

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

IN RE: ASBESTOS LITIGATION) C.A. No. 77C-ASB-2

DEFENDANT ABEX CORPORATION'S ANSWERS TO
INTERROGATORIES DIRECTED TO DEFENDANTS
PURSUANT TO STANDING ORDER NO. 1

SCF-ABEX-3265

INTRODUCTION AND GENERAL OBJECTIONS

Abex Corporation ("Abex"), by and through its attorneys of record, Joseph W. Benson, P.A., generally objects to these interrogatories on the grounds that they are unduly burdensome, oppressive, vague, overly broad as to time, scope and location, lack particularity, and are repetitive. The use of the words "any," "all" and "each" is overly broad and is objected to. Many of the interrogatories in this set designate extensive periods of time or request information without any limitation or specification of particular periods of time. As a result of the failure by plaintiff to specify relevant time periods, many of the interrogatories fail to distinguish relevant from irrelevant matter. Many of the interrogatories call for Abex to provide answers concerning events and records spanning a period of more than five decades. Consequently, the entire set of interrogatories is overly broad, unduly burdensome, oppressive and harassing, and beyond the scope of proper discovery.

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

The failure of plaintiff to limit these interrogatories to information related to Abex's alleged liability in this case

renders the interrogatories as a whole, irrelevant to the subject matter of this action individually, and not reasonably calculated to lead to the discovery of admissible evidence. Objection is also made to the extent these interrogatories assume the truth of matters not established, and on the grounds that they seek information which is not relevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence.

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

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

building products and exposure to asbestos-containing automotive friction products.

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

Abex further objects to these interrogatories on the grounds that they are burdensome, hopelessly overbroad and harassing in that they request information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which can be ascertained or derived only from a page-by-page review of the existing voluminous documents

and records of Abex. There is no compilation, abstract, index or summary of most records in Abex's possession which may be responsive to these interrogatories, and the burden of deriving or ascertaining the answer to most interrogatories is substantially the same for plaintiff as for Abex. The answers of Abex hereinafter set forth are limited to providing information concerning domestic automotive friction products manufactured by Abex for the relevant time period only. Abex has never mined or sold raw asbestos fibers, nor has Abex manufactured, processed, distributed, marketed or sold any asbestos-containing building products.

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

To the extent that the information contained herein differs in any respect from any prior answer to discovery, these answers shall be deemed to update and supersede any prior answers in any and all actions. This introduction and the general

objections are explicitly incorporated into each of the answers set forth herein.

SPECIFIC RESPONSES

1. Describe in detail, with specificity and particularity each product mined, produced, manufactured or sold by the answering defendant or its predecessors in title or subsidiaries which contained asbestos for each year from 1936 until 1980; and for each such product describe:

- (a) Its chemical ingredients;
- (b) State the manner in which it was intended to be used, i.e., in the construction and/or insulation of buildings and/or equipment, etc.;
- (c) For each ingredient contained herein state:
 - (i) The name or chemical composition of each substance, what harmful effects, if they are known, that it produces in man or mammals and whether it produces its harmful effects through ingestion, inhalation, absorption or a combination of these;
 - (ii) When you determined and/or learned that the substance produced harmful effects and how such effects were produced;
 - (iii) Identify each individual who participated in such determination and/or obtained such knowledge;
 - (iv) Identify each document that refers, reflects or relates to any information pertaining to the properties of each of the ingredients and/or how the harmful effects are produced as well as your determination of those toxic effects and the manner by which they are produced;
 - (v) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied;
 - (vi) Which products or ingredients were mined, which were manufactured and which were distributed by answering defendants.

ANSWER TO INTERROGATORY NO. 1: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections,

Abex has manufactured and sold asbestos-containing automotive friction products under the following trade names:

American Brake Materials
Brakeblok
American Brakeblok
Abex
Brake Shoe
Esline
Stopper
American Eagle
Crossing Guard
Protector
121 Superbrakes
Velvetouch

(a) All asbestos-containing automotive friction products manufactured by Abex contained approximately 25 to 65 percent chrysotile asbestos only.

(b) Friction products are designed to assist in the stopping or control of a rotating object.

(c) Abex objects to this subpart on the grounds that it is overly broad, burdensome and assumes facts not established. Abex further objects to this interrogatory on the grounds that it seeks information or materials which have been prepared in the course of litigation and are protected by the work product doctrine. Proper use of Abex's asbestos-containing automotive friction products did not create or contribute to a health hazard.

2. If any product identified in answer to Interrogatory No. 1 and was produced, manufactured and/or sold under a trade name, identify that trade name(s) and state the time period that each such product was under such trade name.

ANSWER TO INTERROGATORY NO. 2: See answer to interrogatory No. 1.

3. For each product identified in answer to Interrogatory No. 1, state:

(a) The address of each plant where it was manufactured, processed or packaged;

(b) Whether you were the sole producer, manufacturer and/or distributor of the product and, if not:

(i) The name and address of each other person, firm or other entity engaged in the production, manufacture and/or distribution of the product;

(ii) Whether any other manufacturer produced the product by virtue of a franchise or license from you;

(iii) The persons or firms who produced the product for distribution in the United States;

(iv) The person or firms who produced the product for distribution in the State of Delaware.

ANSWER TO INTERROGATORY NO. 3: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections Abex states as follows:

(a) Abex's asbestos-containing automotive friction products were manufactured in Detroit, Michigan; Salisbury, North Carolina; and Winchester, Virginia.

(b) Abex was not the sole producer of asbestos-containing automotive friction products. Any relevant documents Abex may possess concerning the distribution of its asbestos-containing automotive friction products are on file and can be made available for inspection and copying upon receipt of an appropriate document request.

4. For each product identified in answer to Interrogatory 1 state:

(a) How the product was sold and/or distributed for use in the United States and/or the State of Delaware.

(b) Identify all persons, firms or other entities to whom these products were sold or through whom they were distributed during the period 1936 to 1980;

(c) For each such person, firm or other entity identified in answer to subpart (b) above, state the following:

(1) the specific product sold and/or distributed;

(2) the quantity of the product sold and/or distributed;

(3) the dates which these products were sold, shipped and delivered to each entity;

(d) Identify each individual who has any knowledge of these sales and/or distribution and state with specificity and particularity the substance of each individual's knowledge;

(e) Identify and produce all documents which refer, reflect or relate to all sales and/or distribution of each such product to each such entity identified above.

ANSWER TO INTERROGATORY NO. 4: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, documents relating to sales of Abex's asbestos-containing automotive friction products, including invoices for a time period beginning sometime in 1976 to 1987, are on file. These invoices, which may reflect sales of Abex's asbestos-containing as well as non-asbestos-containing automotive friction products, number well in excess of half a million. Such invoices, which may or may not reflect sales as indicated in this interrogatory, are arranged, for the most part, numerically and chronologically by year and not by customer, product or state. These documents can be made available for inspection and copying upon receipt of an appropriate document request.

5. For each product identified in answer to Interrogatory 1 state whether you engaged in any advertising program to promote the sale of that product and, if so, state:

(a) The name or description of each advertising media that you have used to promote the product during the period 1936 to 1980;

(b) The name of each national magazine or periodical in which you have advertised the product during the period 1936 through 1980;

(c) The date of each issue of such magazine or periodical in which such advertisement appeared;

(d) The name and address of each newspaper in which it advertised the product during the period 1936 through 1980;

(e) The date of each publication of each newspaper in which the advertisement appeared;

(f) Identify and produce each document which refers, reflects or pertains to each such advertisement which was published in each such magazine, periodical and/or newspaper;

(g) State whether the advertising of the product was handled by an agency and, if so, state the name and address of each advertising agency that handled any portion of the advertising of the product during the period 1936 through 1980.

ANSWER TO INTERROGATORY NO. 5: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, Abex does not know with certainty each publication, if any, in which Abex may have advertised any of its asbestos-containing automotive friction products. Documents generally meeting the description of advertising and promotional materials are on file and can be made available for inspection and copying upon receipt of an appropriate document request.

6. For each product identified in answer to Interrogatory 1 which was distributed to a company that used said products in Delaware or was a distributor of said products for an area including Delaware, state:

(a) The name and address of the company;

(b) Whether the asbestos contained was tremolite, crocidolite, chrysotile, amosite and/or anthophyllite asbestos and state the amount in terms of the percentage of the total asbestos contained in the product;

(c) The total amount of asbestos contained in the product;

(d) The exact formulation of the product including the other non-asbestos ingredients thereof;

(e) The name and address of each individual who participated in the formulation of such product;

(f) The identity of each document which refers, reflects or relates to any information provided in the answer to this interrogatory;

(g) The names and addresses of the persons usually communicated with when dealing with said company;

(h) Identify the living individual most knowledgeable about the answers given above in 6(b), (c) and (d);

(i) Identify the living individual most knowledgeable about distribution of the above products in Delaware and in an area of which Delaware was a part.

ANSWER TO INTERROGATORY NO. 6: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and repetitive. See answers to interrogatories No. 1, 3 and 4.

7. With regard to each form of asbestos fibers identified in the answer to Interrogatory 6, state:

(a) Where it was purchased, if it was not purchased, where it was obtained;

(b) From whom it was purchased;

(c) The manner in which it was received, stored and used in the production of the product.

ANSWER TO INTERROGATORY NO. 7: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, Abex does not possess complete knowledge concerning its purchase

of raw chrysotile asbestos fiber. Abex is generally aware that chrysotile asbestos fiber, the only asbestos fiber ever utilized by Abex, was purchased from the following companies at various periods since 1950:

Asbestos Corporation, Ltd.
Thetford Mines
Quebec, Canada

Bell Asbestos Mines, Ltd.
Thetford Mines
Quebec, Canada

Lake Asbestos
Lac d'Amiante
Black Lake
Quebec, Canada

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

GAF Corp.
Hyde Park, Vermont

Vermont Asbestos Group, Inc.
Hyde Park, Vermont

8. If you manufacture any insulation products which are commonly used by insulators and which contain asbestos;

(a) describe how the products listed in (b) are cut, shaped, mixed and applied on the jobs giving particular reference as to whether or not the materials have to be sawed or cut on the job, blown into confined areas, or mixed with water in a cement or paste;

(b) State if there is any way known to you that the products listed below can be used and applied without the worker inhaling any of the asbestos dust or fibers:

(i) Asbestos cement; Asbestos Finishes;

(ii) Asbestos pie covering;

(iii) Asbestos bricks or block;

(iv) Asbestos sheeting;

(v) Asbestos insulation used to cover extremes of heat as well as cold;

(vi) Asbestos insulation in loose form which may be blown into homes or buildings;

(vii) Asbestos in spray form;

(viii) Asbestos mineral in fiber form or particulate form;

(ix) Asbestos Millboard, rope, gaskets, paper gloves or blanket.

(c) Did your company buy any products listed in (b) above from other manufacturers and relabel it or have it labeled for your company?

(i) If yes, which products and from whom.

(d) Did your company produce any products within the list in (b) above for other companies?

(i) If yes, which products and for whom.

(e) Whether prior to distributing the product you altered it in any manner from the form in which you received it from the source, and if so what type alterations or modifications were made by you;

(f) Whether prior to distributing the product you re-packaged or in any way altered the packaging or labelling of the product after receiving it from the source, and if so what alterations were made by you.

ANSWER TO INTERROGATORY NO. 8: Not applicable. Abex has never manufactured or sold any asbestos-containing products commonly used by insulators.

9. For each product listed in answer to Interrogatory No. 1, describe each end use for which each such product was intended to be used by the general industry and for each such use:

(a) Describe the form of the product when so used;

(b) Describe the process and/or method by which the product would be applied for each such use;

(c) Describe the equipment to be used to apply the product for each such use;

(d) Identify each document that refers, reflects or relates to any information and state the full substance of the information supplied;

(e) As to any information received orally in answer to any interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 9: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and lacks particularity as to what information is being requested. To the extent Abex understands the term "end use," see answer to interrogatory No. 1(b). Abex further objects to the term "general industry" on the grounds that it is undefined. Subject to and without waiving these objections, Abex states as follows;

(a) Abex objects to this subpart on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, Abex's asbestos-containing automotive friction products were generally sold in ready-to-use form and were designed to assist in the stopping or control of a rotating object.

(b) Abex's asbestos-containing automotive brake lining was applied to the brake shoe using rivets or a heat curing process.

(c) No specialized equipment was utilized to install Abex's asbestos-containing automotive friction products.

(d,e) Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. See Abex's introduction and general objections.

10. State whether any of the equipment identified in answer to Interrogatory No. 9(c) was manufactured by you or any parent or subsidiary company or related company.

ANSWER TO INTERROGATORY NO. 10: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, not applicable.

11. If any piece of equipment identified in answer to Interrogatory No. 9(c) was invented, developed or first made by you or any person associated with you or any related company or association, state:

(a) When it was invented, developed or made;

(b) The identity of each individual who participated therein and describe in detail the extent of his participation;

(c) The identity of each document which reflects, refers or relates to any information set forth in answer to this interrogatory;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 11: See answer to interrogatory No. 10.

12. State whether you or any person associated with you or any related company or association invented, developed or made any change and/or improvement in any piece of equipment identified in answer to Interrogatory No. 9(c), and if so:

(a) Describe the change and/or improvement made;

(b) State when it was made;

(c) Identify each individual who participated therein and describe in detail the extent of his participation;

(d) Identify each document which reflects, refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who has supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 12: See answer to interrogatory No. 10.

13. For each process and/or method identified in answer to Interrogatory No. 9(b), state whether it was developed by you or a parent or subsidiary or related company.

ANSWER TO INTERROGATORY No. 13: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

14. For each process and/or method identified in answer to Interrogatory No. 9(b) developed or first made by you or any person associated with you or any related company or association, state:

(a) When and where it was developed:

(b) The identity of each individual who participated therein and describe in detail the extent of his participation;

(c) The identity of each document which reflects, refers or related to any information set forth in answer to this Interrogatory;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 14: See answer to interrogatory No. 13.

15. State whether you or any person associated with you or any related company or association developed or made any change, and/or improvement in any process and/or method identified in answer to Interrogatory No. 9(b), and if so:

- (a) Describe the change and/or improvement made;
- (b) State when and where it was made;
- (c) Identify each individual who participated therein and describe in detail the extent of his participation;
- (d) Identify each document which reflects, refers or relates to any information set forth in answer to this interrogatory;
- (e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied;
- (f) Identify the living person who has the most knowledge of matters discussed herein.

ANSWER TO INTERROGATORY NO. 15: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

16. For each product identified in the answer to Interrogatory No. 1, describe what, if any, tests were made to determine the safety of said product and:

- (a) State when and where each such test was made;
- (b) Describe the results of each such test;
- (c) Identify each individual who participated therein and describe in detail the extent of his participation;
- (d) Identify each document which reflects, refers or relates to any information set forth in answer to this interrogatory;
- (e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 16: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and lacks particularity as to what information is being

requested. Subject to and without waiving these objections, Abex performed various quality control tests to ensure that Abex's asbestos-containing automotive friction products met performance specifications.

17. For each process or method identified in answer to Interrogatory No. 9 (b), describe what, if any, tests were made to determine the safety of said process or method and:

- (a) State when and where each such test was made;
- (b) Describe the results of each such test;
- (c) Identify each individual who participated therein and describe in detail the extent of his participation;
- (d) Identify each document which reflects, refers or relates to any information set forth in answer to this interrogatory;
- (e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY.NO. 17: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and lacks particularity as to what information is being requested.

18. For each piece of equipment, identified in answer to Interrogatory No. 9(c), describe what, if any, tests were made to determine the safety of said equipment and:

- (a) State when and where each such test was made;
- (b) Describe the results of each such test;
- (c) Identify each individual who participated therein and describe in detail the extent of his participation;
- (d) Identify each document which reflects, refers or relates to any information set forth in answer to this interrogatory;
- (e) As to any information received orally in answer to this interrogatory, identify each person who supplied

such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 18: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and lacks particularity as to what information is being requested.

19. For each label, brochure, or other written material describing or relating to the use of each product identified in answer to Interrogatory No. 1, produced by you or any person associated with you or any related company or association;

(a) Describe its contents;

(b) State when, where, how, and to whom it was distributed;

(c) State the manner in which it was placed on or in the product container or whether it was separate from the product container, or whether it was separate from the product or container;

(d) State whether any written, printed or graphic matter was present to warn of any harmful ingredient it might contain. If so, state:

(i) Whether a signal word, i.e., "danger", "warning" or "caution" was present;

(ii) Whether the signal word was printed in boldface, capital letters or different colored inks. Which?

(iii) The wording of the statements describing any hazard;

(iv) The wording of all directions and/or instructions pertaining to any method of use to avoid any hazard.

(e) Identify each individual who participated in the writing of the label, brochure or other written materials and describe in detail the extent of his participation;

(f) Identify each document which reflects, refers or relates to the information contained on the labels, brochures, or other written materials and/or the decision to include such information;

(g) As to any information received orally in answer to this interrogatory, identify each person who supplied

such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 19: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, in the mid-1970's at the latest, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

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

Abex believes this warning was first placed on its asbestos-containing automotive friction products in order to comply with OSHA regulations. Abex does not believe the wording of this warning was ever changed.

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

An excerpt of this pamphlet is reprinted below:

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

Because studies have indicated that exposure to excessive amounts of asbestos dust may be a potential health hazard, OSHA has set maximum limits of levels of airborne asbestos dust to which workers may be exposed. Since most automotive friction materials normally contain a sizeable amount of asbestos, it is important that people who handle brake linings and clutch facings understand the nature of the problem and know the precautions to be taken.

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

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

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

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

All asbestos waste should be disposed of in accordance with OSHA and EPA asbestos regulations. During removal of vacuum bags, an approved respirator, as described in (2) above should be worn.

(6) Good housekeeping is essential in a workplace where asbestos containing materials are handled. Industrial vacuum cleaners equipped with multiple stage high efficiency filters should be used for removing accumulations of asbestos dust and waste. Never use compressed air or dry sweeping for cleaning. Water or other dust suppressants should be applied if brooms are used.

(7) Good personal hygiene practices are important in minimizing asbestos dust exposure. Do not smoke. Wash before eating. Shower after work. Change to work clothes upon arrival at work and change from work clothes at conclusion of work. Work clothing should not be taken home. Laundering asbestos contaminated clothing shall be done so as to prevent release of airborne asbestos fibers in excess of the exposure limits.

CAUTION: DO NOT BREATHE ASBESTOS

20. For each product identified in answer to Interrogatory No. 1 state whether warnings of any harmful or potentially harmful effects of the products were printed on the cartons or packing cases in which individual containers were packed and, if so:

- (a) State the printed warning's contents;
- (b) State when the warning was used;
- (c) Describe the manner in which it was placed on or in the product container;
- (d) Identify each individual who participated in writing of the label or brochure and describe in detail the extent of his participation;
- (e) Identify each document which reflects, refers or relates to the information contained on the cartons or packing cases and the decision to include that information;
- (f) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance for the information supplied.

ANSWER TO INTERROGATORY NO. 20: See answer to interrogatory No. 19.

21. For each label, brochure, or other written material describing or relating to each process or method identified in answer to Interrogatory No. 9(b) produced by you or

any person associated with you or any related company or association; and for each such label, brochure or written material:

- (a) Describe its contents;
- (b) State when, where, how, and to whom it was distributed;
- (c) State whether any written, printed or graphic matter was present to warn of any harmful ingredient it might contain. If so, state:
 - (i) Whether a signal word, i.e., "danger", "warning" or "caution" was present;
 - (ii) Whether the signal word was printed in boldface, capital letters or different colored inks, and if so, which one;
 - (iii) The wording of the statements describing any hazard;
 - (iv) The wording of all directions and/or instructions pertaining to any method of use to avoid any hazard.
- (d) Identify each individual who participated in the writing of the label, brochure or other written materials and describe in detail the extent of his participation;
- (e) Identify each document which reflects, refers or relates to the information contained on the labels, brochures, or other written materials and/or the decision to include such information;
- (f) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 21: See answer to interrogatory No. 19.

22. For each label, brochure, or other written material describing or relating to equipment identified in answer to Interrogatory No. 9(c) produced by you or any person associated with you or any related company or association; and for each such label, brochure or written material:

- (a) Describe its contents;
- (b) State when, where, how, and to whom it was distributed;

(c) State whether any written, printed or graphic matter was present to warn of any harmful ingredient it might contain. If so, state:

(i) Whether a signal word, i.e., "danger", "warning" or "caution" was present;

(ii) Whether the signal word was printed in boldface, capital letters or different colored inks, and if so, which one;

(iii) The wording of the statements describing any hazards;

(iv) The wording of all directions and/or instructions pertaining to any method of use to avoid any hazard.

(d) Identify each individual who participated in the writing of the label, brochure or other written materials and describe in detail the extent of his participation;

(e) Identify each document which reflects, refers or relates to the information contained on the labels, brochures, or other written materials and/or the decision to include such information;

(f) As to any information received orally in answer to this interrogatory, identify each person who supplied information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 22: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and lacks particularity as to what information is being requested.

23. With regard to the production, distribution, and/or sale of each product identified in answer to Interrogatory No. 1 state whether you have ever been accused of violating any of the provisions of the Federal Labeling of Hazard Substances Act, and, if so, state:

(a) The date of each indictment, complaint or information that accused you of such violation;

(b) The court in which the proceedings were instituted;

(c) The plea you entered;

(d) The verdict and/or judgment in each such case;

(e) The date and/or judgment in each such case;

(f) Identify each document which reflects, refers or relates to information pertaining to such accusation;

(g) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 23: To the best of current knowledge and belief, no.

24. For each product identified in Interrogatory No. 1, state whether you contend it is a "hazardous substance" as defined in 15 United States Code, Section 1261(f) and, if so, state with specificity and particularity the facts which you rely on to support that contention.

ANSWER TO INTERROGATORY NO. 24: Abex objects to this interrogatory on the grounds that it calls for a legal opinion.

25. With regard to each product identified in answer to Interrogatory No. 1, state whether any quantity of that product has ever been seized by any agency of any government; and if so:

(a) State the date of each such occurrence;

(b) State the name or description of the violations of which you were accused;

(c) State the court in which the action was filed;

(d) Describe the judgment that was rendered;

(e) State the date that has been set for trial of any pending case;

(f) Identify each document which reflects, refers or relates to information pertaining to such seizure;

(g) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 25: To the best of current knowledge and belief, no.

26. State whether you have ever been the subject of any investigation or accusation by any Governmental Agency concerning the provisions of the Occupational Safety and Health Act of 1970 (P.L. 91-596, 29 U.S.C. § 5651 et seq.). If so, state:

(a) The date of such investigation, accusation, or other administrative or judicial procedure or action;

(b) The administrative agency or court in which any proceedings arising from such investigation or accusation were heard or instituted;

(c) The determination and results of any such accusation or action;

(d) The identity of each document which refers or relates to information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 26: Abex objects to this interrogatory on the grounds that in seeking information concerning the working conditions of Abex's plants, it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

27. State what action, if any, you have taken since 1935 to reduce or eliminate any risk of occupational disease or personal injury to those engaged in the manufacture of your asbestos products or to those using your asbestos products which arises from the inhalation of dust and fibers.

ANSWER TO INTERROGATORY NO. 27: Abex objects to this interrogatory on the grounds that it assumes facts not established. To the extent this interrogatory requests

information concerning the working conditions of Abex employees, it is objected to on the grounds that such information lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

28. Describe in full and complete detail each of the activities which you have undertaken with the intention of warning the public of the effects of any products identified in answer to Interrogatory No. 1 as to the health of the user or general public and give the inclusive dates of each such activity; and:

(a) Identify each individual who participated therein and describe the nature of his participation;

(b) Identify each document which reflects, refers or relates to information pertaining to such warning;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 28: See answer to interrogatory No. 27.

29. Have you or any of your companies conducted any studies concerning the effects of inhalation of asbestos dust or fibers by one using or being exposed to any of the asbestos materials manufactured by your and/or any of your companies? In answer to this question, please state:

(a) The date, nature and location of your studies;

(b) The name or names of the persons conducting the studies and their address and describe in detail the extent of their participation;

(c) The purpose of the studies;

(d) The identity of each document which refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 29: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and seeks information which has been gathered or prepared in the course of litigation or which is otherwise protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. To the extent this interrogatory seeks information concerning the working conditions of Abex employees, it is objected to on the grounds that such information lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Abex is generally aware that it contributed monies for certain studies at the Saranac Laboratory, Saranac, New York. Abex documents reflect that any such studies performed by the Saranac Laboratory on behalf of Abex specifically pertained to siderosis and silicosis studies. Plaintiffs' counsel have produced in discovery unauthenticated photocopies of documents purporting to show that Abex agreed in the 1930's to pay \$250 per year for three years with respect to a single asbestos-related study at the Saranac Laboratory. Abex records do not confirm any such agreement, nor do Abex records reflect any such payment.

30. Have you or any of your companies conducted any studies designed to minimize or eliminate the inhalation of asbestos dust or fibers by those exposed to the use of any of the products containing asbestos materials manufactured by you and/or any of your companies? In answer to this question, please state:

(a) The date, nature and location of your studies;

(b) The name or names of the persons conducting the studies and their address and describe in detail the extent of their participation;

(c) State what action, if any, was taken based upon studies in an effort to minimize or eliminate the effects of inhalation of asbestos dust or fibers upon those using or being exposed to the dust and fibers contained in such products as manufactured by your company;

(d) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 30: Abex objects to this interrogatory on the grounds that it assumes facts not established. Proper use of Abex's asbestos-containing automotive friction products did not create or contribute to a health hazard.

31. What technique, if any, did and/or do you use to make dust samplings in the manufacturing and packaging production environment or at job sites where your materials are used?

(a) Set forth in detail the technique used, when it was commenced and when, if ever, it was concluded;

(b) State the purpose for administering such samplings;

(c) State the results of such samplings;

(d) State what action, if any, has been taken in response to the findings as to the dust samples;

(e) Identify each document which refers or relates to such sampling;

(f) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied;

(g) Identify the living person who has the most knowledge of matters discussed herein.

ANSWER TO INTERROGATORY NO. 31: Abex objects to this interrogatory to the extent that it seeks information concerning the working conditions of Abex employees on the grounds that such information lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that it assumes facts not established. Proper use of Abex's asbestos-containing automotive friction products did not create or contribute to a health hazard.

32. State what, if any, safety measures were taken by you as to your employees, during the processing, manufacturing and packaging of products containing asbestos including but not limited to products that have been distributed by the DuPont Company. If any such safety measures were taken, state:

(a) The reason for the use of such measures, equipment or clothing;

(b) Identify each document relating to safety procedures taken by employees or plant personnel in the manufacture, processing and packaging of such products;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 32: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, and, in seeking information concerning the working conditions of Abex employees, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

33. State:

(a) Knowledge as to any respirator or other breathing device which was on the market during the relevant period which would prevent the inhalation of asbestos dust and fibers;

(b) A detailed description of such respirator or other breathing device, together with all information as to how such device prevents the inhalation of asbestos dust and fibers;

(c) What tests, if any, were conducted, by whom and where, with regard to the effectiveness of any such device;

(d) Identify each document in any defendant's possession which refers or relates to the subject matter of this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 33: Abex objects to this interrogatory on the grounds that, in seeking information concerning products not manufactured by Abex, it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

34. Have you or anyone on your behalf conducted or had conducted any investigation of the statistical and/or epidemiological relationship between the use of any product identified in answer to Interrogatory No. 1 and the contraction by humans or animals of cancer including but not limited to mesothelioma. If so:

(a) Identify each person participating in such investigation and describe in detail the extent of this participation;

(b) State when the investigation was conducted;

(c) Identify the person or persons who authorized the investigation;

(d) Identify each document which refers or relates to any information set forth in answer to this Interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 34: Abex objects to this interrogatory on the grounds that it assumes facts not

established. Subject to and without waiving this objection, and to the best of current knowledge and belief, no.

35. Have you or anyone on your behalf conducted or had conducted any investigation of the statistical and/or epidemiological relationship between the use of any product identified in answer to Interrogatory No. 1 and the contraction by humans of pulmonary asbestosis. If so:

(a) Identify each person participating in such investigation and describe in detail the extent of this participation;

(b) State when the investigation was conducted;

(c) Identify the person or persons who authorized the investigation;

(d) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 35: Abex objects to this interrogatory on the grounds that it assumes facts not established. Subject to and without waiving this objection, to the best of current knowledge and belief, no.

36. Describe in detail all written and oral reports including those reports originating from users of any of the products identified in answer to Interrogatory No. 1, including doctors, and employees and agents of the defendants concerning any relationship between the use of these products and the development of pulmonary asbestosis in humans or animals;

(a) Identify all persons making said reports and to whom said reports were made;

(b) State whether any report or series of reports initiated changes and/or reevaluation of the production, sale or use, or recommendations for use, of any of these products;

(c) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 36: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, vague, ambiguous and lacks particularity as to what information is being requested. Subject to and without waiving these objections, Abex is not currently aware of any such reports relating to asbestos-containing automotive friction products manufactured by Abex.

37. Describe in detail all written and oral reports including those reports originating from users of any of the products identified in answer to Interrogatory No. 1, including doctors, and employees and agents of the defendants concerning any relationship between the use of these products and the development of cancer including but not limited to mesothelioma in humans or animals;

(a) Identify all persons making said reports and to whom said reports were made;

(b) State whether any report or series of reports initiated changes and/or reevaluation of the production, sale or use, or recommendations for use, of any of those products;

(c) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 37: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, vague, ambiguous and lacks particularity as to what information is being requested. Subject to and without waiving these objections, Abex is not currently aware of any such reports

relating to asbestos-containing automotive friction products manufactured by Abex.

38. For each product identified in answer to Interrogatory No. 1, state whether the production and/or sale of the product has been discontinued and, if so:

- (a) State when it was discontinued;
- (b) State with specificity and particularity all the reasons for the discontinuance;
- (c) Identify each individual who participated in the decision to discontinue production and/or sale and describe in detail the extent of his participation;
- (d) Identify all documents which reflect, refer or relate to each such discontinuance;
- (e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 38: Abex objects to this interrogatory on the grounds that it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Abex ceased manufacturing and selling asbestos-containing automotive friction products in 1987. Abex further states that it ceased manufacturing and selling asbestos-containing automotive friction products due to a shift in the friction products market.

39. For each product identified in answer to Interrogatory No. 1, state whether the production and/or sale of that product has been limited and/or curtailed or reduced and, if so:

- (a) Describe how it was so limited or curtailed or reduced;
- (b) State when it was so limited, curtailed or reduced;

(c) State with specificity and particularity all of the reasons for the limitation, curtailment, or reduction;

(d) Identify each individual who participated and the extent of his participation in the decision to so limit, curtail or reduce production and/or sale;

(e) Identify each document which reflects, refers or relates to the limitation, curtailment or reduction and/or the decision to implement the limitation, curtailment or reduction;

(f) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 39: See answer to interrogatory No. 38.

40. Do you contend that each of the products identified in Interrogatory No. 1 do not or did not create any risk to one who applies or uses the product?

(a) If so, state the factual basis for each such contention;

(b) If not, state:

(i) The degree and kind of risk which is created by such use;

(c) The conditions under which such risk is created, increased or decreased;

(d) Identify each document which reflects, refers or relates to your answers to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 40: Yes. Because the asbestos in Abex's asbestos-containing automotive friction products was resin-bonded and encapsulated, it did not present a health hazard. Abex objects to this interrogatory to the extent it seeks information or materials prepared in anticipation of

litigation or which is otherwise protected by the attorney-client privilege or the work product doctrine.

41. Do you contend that it was not your responsibility to warn workers of the risk of harm arising from the use of your product or of the danger of asbestos to their health?

(a) State the factual basis for such response;

(b) Identify each document which reflects, refers or relates to your answers to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 41: Abex objects to this interrogatory on the grounds that it assumes facts not established. Because the asbestos in Abex's asbestos-containing automotive friction products was resin-bonded and encapsulated, it did not present a health hazard. Abex objects to this interrogatory to the extent it seeks information or materials prepared in anticipation of litigation or which is otherwise protected by the attorney-client privilege or the work product doctrine.

42. Do you contend that it was not your responsibility to warn workers of the risk of harm arising from the use of your product or of the danger of asbestos to their health?

(a) State the factual basis for such response;

(b) Identify each document which reflects, refers or relates to your answers to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 42: Abex objects to this interrogatory on the grounds that it assumes facts not established. Because the asbestos in Abex's asbestos-containing automotive friction products was resin-bonded and encapsulated, it did not present a health hazard. Abex objects to this interrogatory to the extent it seeks information or materials prepared in anticipation of litigation or which is otherwise protected by the attorney-client privilege or the work product doctrine.

43. Do you contend that the danger to any plaintiff was not foreseeable at the time the products alleged to have caused his injuries were sold? If so, as to each plaintiff:

- (a) State the factual basis for such contention;
- (b) Identify each document relied upon in support of such contention;
- (c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 43: Abex objects to this interrogatory on the grounds that it assumes facts not established. Subject to and without waiving this objection, proper use of Abex's asbestos-containing automotive friction products did not create or contribute to a health hazard.

44. Do you contend that the danger from the use by plaintiffs of products containing asbestos was obvious? If so, as to each plaintiff:

- (a) State the factual basis for such contention;
- (b) Identify each document relied upon in support of such contention;
- (c) As to any information received orally in answer to this interrogatory, identify each person who supplied

such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 44: Abex objects to this interrogatory on the grounds that it assumes facts not established. Subject to and without waiving this objection, proper use of Abex's asbestos-containing automotive friction products did not create or contribute to a health hazard.

45. Do you contend that plaintiffs knew, understood and appreciated the danger arising from their contact with asbestos which you mined or distributed or products containing asbestos which you manufactured or distributed? If so, as to each plaintiff:

- (a) State the factual basis for such contention;
- (b) Identify each document relied upon in support of such contention;
- (c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 45: Abex objects to this interrogatory on the grounds that it is vague, ambiguous and lacks particularity as to what information is being requested. Abex cannot state what the plaintiff understood or knew regarding raw asbestos fibers or other types of products containing asbestos. Because Abex's asbestos-containing automotive friction products did not create or contribute to a health hazard, there was no "danger" for the plaintiff to understand or know.

46. Do you contend that plaintiffs voluntarily and unreasonably exposed themselves to the danger arising from their contact with asbestos which you mined or distributed or products containing asbestos which you manufactured or distributed? If so, as to each plaintiff:

- (a) State the factual basis for such contention;

(b) Identify each document relied upon in support of such contention;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 46: Abex objects to this interrogatory on the grounds that it is vague, ambiguous and lacks particularity as to what information is being requested. Abex cannot state what the plaintiff understood or knew regarding raw asbestos fibers or other types of products containing asbestos. Because Abex's asbestos-containing automotive friction products did not create or contribute to a health hazard, there was no "danger" for the plaintiff to understand or know.

47. Do you contend that plaintiffs used any asbestos which you mined or distributed or any products containing asbestos which you manufactured or distributed in other than their usual, customary and expected manner? If so, as to each plaintiff:

(a) State the name and chemical composition of the product claimed to have been used in other than its usual, customary and expected manner;

(b) State in detail the manner in which plaintiffs used said product in other than its usual, customary and expected manner;

(c) Identify each document relied upon in support of such contention;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 47: Abex objects to this interrogatory on the grounds that it is premature. It has yet to be established that the plaintiff ever used or worked with any

asbestos-containing automotive friction products manufactured and sold by Abex.

48. With regard to each product identified in answer to Interrogatory No. 1 or 8, state whether you have ever been named as a defendant in any other civil action, including Workmen's Compensation Actions, filing of Workmen's Compensation consent agreements, or other proceedings, to recover damages for injuries resulting from asbestosis and asbestos related pleural disease received as a result of using that product and, if so, for each proceeding;

- (a) State the name and address of each plaintiff;
- (b) State the name and address of each co-defendant;
- (c) State the date it was filed;
- (d) State the name of the Court in which it was filed;
- (e) Describe the judgment rendered;
- (f) State the date that has been set for trial of any case still pending;
- (g) Describe the terms of any settlement reached before or during trial;
- (h) State whether any appeal is pending from any judgment that has been rendered;
- (i) State the exact nature of the condition alleged in such action to have resulted from the plaintiffs, use of or contact with said product and identify the product involved;
- (j) Identify each document which reflects, refers or relates to any information pertaining to that complaint.

ANSWER TO INTERROGATORY NO. 48: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

49. With regard to each product identified in answer to Interrogatory No. 1 or 8, state whether you have ever received a notice of injury to any other person as a consequence of a

condition of asbestosis, asbestos related pleural disease and cancer resulting from the use of that product and, if so:

- (a) State the date it was received;
- (b) State the name and address of the injured person;
- (c) Describe in detail the complaint;
- (d) Identify each document which reflects, refers or relates to any information pertaining to that complaint
- (e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 49: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

50. With regard to each product identified in answer to Interrogatory No. 1 or 8, state whether you have ever been named as a defendant in any other action to recover damages for injuries resulting from cancer including but not limited to mesothelioma received as a result of using that product and, if so:

- (a) State the name and address of each plaintiff;
- (b) State the name and address of each co-defendant;
- (c) State the date it was filed;
- (d) State the name of the Court in which it was filed;
- (e) Describe the judgment rendered;
- (f) State the date that has been set for trial of any case still pending;
- (g) Describe the terms of any settlement reached before or during trial;
- (h) State whether any appeal is pending from any judgment that has been rendered.

ANSWER TO INTERROGATORY NO. 50: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

51. With respect to the period from 1950 through 1980, state the names, addresses and company title or position of each person who at any time during that period was in charge of the following activities with regard to each of the products identified in answer to Interrogatory 1 or 8:

- (a) Production;
- (b) Marketing;
- (c) Labeling;
- (d) Advertising;
- (e) Product evaluation;
- (f) Research and development;
- (g) Distribution.

ANSWER TO INTERROGATORY NO. 51: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. As phrased, this interrogatory is so hopelessly overbroad that is impossible for Abex to render a meaningful response.

52. Identify the living parties or persons who are the most knowledgeable about asbestos mined and products containing asbestos sold and/or distributed by you from 1936 to present. Identify all documents which relate to such sales and/or distribution.

ANSWER TO INTERROGATORY NO. 52: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. As phrased, this interrogatory is so hopelessly

overbroad that is impossible for Abex to render a meaningful response.

53. Have you or has anyone on your behalf attended and/or participated in any conference, seminar, lecture or symposium dealing with the hazards of using any product identified in answer to Interrogatory No. 1 or 8 or of asbestos in general and, if so, state:

(a) The date and place of such conference, seminar, lecture or symposium;

(b) The person or persons conducting such conference, seminar, lecture or symposium;

(c) The person or persons who attended on your behalf;

(d) The subject matter of such conference, seminar, lecture or symposium;

(e) The speakers and/or moderators at such conference, seminar, lecture or symposium;

(f) Whether any reports or memoranda were made concerning the subject matter of such conference, seminar, lecture or symposium; identifying each such report or memorandum.

ANSWER TO INTERROGATORY NO. 53: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, vague, ambiguous and lacks particularity as to what information is being requested. Subject to and without waiving these objections, Abex is unaware of any of its employees attending any conference, seminar, etc., dealing with the alleged hazards of using any Abex product.

54. Are you familiar with the hearing concerning the dangers of asbestos conducted in March, 1967 before the House of Representatives of the United States Congress Sub-Committee on Labor? If so, identify those persons who are or were associated with you that were familiar with that hearing.

ANSWER TO INTERROGATORY NO. 54: No.

55. State when, if at all, you received knowledge of the following publications or matters discussed therein, who received such knowledge and identify all documents relating to such knowledge:

(a) Fleischer, Viles, Gade and Drinker, "A Health Survey of Pipe-Covering Operations in Construction Naval Vessels," 28 J. Indus. Hyg. 9-16;

(b) Selikoff, et al., "Asbestos and Neoplasia," 42 Am. J. Med. (1967);

(c) Selikoff, Churg and Hammon, "The Occurrence of Asbestosis Among Industrial Insulation Workers," 132 Ann. New York Acad. Sc. 139 (1965);

(d) "Documentation of the Threshold Limit Values for Substances in Workroom Air," A.C.G.I.H. (3rd 1971);

(e) "Threshold Limit Values for 1961," A.C.G.I.H. (1961);

(f) 1906 report by Dr. H. Montague Murray;

(g) 1934 study by Dr. Anthony J. Lanza, Assistant Medical Director of Metropolitan Life Insurance Company.

ANSWER TO INTERROGATORY NO. 55: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, Abex does not know when, if ever, any of its employees first received any such publications.

56. Identify each publication contained in your research library, or otherwise in your custody, including but not by way of limitation, your Research and Development Center, all medical journals, industrial medical journals, industrial hygiene journals, technical literature in the area of asbestos mining, manufacture, application and use, and Governmental publications, dealing with occupational diseases arising from the manufacture and use of asbestos-containing products. As to all such publications, state the volumes which are in your custody and control, when each such volume was received and the present location of such publications.

ANSWER TO INTERROGATORY NO. 56: Abex objects to this interrogatory on the grounds that it is overly broad and

burdensome. To the extent this interrogatory seeks information concerning the working conditions of Abex employees, it is objected to on the grounds that such information lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

57. As to any threshold limit values published by the American Conference of Governmental Industrial Hygienists, state whether you have brought such information to the attention of those using your products. If you have not done so, state the reasons why you have not done so.

ANSWER TO INTERROGATORY NO. 57: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and lacks particularity as to what information is being requested. There are various threshold limit values for various types of substances. Abex cannot respond to this interrogatory without more specific information.

58. Have you been: (a) a member of or (b) affiliated in any manner with or (c) received reports or (d) subscribed for reports or publication to the Industrial Hygiene Foundation of Pittsburgh?

ANSWER TO INTERROGATORY NO. 58: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad as to time and scope. Subject to and without waiving these objections, Abex was a member of the following trade associations: Asbestos Information Association of North America (1975 to 1980) and The Brake Lining Manufacturing Association (from an unknown period to 1949). Furthermore, Abex was a member of the Friction Materials Standards Institute (1949 to present); The American Industrial Hygiene Association ("AIHA"); The Air Pollution Control Association; the Manufacturers Alliance for

Productivity and Innovation (formerly the Machinery and Allied Products Institute).

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

59. With regard to Interrogatory No. 58, what years did you participate under (a), (b), (c) or (d)?

ANSWER TO INTERROGATORY NO. 59: See answer to interrogatory No. 58.

60. With regard to Interrogatory No. 58, do you have any documents obtained from the Industrial Hygiene Foundation? If so:

- (a) List all such documents;
- (b) Who currently has them in their possession;
- (c) When was each received;
- (d) State the name of the individuals who received such document or information contained in such documents.

ANSWER TO INTERROGATORY NO. 60: See answer to interrogatory No. 58.

61. Have you received any reports or documents prepared by Metropolitan Life Insurance Company from 1929 to about 1960, concerning statistical and other studies of asbestos workers for Johns-Manville? If so, state:

- (a) The documents received;
- (b) Who received them and when;
- (c) The current location of the documents.

ANSWER TO INTERROGATORY NO. 61: To the best of current knowledge and belief, no.

62. State all chemical, industrial, medical or trade associations to which you have belonged since 1936.

ANSWER TO INTERROGATORY NO. 62: See answer to interrogatory No. 58.

63. With regard to the associations enumerated in the answer to Interrogatory No. 62, state:

(a) The names of each individual associated with the answering defendant since that date who have had dealings with each said association;

(b) Describe the nature of their dealings with each such association;

(c) State their last known address;

(d) If still employed, their current job and title.

ANSWER TO INTERROGATORY NO. 63: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, Abex does not know the identity of each of its employees who may have had "dealings" with each trade association of which Abex was a member.

64. Name each corporate officer and/or member of corporate management who attended any meeting and/or conference concerning the health and medical aspects of asbestos and/or the use of products containing asbestos, and for each person identified, state the nature of his participation in each such meeting or conference.

ANSWER TO INTERROGATORY NO. 64: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. To the extent this interrogatory seeks information

concerning the working conditions of Abex employees, it is objected to on the grounds that such information lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

65. State the sources of all products containing asbestos which have been incorporated in any product manufactured by you which have been distributed, sold and/or utilized from 1936 to 1980.

(a) State the names of all individuals associated with the above state sources who dealt with or handled your account;

(b) Identify any such document which refers, reflects or relates to any information provided in answer to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 65: None.

66. For each product identified in the answer to Interrogatory No. 1 or 8, which you distributed, identify the source from which you obtained the product.

(a) State the names of all individuals associated with the above stated sources who dealt with or handled your account and specify who handled your account for products distributed to Delaware;

(b) Identify any such document which refers, reflects or relates to any information provided in answer to this interrogatory.

ANSWER TO INTERROGATORY NO. 66: As Abex manufactured its asbestos-containing automotive friction products, it did not "obtain" them from any source.

67. State all the names of all individuals associated with you who had any dealings with the requisition and/or procurement of asbestos or products containing asbestos as

indicated in answer to Interrogatory No. 65 and 66 and for each such person:

(a) Identify the nature of his associations, the locations and the dates of their occurrence;

(b) Identify each document which refers, reflects or relates to any information provided in answer to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER TO INTERROGATORY NO. 67: See answers to interrogatories No. 65 and 66.

68. State the names of all individuals who dealt with or handled the account with and/or made any sales to the employer of the Plaintiff of asbestos and/or products containing asbestos.

(a) Describe in detail the nature and dates of each such association with the said accounts;

(b) Identify each document which refers, reflects or relates to any information provided in answer to this interrogatory.

ANSWER TO INTERROGATORY NO. 68: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and assumes facts not established.

69. Identify each individual whom you expect to call as an expert witness at the trial of this litigation, and for each person identified:

(a) The subject on which the expert is expected to testify and the substance of the facts and opinions to which he or she is expected to testify and a summary of the grounds for each opinion;

(b) Identify each document referring, relating or containing any such facts and/or opinions and identify each individual having custody of each document identified.

ANSWER TO INTERROGATORY NO. 69: Abex objects to this interrogatory on the grounds that it is premature. Abex has not yet determined which witnesses it intends to call at trial of this matter and reserves the right to supplement this answer once such a determination has been made.

70. Identify each individual who you have retained or employed or anticipate retaining or employing in any way in preparation of or anticipation of trial of this litigation who is not expected to be called as a witness at trial, and for each such individual:

(a) State the substance of any facts or opinion which he or she has discussed with any agent, employee or representative of the answering defendant, together with a summary of the grounds for each opinion;

(b) Identify each document referring to or containing such facts and/or opinions and identify each person having custody of each document identified.

ANSWER TO INTERROGATORY NO. 70: Abex objects to this interrogatory on the grounds that it seeks information which has been gathered or prepared in the course of litigation or which is otherwise protected by the attorney-client privilege, the work product doctrine or any other applicable privilege.

71. State the names, last known addresses and telephone numbers of each and every person whom you intend to call as a witness at the trial of this litigation.

(a) State the substance of any facts or opinion which he or she has discussed with any agent, employee or representative of the answering defendant, together with a summary of the grounds for each opinion;

(b) Identify each document referring to or containing such facts and/or opinions and identify each person having custody of each document identified;

(c) Specify witnesses you intend to use at the trial of this case with respect to the occurrences and/or cause of plaintiffs' illnesses or with respect to the claimed damages or with respect to your liability.

ANSWER TO INTERROGATORY NO. 71: Abex objects to this interrogatory on the grounds that it is premature. Abex has not yet determined which witnesses it intends to call at trial of this matter and reserves the right to supplement this answer once such a determination has been made.

72. State:

- (a) Whether your corporation is insured;
- (b) If so, the limits of the coverage;
- (c) The name of the insurance company;
- (d) Whether this claim has been accepted or whether a letter of intent to deny coverage has been received.

ANSWER TO INTERROGATORY NO. 72: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Abex is currently in litigation with various carriers concerning the trigger, scope and amount of coverage, if any, available to Abex in asbestos personal injury actions.

73. In whose possession are your and your predecessors' annual reports from 1936 to the present. Produce such reports.

ANSWER TO INTERROGATORY NO. 73: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, Dexter Kenfield is a custodian of Abex's documents. To the extent the documents requested exist, they are on file and can be

made available for inspection and copying upon receipt of an appropriate document request.

74. Describe in detail your policy with respect to the destruction of records pertaining to each of the products identified in answer to Interrogatory No. 1.

(a) Identify all documents pertaining to your policy, if any, regarding the destruction of such records;

(b) Identify the person or persons having custody of such policy documents;

(c) Identify the person or persons in charge of destroying records pertaining to each such product;

(d) Identify each document which refers, reflects or relates to any information provided in answer to this interrogatory;

(e) Describe what steps, if any, you have taken since the institution of this action or other actions involving asbestos to prevent the destruction of any documents relating to asbestos.

ANSWER TO INTERROGATORY NO. 74: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, there have been numerous record retention programs instituted by Abex, a diverse, highly decentralized corporation. It is impossible to give a meaningful response to the interrogatory as framed. If the interrogatory is narrowed to refer to specific categories or types of records, a meaningful response may be possible.

75. State the names of all individuals who aided in the preparation of these answers, and for each such person, state:

(a) Which interrogatories they helped prepare or the particular subject area for which they supplied information;

- (b) Their current position with the company;
- (c) Their current or last known home and business address and phone numbers.

ANSWER TO INTERROGATORY NO. 75: Abex objects to this interrogatory on the grounds raised in the introduction and general objections. Subject to and without waiving these objections, Dexter Kenfield, Esq., Corporate Counsel of Abex, with the assistance of various persons, including legal counsel, participated in drafting these answers.

76. State all processes used by plaintiff's employer, known to any defendant where asbestos was an ingredient.

ANSWER TO INTERROGATORY NO. 76: Abex objects to this interrogatory on the grounds that is vague, ambiguous and lacks particularity as to what information is being requested.

77. State all use of asbestos insulation by plaintiff's employer, known to any defendant.

- (a) Types of asbestos insulation used;
- (b) Manufacturer and/or brand names;
- (c) Locations in said plants where said insulation was used;
- (d) The person most knowledgeable in said corporation about the purchasing of insulation by distributors that covered the states of New Jersey, Delaware, Pennsylvania and Maryland.

ANSWER TO INTERROGATORY NO. 77: As Abex never manufactured or sold asbestos-containing building products, it cannot respond to this interrogatory.

78. If you have insurance including secondary or tertiary coverage, state:

- (a) Policy number and amount;
- (b) Company underwriting said insurance;
- (c) The name of your contact in said company concerning asbestos claims.

ANSWER TO INTERROGATORY NO. 78: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objection, see answer to interrogatory No. 72.

79. State whether you have entered into any agreement, either oral or written, with any other defendant in this action regarding

- (a) Settlement or non-settlement and/or
- (b) Allocation of damages, should the plaintiffs prevail on liability.

If the answer is yes to either of the above, state the substance of each agreement and such parties who have entered into this agreement:

- (c) Identify those persons who participated in the preparation of each such agreement and describe in detail the nature and extent of his participation; and
- (d) Identify each document which contains, refers or relates to each such agreement.

ANSWER TO INTERROGATORY NO. 79: Abex objects to this interrogatory on the grounds that it seeks information which has been gathered or prepared in the course of litigation or which is otherwise protected by the attorney-client privilege, the work product doctrine or any other applicable privilege.

80. Do you or your attorneys know of any person or persons not listed in the preceding answers having knowledge of facts relevant to the allegations in this lawsuit including witnesses to the accident, injury, illnesses, etc. in question?

If yes, please state the names, addresses, home telephone numbers, places of employment, relationship to you, the present whereabouts of all such persons, and which of said persons you intend to produce as witnesses in the trial of this action.

ANSWER TO INTERROGATORY NO. 80: Abex objects to this interrogatory on the grounds that it seeks information which has been gathered or prepared in the course of litigation or which is otherwise protected by the attorney-client privilege, the work product doctrine or any other applicable privilege.

81. Do you or your attorneys have any written statements which you have not previously produced in this suit from any persons having knowledge of facts relevant to the subject matter of this lawsuit, including witnesses to the accident, injury, illnesses, etc. in question? If yes, please state the names, addresses, home telephone numbers, places of employment, relationship to you and the present whereabouts of all such persons.

ANSWER TO INTERROGATORY NO. 81: Abex objects to this interrogatory on the grounds that it seeks information which has been gathered or prepared in the course of litigation or which is otherwise protected by the attorney-client privilege, the work product doctrine or any other applicable privilege.

82. State whether you were a member of the Asbestos Information Association (A.I.A.) or in any manner received information or participated in any of the association's activities.

ANSWER TO INTERROGATORY NO. 82: See answer to interrogatory No. 58.

83. If your answer to any part of Interrogatory No. 82 is in the affirmative, please state:

(a) The date, times and places of any A.I.A. meetings attended;

(b) The date and time period during which you received any publication of the A.I.A.;

(c) The name, address and telephone number of each and every person who attended such meetings and to whom any such publications were sent;

(d) The nature of the information that was furnished at meetings or in such publications;

(e) Name, address and telephone number of the present or last known custodian of any copies of A.I.A. newsletters, correspondence or publications.

ANSWER TO INTERROGATORY NO. 83: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, documents received by Abex from the AIA during the years in which Abex was a member are on file and can be made available for inspection and copying upon receipt of an appropriate document request.

84. State whether you received a publication known as the "Asbestos Magazine".

ANSWER TO INTERROGATORY NO. 84: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, Abex does not believe it ever subscribed to "Asbestos Magazine."

85. If your answer to Interrogatory No. 84 is in the affirmative, please state:

(a) The date and time periods during which you received such publication;

(b) The frequency of receipt, e.g., regularly, occasionally, rarely, etc.;

(c) The terms, circumstances or requirements of receipt of such publications, e.g., free, by subscription, distributed at meetings, etc.;

(d) Name, address and telephone number of the present or last known custodian of any copies of such magazine.

ANSWER TO INTERROGATORY NO. 85: See answer to interrogatory No. 84.

86. Does the answering defendant have in its possession any medical records, not previously produced in this case relating to any of the plaintiffs, including, but not limited to, charts, x-rays, physical examination reports, summaries, tape recordings of interviews and any and all other records pertaining to the medical condition of the plaintiffs? If so, plaintiffs request that such records be produced in accordance with Rule 34.

ANSWER TO INTERROGATORY NO. 86: Abex objects to this interrogatory on the grounds that it seeks information which has been gathered or prepared in the course of litigation or which is otherwise protected by the attorney-client privilege, the work product doctrine or any other applicable privilege.

87. With respect to each such contention contained in your response to the Complaint, state the following:

- (a) Identify which defense it relates to;
- (b) Each fact upon which your contention is based;
- (c) The names and present or last known addresses and present or last known employer of all persons having knowledge of any of the facts set out in answer to subparagraph (b) hereof;
- (d) The description or designation of each document which in any way reflects, relates or refers to any of the facts set out in answer to subparagraph (b) hereof.

ANSWER TO INTERROGATORY NO. 87: Abex objects to this interrogatory on the grounds that it is premature.

88. Other than annual reports pursuant to Interrogatory No. 73 above, identify documents which accurately

reflect the following information as to the answering defendant for each calendar year since 1940:

- (a) Total net worth;
- (b) Profits;
- (c) Total earnings;
- (d) Specific earnings attributed to the manufacture and/or distribution of any products containing asbestos.

ANSWER TO INTERROGATORY NO. 88: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.