

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT OF ILLINOIS
PEORIA COUNTY

WILMER NALL,
Plaintiff,
vs.
RAYBESTOS-MANHATTAN,
INC., et al.,
Defendants.

Case No. 81-L-3550

PLAINTIFF'S
EXHIBIT
WV-12378

PLAINTIFF'S
EXHIBIT
31492.0

RESPONSE AND OBJECTION TO
REQUEST TO PRODUCE

NOW COMES the Defendant, ABEX CORPORATION, by its attorneys,
SWAIN, JOHNSON & GARD, and makes this response to Plaintiff's
Supplemental Request to Produce.

1. All invoices, purchase orders, sales records, inventory
records, and any other written documents involving the purchasing
or receiving by the Defendant of finished manufactured brake shoes
and/or lining products from any of the named co-defendants in this
suit.

RESPONSE: Defendant objects to this interrogatory as over-
broad to the extent it requests documents for years other than
1960-1975. Plaintiff's deposition reveals that his exposure to
asbestos was limited to the arcing of brake shoes, and such work
was performed only from the mid sixties through 1975. Defendant
further objects to this request in that is unduly burdensome in
that it is estimated that at least 2 weeks' work would be re-
quired to search for the documents requested here, plus costs for
reproduction and transportation.

SCF-ABEX-2725

ABEX 206.400

Defendant further responds by stating that it currently has such records only for the years 1976 to the present. For prior years it has only summaries which do not reflect in detail the type of products so purchased by Defendant from any co-defendant. See also Answer to Supplemental Interrogatories, No. 2.

2. All invoices, purchase orders, sales records, inventory records, and any other written documents involving the sale or distribution of the Defendant's finished manufactured brake shoes and/or brake linings to any of the named co-defendants in this suit.

RESPONSE: Defendant objects to this interrogatory as overbroad to the extent it requests documents for years other than 1960-1975. Plaintiff's deposition reveals that his exposure to asbestos was limited to the arcing of brake shoes, and such work was performed only from the mid sixties through 1975. Defendant further objects to this request in that it is unduly burdensome in that it is estimated that at least 2 weeks' work would be required to search for the documents requested here, plus costs for reproduction and transportation.

Defendant further responds by stating that it currently has such records only for the years 1976 to the present. For prior years it has only summaries which do not reflect in detail the type of products so purchased by Defendant from any co-defendant.

3. All invoices, purchase orders, sales records, inventory records, and any other written documents involving the purchase

or receipt of asbestos materials to be used in the manufacture of the Defendant's brake shoes and/or linings.

RESPONSE: Defendant objects to this request as being overbroad and burdensome in that there is no time limit imposed, and further that it is vague in that it refers to "asbestos materials," which is undefined.

Defendant further responds by stating that it currently has such records only for the years 1976 to the present. For prior years it has only summaries which do not reflect in detail the type of products so purchased by Defendant from any co-defendant.

4. All invoices, purchase orders, sales receipts, inventory records, and any other written document involving the sale or distribution of any asbestos materials by the Defendant to be used in the manufacture of the co-defendants' brake shoes and/or linings.

RESPONSE: Defendant objects to this request as overbroad and burdensome in that there is no time limit imposed, and further that the request is unduly vague in that it requests documents concerning "asbestos materials," which term is undefined. Further, Defendant objects in that it requests documents concerning the intent of co-defendants in purchasing "asbestos materials" from Defendant, and this Defendant would have no way of knowing what the intent of the co-defendants was.

Defendant further responds by stating that it currently has such records only for the years 1976 to the present. For prior

years it has only summaries which do not reflect in detail the type of products so purchased by Defendant from any co-defendant.

5. All documents recording any testing done at Pekin Machine and Parts in regard to the level of airborne asbestos at Pekin Machine and Parts for the years 1944 to the present.

RESPONSE: Defendant has no such documents.

6. All correspondence and exchange of documents between or among RAYBESTOS-MANHATTAN, INC., ABEX CORPORATION, THE BENDIX CORPORATION, DELCO, a Division of General Motors Corporation, JOHNS-MANVILLE SALES CORPORATION, JOHNS-MANVILLE CORPORATION, and THIOKOL CORPORATION, in regard to the potential health hazards of the arcing and grinding of brake shoes and/or linings.

RESPONSE:

7. Any and all price lists, brochures, product manufacturing specifications, catalogs and any and all other written documents concerning brake shoes and/or lining by the co-defendants, for the years 1944 to 1979.

RESPONSE: Defendant objects to this request as overbroad in its inclusion of the period 1944 to 1979; in its inclusion of "any and all other documents concerning brake shoes and/or linings;" and its inclusion of documents of co-defendants. Defendant further objects to a request of "product manufacturing specifications" on the grounds that such documents constitute trade secrets.

8. The names and address of all conferences, seminars, or any type of meeting which the Defendant's agents or employees attended relative to the dangers of exposure to brake shoes and/or linings during the arcing or grinding of such brake shoes and/or linings for the years 1944 to the present.

RESPONSE: Defendant objects to this request because it does not request any document or other tangible thing to be produced.

9. All invoices, purchase orders, sales receipts, inventory records and any other written documents involving the sale or distribution of the Defendant's brake shoes and/or linings to:

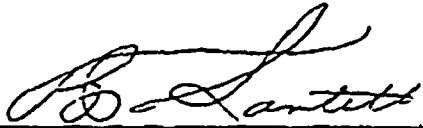
- (a) Jack Hymbaugh Chevrolet, Pekin, IL
- (b) Ray Dennison Chevrolet, Inc., Pekin, IL
- (c) S & K Chevrolet Co., Peoria, IL
- (d) Brenkman Oldsmobile Cadillac Co., Pekin, IL
- (e) John Bearce Ford, Washington, IL
- (f) Emerson Pontiac, Pekin, IL
- (g) Scherer Buick, Pekin, IL
- (h) Lewis Pontiac, Pekin, IL
- (i) Fort & Schock Motor Co., Pekin, IL

- (j) Janssen & Shaefer - Division of R. A. Cullinan & Sons, Inc.
- (k) R. A. Cullinan & Sons, Inc., Tremont, IL
- (l) C. A. Powley & Company, East Peoria, IL

RESPONSE: Defendant objects to this interrogatory as overbroad to the extent it requests documents for years other than 1960-1975. Plaintiff's deposition reveals that his exposure to asbestos was limited to the arcing of brake shoes, and such work was performed only from the mid sixties through 1975. Defendant further objects to this request in that is unduly burdensome in that it is estimated that at least 2 weeks' work would be required to search for the documents requested here, plus costs for reproduction and transportation.

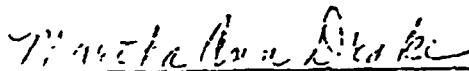
Defendant further responds by stating that it currently has such records only for the years 1976 to the present. For prior years it has only summaries which do not reflect in detail the type of products so purchased by Defendant from any co-defendant.

ABEX CORPORATION, Defendant

By: 

Its Authorized Agent

SUBSCRIBED AND SWORN TO
before me this 16th day
of May, 1983.


Notary Public

SWAIN, JOHNSON & GARD
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