

FILE NAME: Carlisle (CARL)

DATE: 1995

DOC#: CARL071

DOCUMENT DESCRIPTION: Legal - Defendant Answers to Plaintiffs' 2nd Set of Interrogatories

IN THE CIRCUIT COURT
OF THE EIGHTH JUDICIAL CIRCUIT
CASS COUNTY, ILLINOIS

ROSE SPEARS, As Special Administrator)
for WILLIAM SPEAR, Deceased,)
)
Plaintiff,)
)
v.) No. 92-L-3
)
A. P. GREEN, et al.,)
)
Defendants.)

ANSWERS TO PLAINTIFF'S SECOND SET OF
INTERROGATORIES PROPOUNDED TO DEFENDANT CARLISLE CORPORATION

I. PRELIMINARY STATEMENT

These questions or requests are answered with respect to Motion Control, Inc., a subsidiary of Carlisle Corporation. These questions or requests are answered on the basis of information presently known to the person or persons who prepared the answers. Because much of the information which is the subject of these questions or requests is historical in nature, and considerable time may have passed since the events or dates in question, these answers are subject to the discovery of any additional information.

These answers are intended to be accurate to the best of the answering person's knowledge and belief as of the time of the answer. To the extent that they are not consistent with any previous answers, including answers and discovery in other cases, these answers are intended to supplement and supersede such earlier answers. Defendant reserves the right to supplement these answers. Furthermore, the information contained in these

answers may be superseded by further discovery in this or future matters.

II. ANSWERS TO INTERROGATORIES

1. Before placing Defendant's asbestos-containing products 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: Answering defendant did not sponsor, and is not aware of any epidemiological studies of its asbestos-containing brake linings. As to studies of the relationship, or lack of a relationship, between the use or maintenance of friction products and potential occupational disease, please refer to the current epidemiological literature. With respect to the use of asbestos-containing brake linings this defendant continues to be advised that the ordinary and foreseeable use of asbestos-containing friction products causes no increased risk of occupational diseases.

2. 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 and jurisdiction involved;
- b. A brief summary of the disposition of each such claim.

ANSWER: Objection. The information sought in this interrogatory is not relevant to the subject matter of this

litigation and is not reasonably calculated to lead to the discovery of admissible evidence. There is no evidence that the claimed exposures in this case, which concern the alleged use of brake blocks or linings, involved this defendant's manufacturing operations, or any exposure comparable to such operations. Without waiving this objection, we are not aware of any claims by any of Carlisle employees that they were injured by asbestos exposure in the course of their employment by the company.

3. Have any of the products listed in response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories 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. The formulations and manufacturing processes for the defendant's brake linings and blocks are valuable, proprietary information, and are disclosed within the company only as needed. These formulations and processes are the result of decades of investment of time, money and technical experience. Disclosure of such information would put this defendant at a competitive disadvantage because domestic and foreign competitors could duplicate these products or improve their products and production methods without making a corresponding investment and without having to compensate answering defendant for its efforts. By way of answer, but without waiving this objection, answering defendant has always made and continues

to make improvements in all of its products and manufacturing methods. By way of further answer, but without waiving this objection, answering defendant's asbestos-containing brake linings contained between approximately 15% and 60% chrysotile asbestos at the time of manufacture, depending on the formulation and intended use. In addition, in 1979 answering defendant succeeded in producing an asbestos-free brake lining. By 1986 all of answering defendant's brake linings were asbestos-free.

4. Have any of Defendant's asbestos-containing products as listed in response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories ever been marketed, distributed, and/or sold by any other company or business in Illinois? If so, please state the name and last known address of each of those companies or businesses.

ANSWER: Objection. The information sought in this request is not relevant to the subject matter of this litigation. Neither is it reasonably calculated to lead to the discovery of admissible evidence.

4.1 For each company or business listed in response to Interrogatory No. 4 above, please state whether they sold Defendant's asbestos-containing brake lining products to any of the job sites listed on Exhibit A? If yes, please state the following:

- a. The name and last known address of the company or business;
- b. The name of each job site where Defendant's product was marketed, distributed, and/or sold by the company or business;
- c. The name of each person in each company or business with whom Defendant dealt;
- d. Please state the name and quantity of each asbestos-containing brake lining product that was sold to each job site by each company or business;
- e. Please identify all documents relating to the

sales of Defendant's asbestos-containing products to each company identified.

ANSWER: Answering defendant has no information concerning sales by other companies of their various products.

4.2 Did Defendant sell its asbestos-containing brake lining products to any of the job sites listed on Exhibit A? If yes, please state the following:

- a. As to each job site on Exhibit A to which Defendant sold its asbestos-containing brake lining products, please state:
 - i. The name of each asbestos products sold;
 - ii. The quantity sold;
 - iii. Each date sold.
 - iv. The name of each person at each job site with whom Defendant dealt;
 - v. Please identify all documents relating to the sales of Defendant's asbestos-containing brake lining products to each job site.

ANSWER: No.

5. Did Defendant have sales representatives, employees or other agents who sold products listed in response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories to contractors, builders and/or companies who did work at the job sites listed on Exhibit A? If so, please state:

- a. The name and last known address of each such sales representative, employee, or other agent and whether they are still employed by Defendant.
- b. The period of time they acted as your sales representative, employee or agent.
- c. Their general responsibility at each location.
- d. Whether that person is still alive.
- e. The name of the contractor, builder and/or person in each company with whom your representative, employee or agent primarily dealt.
- f. A list of the specific asbestos-containing brake

lining products that your sales representative employee or agent sold to the contractors, builders and/or companies who did work at the job sites from 1950-1984.

- g. The amount of each asbestos product sold by your sales representative, employee or agent to contractors, builders and/or companies who did work at the job sites listed on Exhibit A.
- h. Please identify all documents relating to the sales identified in this interrogatory.

ANSWER: Except for sales information provided in the preceding paragraphs, this information is not available to answering defendant.

6. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories have been manufactured and/or assembled and the dates said plants have been in operation.

ANSWER: To the best of our knowledge, all asbestos-containing brake blocks and linings made by Carlisle would have been made at its plant in Ridgeway, PA.

7. 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 in response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories?

ANSWER: Objection. The information sought in this request is not relevant to the subject matter of this litigation. Neither is it reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, specifications for brake blocks and linings are developed by the particular vehicle/axle manufacturer.

8. As to each product listed in response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories, 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, cut, or ground on the job.)

ANSWER: If used as designed finished Carlisle brake blocks and linings were ready for installation when shipped. Answering defendant anticipated that such products would be installed in the same manner as any other similar brake products.

9. Based upon the material contents of your asbestos-containing brake lining products, the method of manufacturing, and the method of application, please state which of your asbestos-containing brake lining products as listed in Interrogatory No. 5 to Plaintiff's First Set of Interrogatories could be applied by a worker without creating dust.

ANSWER: If used as designed the installation of Carlisle's asbestos-containing brake linings would not be expected to involve the creation of any dust, particularly respirable asbestos fibers in a concentration considered to be potentially harmful. Answering defendant continues to be advised that asbestos-containing friction products do not constitute a health hazard in their operation or servicing.

10. Do any written memoranda, specifications, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the asbestos-containing brake lining products listed in response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories? 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: See answer to Interrogatory 7.

11. Prior to releasing the asbestos-containing brake lining products listed in your response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories to the public for sale, were any tests (either animal or human) conducted on said prod-

ucts to determine potential health hazards involved in the use of the materials and/or products? If so, please state:

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

ANSWER: Answering defendant did not sponsor, and is not aware of any epidemiological studies of its asbestos-containing brake linings. As to studies of the relationship, or lack of a relationship, between the use or maintenance of friction products and potential occupation disease, please refer to the current epidemiological literature. With respect to the use of asbestos-containing brake linings, this defendant continues to be advised that the ordinary and foreseeable use of asbestos-containing friction products causes no increased risk of occupational diseases.

12. Does Defendant have or control any written memoranda, specifications blueprints or other written materials of any kind or character relating to the testing of the asbestos-containing brake lining products listed in your response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories?

- 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: See answer to Interrogatory 1.

13. Were any design changes made as a result of such tests listed in answer to Interrogatory No. 12 hereinabove? If so, please state:

- a. The nature of the change made;
- b. The name, address, and job classification of each person in charge of making a change.

ANSWER: See answer to Interrogatory 1.

14. After releasing the asbestos-containing brake lining products listed in your response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories to the public, 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 name, address, and job classification of each person and/or agency conducting said tests;
- b. The results of said tests;
- c. The date of said tests.

ANSWER: See answer to Interrogatory 1.

15. Has Defendant ever 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-containing brake lining products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If yes, please state:

- a. The dates and nature of such studies;
- b. Names and addresses of persons conducting such studies;
- c. The purpose of such studies;
- d. Attach a copy of reports based upon such studies; and
- e. List to whom such reports were given and the date.

ANSWER: See answer to Interrogatory 1.

16. Please state whether or not Defendant ever conducted any tests in the field (where asbestos-containing products were applied, removed or used) to determine the nature and extent of asbestos dust and/or fiber exposure to the brake lining installers, applicators, and/or 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 brake lining 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.

ANSWER: See answer to Interrogatory 1.

17. 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.

ANSWER: With respect to the use of asbestos-containing brake linings, this defendant continues to be advised that the ordinary and foreseeable use of asbestos-containing friction products causes no increased risk of occupational diseases.

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

ANSWER: With respect to the use of asbestos-containing brake linings, this defendant continues to be advised that the ordinary and foreseeable use of asbestos-containing friction products causes no increased risk of occupational diseases.

19. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of mesothelioma and peritoneal mesothelioma. 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 18.

20. Please state when Defendant first became aware of the

association between the inhalation of asbestos dust and/or fibers and contraction of lung disease known as asbestosis and state the source of that information including a description of all tests conducted relative to possibility of such a relationship.

ANSWER: See answer to Interrogatory 18.

21. 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: See answer to Interrogatory 1.

22. 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. This information is protected by the attorney-client privilege and the work-product privilege. Without waiving this objection, answering defendant continues to be advised that the ordinary and foreseeable use of asbestos-containing friction products causes no increased risk of occupational diseases.

23. 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 who such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER: Objection. The information sought in this interrogatory is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. There is no evidence that the claimed exposures in this case, which concern the alleged use of brake blocks or linings, involved this defendant's manufacturing

operations, or any exposure comparable to such operations. By way of answer, and without waiving the foregoing objection, answering defendant is not aware of any such recommendations concerning the use of its asbestos-containing friction products during the time Carlisle made such products. With respect to the use of asbestos-containing brake linings, this defendant continues to be advised that the ordinary and foreseeable use of asbestos-containing friction products causes no increased risk of occupational diseases.

24. Please state the scientific or medical periodicals to which Defendant, its medical department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1950 and 1984.

ANSWER: Objection. The information sought in this request is not relevant to the subject matter of this litigation. Neither is it reasonably calculated to lead to the discovery of admissible evidence.

25. 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 applicators or consumers of your product were exposed while using your asbestos-containing brake lining products.

ANSWER: On one occasion, Robert Tami took air samples at the request of a customer at its place of business for purposes of assisting the employer in monitoring its OSHA compliance requirements. The sampling confirmed that airborne asbestos dust levels were well within any applicable OSHA requirements. This took place in the early or mid 1980s. Defendant has no record of this air sampling.

26. For each test described in Interrogatory No. 25, please

give the name of the person conducting the test, the date of the test, and attach true copies of any reports, findings or memoranda concerning such tests or studies.

ANSWER: See answer to Interrogatory 25.

27. 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: This defendant has no knowledge of when any of its employees first learned of the TLV for asbestos dust because so many years have passed. The TLV was replaced by OSHA requirements in the early 1970s.

28. 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 interrogatory is overbroad and unduly burdensome. Without waiving this objection, with respect to the subject matter of this litigation, since the promulgation of OSHA regulations in the early 1970s concerning exposure to asbestos, answering defendant has been generally aware of the industrial hygiene aspects of manufacturing its products with chrysotile fibers (when those products, in fact, contained

chrysotile), and has generally monitored relevant articles on this subject. This function has been handled by Robert Tami since approximately 1979. Since the inception of third party litigation involving the company's asbestos-containing brake products, certain articles have come to the attention of answering defendant through the efforts of its counsel in the course of the litigation.

29. 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: See answer to Interrogatory 1.

30. Does Defendant admit that a report of some of the studies of Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos workers" was published by A.J. Lanza, Assistant Medical Director and J. published in the Public Health Report, Vol. 50, No. 1, dated January 4, 1935?

ANSWER: Answering defendant lacks sufficient information to either admit or deny this request, and the request is therefore deemed denied. Defendant reserves the right to modify or supplement this response if the article in question is believed to have any relevance to the pending claim(s) against it. With respect to the use of asbestos-containing brake linings, this defendant continues to be advised that the ordinary and foreseeable use of asbestos-containing friction products causes no increased risk of occupational diseases.

31. When was Defendant first aware of the above mentioned Lanza Report?

ANSWER: See answer to Interrogatory 30.

32. Please state whether the Defendant at any time have been members of any "trade organization" or "trade association" composed by other manufacturers, miners, distributors, and/or sellers of asbestos products, including asbestos-containing brake lining 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: This defendant has been a member of the following organizations at various times:

- Brake Lining Manufacturers' Association during the 1940s.
- Friction Manufacturers Standards Institute, Inc. (FMSI), since the late 1940s.
- Asbestos Information Association of North America 1976-81.
- Industrial Hygiene Foundation 1979-82.

32.1 Please state whether Defendant at any time has been a member of the Frictions Materials Standards Institute, and if so, please identify the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER: See answer to Interrogatory 32. The FMSI publishes technical standards or specifications for the manufacture of friction products.

32.2 Please state whether the Defendant at any time has been a member of The Brake Lining Manufacturers' Association, and if so, please identify the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER: See answer to Interrogatory 32. Unknown as to publications.

33. With respect to each trade organization or association listed in answer to Interrogatory Nos. 32, 32.1, and 32.2, 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: Any information may be available from the

organization in question.

34. Please identify by name the technical and trade association periodicals to which the 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. The information sought in this request is not relevant to the subject matter of this litigation. Neither is it reasonably calculated to lead to the discovery of admissible evidence. In addition, the question is unduly broad. Without waiving this objection, the person answering these interrogatories is not aware of any particular articles. Answering defendant continues to be advised that the ordinary and foreseeable use of asbestos-containing friction products causes no increased risk of occupational diseases.

35. Please state whether, prior to 1975, the 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: Unknown to the person answering these interrogatories.

36. As to each product listed in response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories, please state whether Defendant, at any time, published and/or distributed any brochures, pamphlets, 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 wording of each such warning;
- b. A description of each such printed material;
- c. The method used to distribute the warning to persons who are likely to use the products;
- d. The date each such warning was issued;
- e. Whether any warning accompanied any of your asbestos-containing brake lining products' sales literature, handout or pamphlets;
- f. Please attach a copy of the warning and date said warning was issued;
- g. The name, address, and job classification of each person who presently has possession of the above--described documents;
- h. 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: Warning labels were placed on Carlisle's brake lining products which contained chrysotile asbestos. Research indicates that warning labels first appeared on such products about July, 1973. An example of this warning label is shown in Exhibit "1".¹ Since approximately August 1978, a revised version of this warning label has been placed on all Carlisle's brake lining products which contained chrysotile asbestos. An

¹ Copies of all exhibits identified herein were produced by the answering defendant in response to the Plaintiff's First Request to Produce, and filed with the Court on January 20, 1994.

example of this warning label is shown in Exhibit "2". Exhibit "3" is a copy of the revised warning label starting about November, 1985. This warning was revised for layout or artwork purposes only in June, 1986, as set forth in Exhibit "4". No one individual at Motion Control formulated the language. These warnings were used on all products which contained chrysotile asbestos in the formula.

Research has indicated that since 1977 answering defendant has included in its brake lining catalogue and containers a statement which has the same or substantially the same form and wording as that attached as Exhibit "5", entitled "Recommended Procedures for reducing Asbestos Dust During Brake Servicing". Research indicates that in early 1979 Motion Control distributed to its customers a booklet entitled "Friction Materials Work Practice Guide", an example of which is attached as Exhibit "6". The precise authorship of these documents is unknown to this defendant. Investigation is continuing. In addition, answering defendant provided Material Safety Data Sheets (MSDS), attached as Exhibits "7" (3/83), "8" (10/84) and "9" (11/18/85).

37. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos-containing brake lining products listed in response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories? 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: Unknown to the person answering these interrogatories.

38. 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 asbestos-containing brake lining products listed in response to Interrogatory No. 5 to Plaintiff's First Set of Interrogatories should be used or maintained by the person installing it or, applying it to an automobile? 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: See answer to Interrogatory 36.

39. Does Defendant contend that the asbestos-containing brake lining products can be manufactured so as to eliminate all potential health hazards to workers installing 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: Answering defendant does not manufacture any brake linings which contain asbestos. With respect to the use of asbestos-containing brake linings, this defendant continues to be

advised that the ordinary and foreseeable use of asbestos-containing friction products causes no increased risk of occupational diseases.

40. Did Defendant receive notice prior to 1968 that any person was claiming injury as a result of using asbestos-containing brake lining products manufactured and/or sold 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.

41. Has Defendant obtained statement from any witnesses including the Plaintiff? 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: Answering defendant has not obtained any statements from any witnesses other than discovery depositions conducted during formal discovery in this case.

42. Do you contend that Plaintiff improperly used your products? If so, please set out in detail in what respect the product was improperly used.

ANSWER: Unknown or undetermined as of the time of this answer. Discovery, investigation and trial preparation may continue, and this defendant reserves the right to so contend.

43. Please state whether Defendant contends that there was

any substance other than asbestos which contributed to or caused Plaintiff's mesothelioma. 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: Unknown or undetermined as of the time of this answer. Discovery, investigation and trial preparation may continue, and this defendant reserves the right to so contend.

44. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in the asbestos-containing brake lining products listed in response to Interrogatory No. 5 of Plaintiff's First Set of Interrogatories? 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. Produce all documentation which mentions, alludes or refers to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

ANSWER: Certain protective devices are approved by government agencies for protection against pneumoconiosis-producing dusts. With respect to the use of asbestos-containing brake linings, this defendant continues to be advised that the ordinary and foreseeable use of asbestos-containing friction products

causes no increased risk of occupational diseases.

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

- a. Their identity, 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.

ANSWER: Answering defendant has not yet determined which, if any, expert witnesses shall be used in the trial of this matter. Discovery and investigation are continuing. Such experts will be identified in accordance with the applicable rules and as required by the Court's Scheduling Orders.

46. For each expert witness who has testified for Defendant in other asbestos cases (both by deposition and trial testimony), please state:

- a. The person's name and last known address;
- b. The style of the case, its cause number, and its jurisdiction;
- c. Whether that person was an employee of Defendant at the time and whether that person remains an employee.

ANSWER: Objection. The information sought in this request is not relevant to the subject matter of this litigation. Neither is it reasonably calculated to lead to the discovery of admissible evidence. Furthermore, gathering such information would be unreasonably burdensome and oppressive.

47. Please identify 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.

- a. Please identify each document which will be offered into evidence by the expert witness.

ANSWER: See answer to Interrogatory 45.

48. Does Defendant have policies of insurance that might cover the claims that have been made by Plaintiff 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: Aetna Life and Casualty Co. or Aetna Casualty and Surety Co.

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

ANSWER: The following witnesses are believed to have knowledge of the facts of this case and may be called by this defendant at the time of trial, either by way of live testimony or by deposition. Because discovery and investigation continue, this defendant reserves the right to supplement this list as needed.

- a. Plaintiff or plaintiff's decedent; any co-workers of the plaintiff or decedent whose identities have been or remain to be discovered.
- b. Employees of this defendant: Robert Tami
- c. Any witness identified by any other party to this litigation.

Dated: March 9, 1995

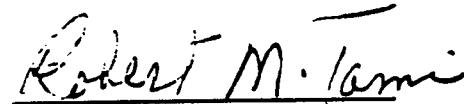


Roger Pascal
Jayant W. Tambe
SCHIFF HARDIN & WAITE
7200 Sears Tower
Chicago, Illinois 60606
(312) 876-1000
Attorneys for Defendant
Carlisle Corporation

CERTIFICATION IN LIEU OF AFFIDAVIT

Robert Tami, being of full age, deposes and states as follows:

1. I am employed by Motion Control Industries, a subsidiary of Carlisle Corporation.
2. I am authorized to take this affidavit on behalf of Carlisle Corporation.
3. I have reviewed the foregoing answers to plaintiff's request for production and they are true to the best of my knowledge, information and belief. The language is that of counsel.
4. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment


ROBERT TAMI

Date: March 9, 1995

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that he caused true and correct copies of the foregoing Notice of Filing with all documents referenced therein to be served on all counsel on the attached Service List by regular U.S. Mail, postage prepaid, on March 9, 1995.



Jayant W. Tambe

SERVICE LIST

Attorneys for Plaintiff

Steven D. Wolens
BARON & BUD, P.C.
The Centrum
3102 Oak Lawn Avenue
Suite 1100
Dallas, Texas 75219

Attorneys for Maremount Corporation

Robert H. Shultz, Jr.
HEYL, ROYSTER, VOELKER & ALLEN
Mark Twain Plaza II
Suite 100
103 North Main Street
P.O. Box 467
Edwardsville, Illinois 62025

Attorneys for General Motors Corporation

Gregory A. Cerulo
QUINN, JOHNSTON, HENDERSON & PRETORIUS
227 N.E. Jefferson Street
Peoria, Illinois 61602

Attorneys for Abex Corporation

Robert W. Scott
SWAIN, HARTSHORN & SCOTT
1806 Savings Center Tower
411 Hamilton Boulevard
Peoria, Illinois 61602

Attorneys for Borg-Warner Corporation

Thomas Burnham
HINSHAW & CULBERTSON
222 North LaSalle Street
Chicago, Illinois 60601