

FILE NAME: Dana (DAN)

DATE: 1997 Nov

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DOCUMENT DESCRIPTION: Legal - Answers to Interrogatories with Attached Warning Labels

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

CASE NO: 97-03539 CA
DIVISION: CJ

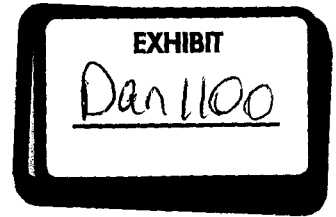
ALLEN GEORGE FULLER and
MARY ANN FULLER, his wife,

Plaintiffs,

vs.

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

Defendants.



**DANA CORPORATION'S ANSWERS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

INTRODUCTION

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

PRELIMINARY STATEMENT

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

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

32 §§61-70 (1967). No attempt was made to merge Victor Manufacturing & Gasket Company with Dana.

To the extent Dana can determine from the complaint and deposition testimony, it is apparently contended that plaintiff Allen Fuller was exposed to asbestos-containing gaskets allegedly manufactured, *inter alia*, by Victor Manufacturing & Gasket Company. To the extent these interrogatories attempt to impose an obligation upon Dana to provide information and/or documents for any time period prior to Victor Manufacturing & Gasket Company's dissolution, Dana objects to such interrogatories. Dana strictly limits these answers to Dana's Victor Products Division ("Victor") that manufactured gaskets beginning in the late 1960's. Dana limits its responses to the time periods requested by plaintiffs but not earlier than 1968.

These responses are provided with the above qualifications and Dana's answers are expressly limited as noted above. To the extent these interrogatories attempt to impose an obligation upon Dana to respond on behalf of or with documents in the possession of persons, businesses or entities that are not parties to this lawsuit, Dana objects to such interrogatories.

Further, these interrogatories seek information about events occurring many years ago. These answers are based upon a reasonable investigation into the relevant facts and are as accurate as possible understanding that in the intervening years persons who may have had knowledge of the relevant facts may have died, left the employ of the company or simply forgotten events of so long ago. Further, if the plaintiffs provide more specific information, for example, time periods of exposure to particular products, it may be possible that more specific responses can be provided to these interrogatories.

Many of the matters inquired about in these interrogatories took place decades ago, and thus information furnished in the answers that follow may be incomplete. As discovery in this action is not complete, Dana cannot exclude the possibility that its continuing investigations of the allegations made in this case may reveal more complete information. Dana specifically reserves the right to amend, supplement, modify or otherwise change these responses in the event that it acquires additional information responsive to these interrogatories, or if it appears omissions or errors have been made.

GENERAL OBJECTIONS

1. Defendant objects to each interrogatory and part thereof to the extent that plaintiffs may assert that plaintiffs' definition for words is binding on defendant or purports to impose upon defendant obligations beyond those imposed by the Rules of Civil Procedure.

2. Defendant objects to each interrogatory and part thereof to the extent it calls for information protected by (a) the attorney-client privilege, (b) attorney-work-product doctrine, (c) any applicable privilege relating to communications between counsel for Dana and counsel for other defendants regarding this or similar litigation, (d) any applicable privilege relating to

communications between defendant's employees or counsel and Dana's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets or confidential communications with any government agency, (f) the right of privacy, or (g) any other privilege.

3. Defendant objects to each interrogatory and part thereof to the extent that information sought is not relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to defendant.

4. Defendant objects to each interrogatory to the extent it seeks information not within the custody and control of defendant.

5. Defendant objects to each interrogatory or part thereof to the extent that it seeks information or imposes obligations, beyond those permitted by the applicable Rules of Civil Procedure and local rules of court.

6. Defendant objects to each interrogatory and part thereof to the extent that it seeks to impose on defendant a discovery obligation to respond for defendant's businesses and entities not parties to this litigation. Defendant does not respond for other companies affiliates, subsidiaries or its other divisions. Dana limits its responses to the Victor Products Division of Dana.

7. The objections stated above are incorporated by reference in each answer herein, as if fully set forth below. No such objection is waived by answering an interrogatory in whole or in part.

8. Any answer provided herein is subject to and limited by all objections raised and all objections as to admissibility and all such objections are hereby expressly reserved and may be interposed at the time of trial or in response to any motion.

1. DATA SOURCES

A. Identify each person with whom you consulted or who provided information used in answering these interrogatories and specify the interrogatory for which information was given.

B. Identify each person's:

- (1) Address;
- (2) Position with the Defendant.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, much of the information sought by these interrogatories has been accumulated over time but not necessarily for purposes of responding to these interrogatories. It is not possible to now identify each person who, at some time, may have supplied information that is now being used to answer these interrogatories. Mark Hess, in-house counsel for Dana Corporation, 4500 Dorr Street, Toledo, Ohio 43615, verified the responses to these interrogatories.

2. CORPORATE INFORMATION

State the following:

- A. Defendant's correct corporate name;
- B. State of your incorporation;
- C. Address of your principal place of business;
- D. Dates and time period during which defendant held a certificate of authority to do business in: (1) the State of Illinois; and (2) the State of Florida;
- E. Dates and time period during which defendant regularly conducted business in: (1) Illinois; and (2) Florida.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, defendant's correct corporate name is Dana Corporation. Dana is incorporated in Virginia and its principal place of business is located at 4500 Dorr Street, Toledo, Ohio.

Defendant was authorized to do business in Illinois on August 31, 1965 and in Florida on December 31, 1982. Dana has regularly conducted business in Illinois and Florida from the dates it was authorized to do business.

3. CORPORATE HISTORY

- A. Describe in detail Defendant's complete corporate or business history for all business entities that were involved, in any manner, in the sale, manufacture, and/or distribution of asbestos and/or asbestos containing products.
- B. State whether or not you have or have had subsidiary or predecessor corporation(s), and if so:
 - (1) The name of the subsidiary and/or predecessor;

- (2) Its date(s) of incorporation, if a corporation;
- (3) Its state(s) of incorporation;
- (4) Its corporate purposes;
- (5) Whether the subsidiary or predecessor was involved in any manner in the sale, manufacture, and/or distribution of asbestos-containing products.
 - (a) The years that the subsidiary or predecessor was involved in the sale, manufacture, and/or distribution of asbestos-containing products.
 - (b) A description of the nature or type of asbestos that the subsidiary or predecessor sold, manufactured, or distributed.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Further objecting, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana.

Subject to and without waiving objections, Dana Corporation was incorporated in Virginia in 1916 under the name Spicer Manufacturing Corporation. In 1946, the corporation changed its name to Dana Corporation, by which name it has been known ever since. In 1966, Dana acquired 100% of the stock of an Illinois corporation known as Victor Manufacturing & Gasket Company ("Victor"), headquartered in Chicago, Illinois. The Victor Manufacturing & Gasket Company was incorporated in 1909. In about 1967, the Victor Manufacturing & Gasket Company was dissolved. The Victor Products Division of Dana began at about the same time. The Victor Products Division of Dana manufactures primarily vehicular gaskets.

Subject to and without waiving objections, Dana states that certain Victor gaskets were composed of a combination of asbestos fibers (primarily chrysolite), steel, rubber and binding agents. Some Victor gaskets contained no asbestos. Certain gaskets contained asbestos from the inception of the Victor Products Division until 1988 when asbestos was eliminated as a component.

4. ASBESTOS/MANUFACTURE

Has Defendant at any time, engaged in the manufacture of any asbestos containing product?
If so, please state:

- A. The years during which such activity took place;
- B. If such activity was terminated, the reason why;

- C. Identify the organizational unit of Defendant so engaged.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, see answer to Interrogatory No. 3, which is incorporated herein as if fully rewritten.

5. ASBESTOS/SALES - DISTRIBUTOR

Has Defendant at any time, engaged in the sale and/or distribution of any asbestos containing product? If so, please state:

- A. The years during which such activity took place;
- B. If such activity was terminated, the reason why;
- C. Identify the organizational unit of Defendant so engaged.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, see Answer to Interrogatory No. 3 which is incorporated herein as if fully rewritten.

6. ASBESTOS/REBRANDING - RELABELING

Has Defendant at any time, engaged in the rebranding or relabeling of asbestos containing products manufactured by other companies or entities? If so,

- A. Identify such other companies or entities;
- B. Indicate the specific asbestos products rebranded for each company;
- C. Provide the dates of such rebranding.

ANSWER:

See Preliminary Statement and General Objections and answer to Interrogatory No. 3. Further objecting, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as it relates to Dana.

Subject to and without waiving objections, the Victor Products Division of Dana marketed a product which was an "engine gasket rebuilding kit," certain types of which contained the

product(s) of other gasket manufacturer(s) as well as gaskets manufactured by Victor. Dana will provide information known to it if the specific Victor product is identified.

7. ASBESTOS PRODUCTS - MANUFACTURE

A. Have you ever manufactured any of the following category of asbestos-containing products:

(1) Gaskets.

B. If so, as to each category of asbestos gaskets products state:

(1) The time period that product was manufactured;

(2) Product trade name;

(3) Percentage of asbestos in product;

(4) Type of asbestos in product (i.e., chrysolite, amosite, crocidolite);

(5) Product size;

(6) Product color;

(7) Describe packaging of asbestos product as to:

a. The type box/container used;

b. The date each type of box/container was used;

c. A physical description thereof, including the size and color of the box/container;

d. A description of size and color of any printed material that appeared on or in the box/container stating;

((1)) A verbatim statement of any warnings or cautions;

((2)) The date(s) each warning or caution was first used and last used;

((3)) Identify and produce a copy of the warning or caution.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, *see* answer to Interrogatory No. 3 which is incorporated herein as if fully rewritten. In addition, depending upon the particular gasket, the asbestos content could range from 0% to approximately 85%. The type of asbestos used was primarily chrysotile. Only chrysotile and amosite were ever used. Product size varied but gaskets were manufactured for internal combustion engines. Packaging for Victor gaskets recently has been orange and white in color unless packaged by a customer. Larger volume sales to OEM customers would usually be shipped in cardboard boxes or corrugated containers. Not all gaskets were packaged. ~~Warnings were included beginning in 1986 until asbestos gaskets were no longer manufactured.~~ Labels are being produced to plaintiffs (in black and white, not necessarily to scale).

8. ASBESTOS PRODUCTS - SOLD

A. Have you ever sold any of the following category of asbestos-containing products:

(1) Gaskets.

B. From what company or companies did you purchase the asbestos-containing product identified in Interrogatory No. 8A(1)? NOTE: If you purchased an asbestos product from more than one company, indicate in Interrogatory No. 8C(1)-(7) each company and each asbestos product.

C. If so, as to each category of asbestos products identified in Interrogatory No. 8A(1) state:

- (1) The time period that product was sold;
- (2) Product trade name;
- (3) Percentage of asbestos in product;
- (4) Type of asbestos in product (i.e., chrysotile, amosite, crocidolite);
- (5) Product size;
- (6) Product color;
- (7) Describe packaging of asbestos product as to:
 - a. The type box/container used;

- b. The date each type of box/container was used;
- c. A physical description thereof, including the size and color of the box/container;
- d. A description of size and color of any printed material that appeared on or in the box/container stating:
 - ((1)) A verbatim statement of any warnings or cautions;
 - ((2)) The date(s) each warning or caution was first used and last used;
 - ((3)) Identify and produce a copy of the warning or caution.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, see answers to Interrogatory Nos. 3 and 7, which are incorporated herein as if fully rewritten.

Victor purchased raw asbestos fiber for the manufacture of gaskets from a number of suppliers, among them: Johns-Manville, Canadian Johns-Manville Asbestos, Ltd., and Lake Asbestos of Quebec. Victor purchased asbestos sheet, also for the purpose of manufacturing gaskets, from a number of suppliers, among them: Johns-Manville, Philip Carey, Lake Asbestos, Armstrong World Industries, Hollingsworth and Vose, Ruberoid (Quin-T), Boise Cascade (Latex Fiber Industries), and Vellumoide. It is impossible to estimate the amount of product supplied by each supplier.

9. TESTING

Were any tests conducted of the asbestos products listed in Interrogatory No. 7 or 8 to determine potential health hazards involved in the products' use or handling? If so, state as to each asbestos product:

- A. The identify of each individual or firm who conducted such tests;
- B. The date, purpose, and result of each such test;
- C. Identify and produce all documents relating to such tests.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Further objecting, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving objections, defendant limits its response to Dana tests regarding possible health effects of exposure to vehicular gaskets and excludes tests conducted as attorney work product and/or subject to attorney-client privilege, tests regarding the quality or performance of the gaskets, and tests to assure compliance with applicable governmental regulations regarding the amount of asbestos dust at manufacturing facilities. With these limitations, such test defendant is aware of was conducted in May of 1988 and consisted of opening packages of engine gasket rebuilding kits and measuring the air level of dust. Documents demonstrating the results of the tests were maintained at a Victor facility in Illinois. Dana will attempt to locate the information known to it if the specific Victor product plaintiff Allen Fuller was exposed to is identified by plaintiffs and if the test relates to that product.

10. ASBESTOS FREE PRODUCTS

For each asbestos containing product identified in Interrogatory Answer No. 7 and 8, state:

- A. Was the product, or a substitute for that product, ever manufactured and/or sold by you without asbestos; if so, when did the manufacture and/or sale of the product commence;
- B. The brand name of the asbestos free product;
- C. The reason product was manufactured without asbestos;
- D. Was the asbestos-containing counterpart of the product manufactured and/or sold while the asbestos-free counterpart was being manufactured and/or sold, and, if so, provide the time periods.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, see answers to Interrogatory Nos. 3, 7, and 8. The primary substitute material is known as an aramid fiber, which is in the plastics family. The brand name used is known as Kevlar. The substitute for asbestos was used because the Victor Products Division discontinued use of asbestos in its gaskets.

11. KNOWLEDGE/ASBESTOSIS - LUNG CANCER - MESOTHELIOMA

A. State whether Defendant obtained, prior to 1980, any knowledge concerning the association, if any, between the inhalation of asbestos fibers and: (1) asbestosis; (2) lung cancer; (3) mesothelioma. If so, state as to (1) asbestosis; (2) lung cancer; (3) mesothelioma:

- (1) When this knowledge was first acquired;
- (2) How it was acquired;
- (3) Identify by whom it was acquired;
- (4) State the substance of the knowledge acquired.

B. Identify all documents relevant to your acquisition of knowledge concerning the disease and the custodian thereof.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Further objecting, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further objecting, it is not possible to state precisely if or when a corporation can be said to have such knowledge. The question asks a mixed question of fact and law. Dana further objects to imputing knowledge, familiarity, or awareness to Dana based upon the knowledge, familiarity, or awareness of an employee or employees or agent or agents of Dana.

Subject to and without waiving objections, defendant contends that the manner in which plaintiff Allen Fuller would have used the defendant's product would not cause him to inhale asbestos fibers. The gaskets did not require cutting in order to affix them to the vehicle part and asbestos, therefore, would remain encapsulated. Further, defendant maintains that the type of asbestos used in the gaskets may not cause any of the diseases or conditions listed. Dana did not receive notice that any person was claiming injury as a result of use of and exposure to Victor's finished asbestos-containing gaskets until approximately the early or mid-1980's. The "claim" would be in the form of a bodily injury complaint.

12. WARNING/INSERT

Has Defendant ever placed any form of package insert or informative brochure in a box/container of an asbestos-containing product, listed in response to Interrogatory 7 and 8, explaining the health hazards of asbestos? If so, state as to each such insert or brochure:

- A. When was it first placed in containers and for what years thereafter;
- B. What products had the insert or brochure/included;
- C. Provide a verbatim statement of the insert.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Further objecting, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as it relates to this defendant. Subject to and without waiving objections, *see also* answers to Interrogatories 7 and 8. Further, in approximately February of 1985, Victor began inserting a caution label with his finished gaskets. That label read substantially as follows: "This material contains asbestos. Avoid creating dust. Follow OSHA work practices, including use of appropriate dust containment equipment. Inhalation may cause asbestosis or other serious bodily harm. Smoking greatly increases the risk of bodily harm." This cautionary label remained essentially unchanged and was discontinued in 1988.

13. WARNING/MASK

Has Defendant ever placed any form of disposable face mask or respirator in a container of an asbestos-containing product? If so, please state:

- A. The products covered by the practice;
- B. The year this practice begin and the years it was implemented;
- C. Describe the type of fact mask or respirator included in the container.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, not to Dana's knowledge.

14. TRADE ASSOCIATION

- A. State the names and addresses of all professional, industrial, health and safety organizations to which you have belonged which have anything to do with the health effects of asbestos, the proper methods of working with asbestos, methods of controlling asbestos dust, setting of standards or regulations, information, lobbying, research, engineering, or use of asbestos products, materials, or fibers.
- B. As to each trade association state the date of membership.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Further objecting, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as it relates to this defendant.

Subject to and without waiving objections, Dana states that during its early history Victor belonged to the Society of Automotive Engineers, the American Society for Testing and Materials and the American Chemical Society. In 1985, Victor became an associate member of the Asbestos Information Association. Later, Victor joined the Gasket Fabricators Association and the Asbestos Free Gasket Group. Generally, the written materials the company received would have been in the form of newsletters. To the extent that documents would have been maintained from these organizations, they would be maintained at Victor's facilities in Illinois.

15. WORKMEN COMPENSATION CLAIMS

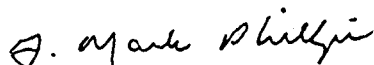
Have you had any claims of employees alleging injury due to asbestos exposure? If so, state:

- A. The date the claim was filed;
- B. The type and description of the injury claimed;
- C. The name of the claimant;
- D. The disposition of the claim;
- E. Identify and produce all documents relating to each workmen compensation claim.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Further objecting, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as it relates to this defendant.

Respectfully submitted,



Counsel for Defendant
Dana Corporation

CERTIFICATE OF SERVICE

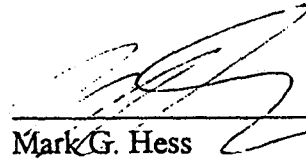
The undersigned hereby certifies that a copy of the foregoing was served by ordinary United States mail upon all parties or counsel of record this 25th day of November, 1997.

D. Mark Phillips

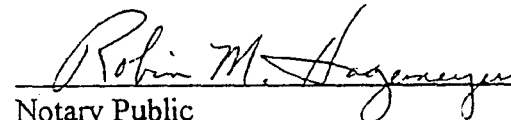
Counsel for Defendant
Dana Corporation

VERIFICATION

I, Mark G. Hess, state that I have read the foregoing answers to interrogatories and the same are true and accurate to the best of my knowledge and belief.

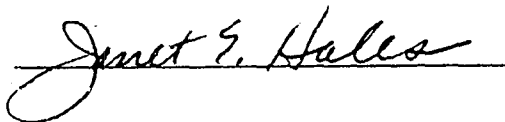

Mark G. Hess

Sworn to and subscribed in my presence this 13th day of November, 1997


Notary Public
ROBIN M. HAGEMAYER
Notary Public - State of Ohio
My Commission Expires: 1-27-02

* * *

As to objections:



IN THE CIRCUIT COURT OF THE FOURTH
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FLORIDA

CASE NO: 97-03539 CA
DIVISION: CJ

ALLEN GEORGE FULLER and
MARY ANN FULLER, his wife,

Plaintiffs,

vs.

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

Defendants.

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

INTRODUCTION

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

PRELIMINARY STATEMENT

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

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

Rev. Stat. Ch. 32 §§61-70 (1967). No attempt was made to merge Victor Manufacturing Gasket Company with Dana.

To the extent Dana can determine from the complaint and deposition testimony, it is apparently contended that plaintiff Allen Fuller was exposed to asbestos-containing gaskets allegedly manufactured, *inter alia*, by Victor Manufacturing & Gasket Company. To the extent these requests attempt to impose an obligation upon Dana to provide information and/or documents for any time period prior to Victor Manufacturing & Gasket Company's dissolution, Dana objects to such requests. Dana strictly limits these answers to Dana's Victor Products Division ("Victor") that manufactured gaskets beginning in the late 1960's. Dana limits its responses to the time periods requested by plaintiffs but not earlier than 1968.

These responses are provided with the above qualifications and Dana's answers are expressly limited as noted above. To the extent these requests for production attempt to impose an obligation upon Dana to respond on behalf of or with documents in the possession of persons, businesses or entities that are not parties to this lawsuit, Dana objects to such requests.

Further, these requests seek information about events occurring many years ago. These answers are based upon a reasonable investigation into the relevant facts and are as accurate as possible understanding that in the intervening years persons who may have had knowledge of the relevant facts may have died, left the employ of the company or simply forgotten events of so long ago. Further, if the plaintiffs provide more specific information, for example, time periods of exposure to particular products, it may be possible that more specific responses can be provided to these requests.

Many of the matters inquired about in these requests for production took place decades ago, and thus information furnished in the answers that follow may be incomplete. As discovery in this action is not complete, Dana cannot exclude the possibility that its continuing investigations of the allegations made in this case may reveal more complete information. Dana specifically reserves the right to amend, supplement, modify or otherwise change these responses in the event that it acquires additional information responsive to these requests, or if it appears that omissions or errors have been made.

GENERAL OBJECTIONS

1. Defendant objects to each request and part thereof to the extent that plaintiffs may assert that plaintiffs' definition for words is binding on defendant or purports to impose upon defendant obligations beyond those imposed by the Rules of Civil Procedure.

2. Defendant objects to each request and part thereof to the extent it calls for information protected by (a) the attorney-client privilege, (b) attorney-work-product doctrine, (c) any applicable privilege relating to communications between counsel for Dana and counsel for other defendants regarding this or similar litigation, (d) any applicable privilege relating to

communications between defendant's employees or counsel and Dana's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets or confidential communications with any government agency, (f) the right of privacy, or (g) any other privilege.

3. Defendant objects to each request and part thereof to the extent that documents sought are not relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence as it relates to defendant.

4. Defendant objects to each request for production to the extent it seeks documents not within the custody and control of defendant.

5. Defendant objects to each request or part thereof to the extent that it seeks documents or imposes obligations, beyond those permitted by the applicable Rules of Civil Procedure and local rules of court.

6. Defendant objects to each request and part thereof to the extent that it seeks to impose on defendant a discovery obligation to respond for defendant's businesses and entities not parties to this litigation. Defendant does not respond for other companies, affiliates, subsidiaries, or its other divisions. Dana limits its responses to the Victor Products Division of Dana.

7. The objections stated above are incorporated by reference in each answer herein, as if fully set forth below. No such objection is waived by answering a request in whole or in part.

8. Any response provided herein is subject to and limited by all objections raised and all objections as to admissibility and all such objections are hereby expressly reserved and may be interposed at the time of trial or in response to any motion.

REQUEST FOR PRODUCTION

1. All documents identified in response to Interrogatory No. 7B(7)d((3)) (Plaintiff's First Set of Interrogatories to Defendant Dana Corporation).

Response:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, see response to Request 5, below.

2. All documents identified in response to Interrogatory No. 8C(7)d((3)) (Plaintiff's First Set of Interrogatories to Defendant Dana Corporation).

Response:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, *see* response to Request 5, below.

3. All documents identified in response to Interrogatory No. 9C (Plaintiff's First Set of Interrogatories to Defendant Dana Corporation).

Response:

See Preliminary Statement and General Objections, and Dana's answer to Interrogatory 9, which are incorporated herein by reference.

4. All documents identified in response to Interrogatory No. 11B (Plaintiff's First Set of Interrogatories to Defendant Dana Corporation).

Response:

See Preliminary Statement and General Objections, and Dana's answer to Interrogatory 11, which are incorporated herein by reference.

5. All documents identified in response to Interrogatory No. 12C (Plaintiff's First Set of Interrogatories to Defendant Dana Corporation).

Response:

See Preliminary Statement and General Objections, and Dana's answer to Interrogatory 12, which are incorporated herein by reference. Subject to and without waiving objections, Dana Corporation produces the labels attached as Exhibit A.

6. All documents identified in response to Interrogatory No. 15E (Plaintiff's First Set of Interrogatories to Defendant Dana Corporation).

Response:

See Preliminary Statement and General Objections, and Dana's answer to Interrogatory 15, which are incorporated herein by reference.

7. All sales brochures; promotional pamphlets; product manuals; specification sheets; instructional materials; safety sheets; assembly maintenance, handling, and replacement instructions; circulated or utilized by the Defendant between 1930-1996 pertaining to asbestos containing gaskets.

Response:

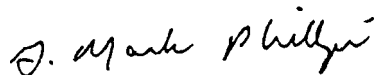
See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, Dana will produce for inspection and copying the documents requested if the specific Victor product is identified.

8. All asbestos containing gaskets manufactured, distributed, sold, relabelled or installed in engines by Defendant and/or the Victor Division of Dana or the Victor Manufacturing and Gasket Co. which were used between 1971 and 1980 in all vehicles and/or engines.

Response:

See Preliminary Statement and General Objections, which are incorporated herein by reference. Subject to and without waiving objections, Dana will attempt to locate and produce for inspection a gasket if the specific Victor product is identified.

Respectfully submitted,



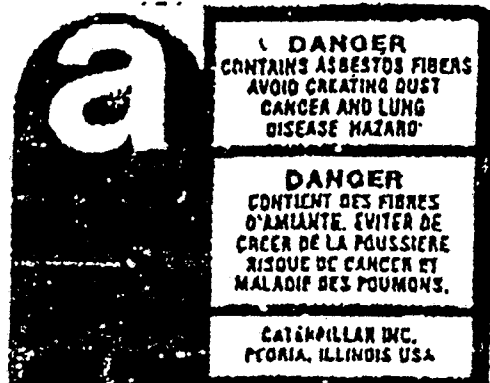
Counsel for Defendant
Dana Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by ordinary United States mail upon all parties or counsel of record this 25th day of November, 1997.

D. Mark Phillips

Counsel for Defendant
Dana Corporation



WARNING

This material contains asbestos fibers. Avoid creating air-borne fibers or dust. Follow OSHA work practices, including the use of appropriate dust control equipment.

Inhalation of air-born asbestos fibers may cause asbestosis or other serious bodily harm. Smoking greatly increases this risk of serious bodily harm.

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CAUTION

ALL CONTAINERS MUST BE KEPT
CLOSED UNTIL AFTER
USE. DO NOT
RE-USE FOR ANY OTHER
PURPOSE.

ADVERTENCIA

ESTE CONTENEDOR DEBE MANTENERSE
CERRADO HASTA DESPUES DE SU
USO. NO REUTILIZAR PARA
OTRAS FINALIDADES.

DANGER

THIS CONTAINER MUST BE KEPT
CLOSED UNTIL AFTER
USE. DO NOT
RE-USE FOR ANY OTHER
PURPOSE.

VORSICHT

DIESER BEHÄLTNER MUSS BIS NACH
DEINER VERWENDUNG
ZUGESCHLOSSEN BLEIBEN.
NICHT FÜR ANDERE
ZWECKE WIEDER
VERWENDEN.

CAUTION CONTAINS ASBESTOS FIBERS AVOID CREATING DUST BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODY HARM	ADVERTENCIA CONTIENE FIBRAS DE ASBESTO. NO SACUDA POLVO DE ESTE ARTICULO. EL RESPIRAR POLVO DE ASBESTO PUEDE PRODUCIR SERIOUS DAÑO.
DANGER CONTIENT DES FIBRES D'AMIANTE. NE PAS EN FAIRE DE POUSSIERE. RESPIRER DE LA POUSSIERE D'AMIANTE PEUT GRAVEMENT NUIRE A LA SANTE.	VORSICHT ENTHALT ASBESTFASERN. * STAUBENTWICKLUNG VERMEIDEN. EINATMEN VON ASBESTSTAUB KÖNNTE IN HOHEM MAASSE GESUNDHEITSSCHADLICH SEIN.