate Folding Box, Middletown, OH