

REC'D MAR 04 2003

REC'D AUG 30 2002

CAUSE NO. CV-35116

REC'D JUN 27 2002

CHRISTOPHER STOECKLER and
WENDY STOECKLER,

Plaintiffs

V.

AMERICAN OIL COMPANY, et al.,

Defendants

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IN THE DISTRICT COURT AT

ANGELINA COUNTY, TEXAS

159TH/217TH JUDICIAL DISTRICT

**DANA CORPORATION'S OBJECTIONS AND ANSWERS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES,
AND REQUEST FOR PRODUCTION TO DEFENDANTS**

PRELIMINARY STATEMENT

These interrogatories seek information about events that occurred many years ago. These responses are based upon a reasonable investigation into the relevant facts and information currently known to Dana.

Because the pending litigation against Defendant appears to involve allegations of exposure to Victor Products Division gaskets, and because of the lack of information regarding allegations of exposure to any other type of asbestos-containing products at issue in these cases, Defendant responds to these interrogatories and requests for production at this time for the Victor Products Division (now the Victor Reinz Division), excluding Reinz Wisconsin Gasket Co., for the period 1967 to date. Investigation into other divisions continues and Dana will supplement as new information is known. If plaintiffs provide information of alleged exposure to specific Dana products not encompassed by these responses, Dana will investigate further and may

supplement these responses.

In 1966 Dana Corporation acquired 100% of the stock an Illinois corporation known as Victor Manufacturing & Gasket Company, incorporated in Chicago, Illinois. In 1967, Victor Manufacturing & Gasket Company was dissolved pursuant to and in conformity with relevant provisions of the Illinois Business Corporation Act of 1933, contained at Ill. Rev. Stat. Ch. 32 §§ 74-81(1967). The Act was in effect in Illinois at the time of the voluntary dissolution of Victor Manufacturing & Gasket Company. Other provisions of the Act governed merger and consolidation. See Ill. Rev. Stat. Ch. 32 § § 61-70 (1967). No attempt was made to merge Victor Manufacturing & Gasket Company with Dana. Dana formed the Victor Division of Dana Corporation in approximately 1967 (now known as the Victor Reinz Division).¹

Dana rejects any liability for products manufactured by the dissolved company known as Victor Manufacturing & Gasket Company. Moreover, to the extent that these interrogatories and requests for production attempt to impose an obligation upon Dana to provide information and/or documents for that dissolved company, Dana objects to such interrogatories and requests for production. Dana limits these responses to Dana's Victor Products Division that manufactured gaskets beginning in approximately 1967. Dana limits its responses to the time periods requested by plaintiffs but not earlier than 1967.

Dana Corporation ("Dana") manufactures primarily vehicular products. Plaintiffs may allege that certain asbestos-containing building materials caused their claimed injuries. Dana does not now, nor has it ever, manufactured, sold or distributed asbestos-containing building materials.

¹ Victor Products Division (now Victor Reinz Division), excluding Reinz Wisconsin Gasket Co. is hereinafter referred to as "Victor Products Division".

Defendant will answer regarding its brief relationship with Smith & Kanzler Company, which relationship is described below.

From September 1967 until February 1969, Dana owned the stock of Smith & Kanzler Company, a New Jersey corporation located in Linden, New Jersey. Smith & Kanzler Company manufactured certain asbestos-containing products that had application in the building construction industry. Dana did not incorporate Smith & Kanzler Company but came to own its stock as a result of the dissolution of Victor Manufacturing & Gasket Company ("Victor") in or after September 1967. Victor was at that time the sole shareholder of Smith & Kanzler Company. In February 1969, less than 18 months after acquiring the stock of Smith & Kanzler Company, Dana sold the stock to Philip Carey Corporation (Ohio).

Dana is not a successor-in-interest to Smith & Kanzler Company. Dana objects to any reference or implication suggesting that Smith & Kanzler Company is Dana or that Dana is Smith & Kanzler Company. Dana specifically denies any such contention. Any answer by Dana referring to Smith & Kanzler Company is not to be construed as (and is not) an admission and/or agreement that Dana had any relationship with Smith & Kanzler Company other than that indicated in this Preliminary Statement. Moreover, Dana specifically denies that it had any relationship, whatsoever, with Smith and Kanzler Corporation, a New Jersey corporation that was dissolved in or about 1964. Dana also denies that it has any liability for any products manufactured or sold by Smith & Kanzler Company or Smith and Kanzler Corporation, or for any acts sought to be attributed to either company. *See In re School Asbestos Litigation*, 1993 U.S. Dist. LEXIS 7984 (E.D. Pa. June 14, 1993) (granting summary judgment to Dana after ten years of litigation, and finding as a matter of law that Dana could not be held vicariously liable for

Smith & Kanzler Company or Smith and Kanzler Corporation).

Moreover, Dana merely owned Smith & Kanzler Company's stock for less than 18 months and Dana never had possession of Smith & Kanzler Company's books and records. Dana sold the stock of Smith & Kanzler Company to Philip Carey Corporation (Ohio) on February 18, 1969. Smith & Kanzler Company's records either remained with it or passed to Philip Carey Corporation (Ohio).

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

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

Because many of the matters inquired about in these interrogatories and requests for production took place three decades ago, information furnished in the responses that follow may be incomplete. As discovery in this action is not complete, Dana cannot exclude the possibility that its continuing investigations of the allegations made in this case may reveal more complete information.

Dana specifically reserves the right to amend, supplement, modify or otherwise change these responses in the event that it acquires additional information responsive to these interrogatories and requests for production, or if it appears omissions or errors have been made. Defendant responds to these interrogatories at this time for the Victor Products Division (now the Victor Reinz Division), excluding Reinz Wisconsin Gasket Co., for the period 1967 to date,² and with information known about Smith & Kanzler Company and its product SprayCraft.

Dana reserves the right to amend, supplement, modify or otherwise change these responses in the event that it acquires additional information responsive to these interrogatories and requests for production, or if it appears that inadvertent or administrative omissions or errors have been made.

GENERAL OBJECTIONS

1. Defendant objects to each interrogatory and request for production and part thereof to the extent that plaintiff may assert that plaintiff's definition for words is binding on defendant.

2. Defendant objects to each interrogatory and request for production and part thereof to the extent it calls for information protected by (a) the attorney-client privilege, (b) attorney-work-product doctrine, (c) any applicable privilege relating to communications between counsel for Dana and counsel for other defendants regarding this or similar litigation, (d) any applicable privilege relating to communications between defendant's employees or counsel and Dana's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets or confidential communications with any government agency, (f) the

¹ Victor Products Division (now Victor Reinz Division), excluding Reinz Wisconsin Gasket Co. is hereinafter referred to as "Victor Products Division".

right of privacy, or (g) any other privilege.

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

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

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

6. Defendant objects to each interrogatory and request for production and part thereof to the extent that it seeks information or documents in a form different from that maintained by defendant in the ordinary course of its business.

7. Defendant objects to each interrogatory and request for production and part thereof to the extent that it seeks to impose on defendant a discovery obligation to respond for defendant's businesses and entities not parties to this litigation. Dana responds with information known about the Victor Products Division of Dana (now known as Victor Reinz Division) and Smith & Kanzler Company.

8. Defendant objects to each interrogatory and request for production and part thereof that seeks to determine the knowledge, familiarity, or awareness of a corporation. It is not possible to state precisely if or when a corporation can be said to have such knowledge; that is a mixed question of fact and law. Defendant objects to imputing knowledge, familiarity or awareness to a corporation based upon the knowledge, familiarity or awareness of an employee

or agent of a corporation.

9. Dana objects to each interrogatory and part thereof calling for opinions rather than facts.

10. Defendant objects to any request that it respond for separate corporate entities.

11. Defendant objects to these discovery requests because they seek large amounts of highly detailed information covering a more than thirty-year period. Defendant further objects to these discovery requests on the grounds that even if it were possible to supply such detailed and voluminous information, the process of doing so would be unduly burdensome to the Defendant and would not further plaintiff's discovery of information that would be relevant to the subject matter of the claims in these actions. In addition, Defendant objects that these requests are overbroad and irrelevant because the information sought is not in any way limited in time or to activities which transpired in Texas or to the exposure of the plaintiff to any product of Defendant.

12. The objections stated above are incorporated by reference in each answer herein, as if fully set forth below. No such objection is waived by answering an interrogatory or responding to a request for production in whole or in part.

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

INTERROGATORIES

INTERROGATORY NO. 1:

Identify the individual verifying these answers on your behalf, including his or her name, present business address, job title, the date he or she first employed by you and the dates and titles of each job position he or she has held while they were employed by you.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, much of the information sought by these interrogatories has been accumulated over time but not necessarily for purposes of responding to these interrogatories. It is not possible to now identify each person who, at some time, may have provided information that is now being used to answer these interrogatories. No single employee, officer or agent of the company has direct knowledge of the documents and information necessary to supply each and every response. Gary Austin, Plant Manager, Victor Reinz, verified the responses to these interrogatories and requests for production.

INTERROGATORY NO. 2:

Describe in detail your corporate history including, but not limited to, date and place of incorporation, corporate purpose, principal place of business, and location of sales offices. Your answer should include any mergers, consolidations, asset purchases, acquisitions, or spin-offs that concern or affect the manufacture, sale, or distribution of any product containing or incorporating any amount of asbestos fiber. Your answer should also specifically identify the name of any such subsidiary or predecessor corporation, its date of incorporation, and its corporate purposes, whether it is still an active corporation, and the identity and custodian of each document related to the history or transaction(s) set forth above.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Dana Corporation was incorporated in the State of Virginia in 1916 under the name Spicer Manufacturing Corporation. In 1946, the corporation changed its name to Dana Corporation. Its principal place of business is in Toledo, Ohio.

In 1966 Dana Corporation acquired 100% of the stock an Illinois corporation known as Victor Manufacturing & Gasket Company, incorporated in Chicago, Illinois. In 1967, Victor Manufacturing & Gasket Company was dissolved pursuant to and in conformity with relevant provisions of the Illinois Business Corporation Act of 1933, contained at Ill. Rev. Stat. Ch. 32 §§ 74-81(1967). The Act was in effect in Illinois at the time of the voluntary dissolution of Victor

Manufacturing & Gasket Company. Other provisions of the Act governed merger and consolidation. *See* Ill. Rev. Stat. Ch. 32 § § 61-70 (1967). No attempt was made to merge Victor Manufacturing & Gasket Company with Dana. Dana formed the Victor division of Dana Corporation in approximately 1967 (now known as the Victor Reinz Division).

From September 1967 until February 1969, Dana owned the stock of Smith & Kanzler Company, a New Jersey corporation located in Linden, New Jersey. Smith & Kanzler Company manufactured certain asbestos-containing products that had application in the building construction industry. Dana did not incorporate Smith & Kanzler Company but came to own its stock as a result of the dissolution of Victor Manufacturing & Gasket Company in or after September 1967. Victor was at that time the sole shareholder of Smith & Kanzler Company. In February 1969, less than 18 months after acquiring the stock of Smith & Kanzler Company, Dana sold the stock to Philip Carey Corporation (Ohio).

INTERROGATORY NO. 3:

For any predecessor corporation, subsidiary, or other business entity identified in your answer to the preceding interrogatory, state whether you agreed to be, or have been held by any Court to be, legally responsible for the past liabilities, of any nature, of any such corporation or entity. For each Court that has so held, identify the case, the jurisdiction of the Court, and the date of the Order.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Dana rejects any liability for products manufactured by the dissolved company known as Victor Manufacturing & Gasket Company. Dana also denies that it has any liability for any products manufactured or sold by Smith & Kanzler Company or Smith and Kanzler Corporation, or for any acts sought to be attributed to either company. *See In re School Asbestos Litigation*, 1993 U.S. Dist. LEXIS 7984 (E.D. Pa. June 14, 1993) (granting summary judgment to Dana after ten years of litigation, and finding as a matter of law that Dana could not be held vicariously liable for Smith & Kanzler Company or Smith and Kanzler Corporation).

INTERROGATORY NO. 4:

Identify all persons who have testified before the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, any U.S. Congressional committee, sub-committee, governmental hearing, or investigative proceeding on the subject of asbestos and the setting, modification, feasibility, and acceptance of allegedly safe or proper levels of such exposure to asbestos and asbestos-containing products. For each person identified, identify all documents

presented to, or utilized in, preparation of such testimony.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Dana does not presently believe that Dana testified before the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, any U.S. Congressional committee, sub-committee, governmental hearing, or investigative proceeding on the subject of asbestos and the setting, modification, feasibility, and acceptance of allegedly safe or proper levels of such exposure to asbestos and asbestos-containing products. Dana does not know whether Smith & Kanzler Company, during the period that Dana owned its stock, testified before the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, any U.S. Congressional committee, sub-committee, governmental hearing, or investigative proceeding on the subject of asbestos and the setting, modification, feasibility, and acceptance of allegedly safe or proper levels of such exposure to asbestos and asbestos-containing products.

INTERROGATORY NO. 5:

If you are the parent, subsidiary, or division of any organization or corporation, state the specific relationship between you and such organization or corporation, the name and address of each such other organization or corporation and identify each document that details such relationship.

ANSWER:

See Preliminary Statement and Answer to Interrogatory No. 2, which are incorporated herein as if fully rewritten.,

INTERROGATORY NO. 6:

Identify every jurisdiction in which a verdict has been rendered against you for punitive or other damages relating to your manufacture, sale, or other placement of an asbestos-containing product in the stream of commerce. For each such verdict, provide the following:

- a. A copy of all exhibits offered into evidence against you;
- b. The name of the court in which each verdict was returned;
- c. The name of each Plaintiff for whom punitive damages were awarded;
- d. The present status of the case, i.e., whether or not it is on appeal, whether the verdict was paid, or whether it was dismissed.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Dana has never had a verdict rendered against it for punitive or other damages relating to its manufacture, sale, or other placement of an asbestos-containing product in the stream of commerce. Dana does not know whether Smith & Kanzler Company ever had a verdict rendered against it for punitive or other damages relating to its manufacture, sale, or other placement of an asbestos-containing product in the stream of commerce.

INTERROGATORY NO. 7:

Identify each department, division, subdivision, branch, or group responsible for the design, development, manufacture, testing, and use of products containing or incorporating asbestos fibers. For each entity so identified, identify the person or persons most knowledgeable about such department, division, subdivision, branch, or group.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, see Answer to Interrogatory No. 11.

INTERROGATORY NO. 8:

Identify all products that you designed, manufactured, processed, distributed, sold, relabeled, and otherwise placed in the stream of commerce that contained or incorporated any amount of asbestos fiber: for each product identified, please:

- a. provide the trade, brand name, and generic name of each such product;
- b. specify whether you designed, manufactured, processed, distributed, sold, relabeled, or held a patent on such product;
- c. identify the date(s) you first designed, manufactured, processed, distributed, sold, relabeled, or held a patent on such product;
- d. identify the date(s) you ceased the design, manufacture, process, distribution, sale, relabeling, or holding a patent on such product;
- e. the name of the manufacturer of each that you did not manufacture; and
- f. the identity of the person(s) most knowledgeable concerning the sales of all products

identified.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections:

- a. Brand names for Victor Products Division gasket materials included Victopac, Victocor, Asbestopac, Asbestoprene, Asbestocork, Solicor, Corpac, Corbestos, and Victor. Smith & Kanzler Company manufactured and sold SprayCraft. Defendant's investigation into this matter is ongoing. Defendant reserves the right to amend or supplement this answer.
- b. Victor Products Division designed and manufactured Victopac, Victocor, Asbestopac, Asbestoprene, Asbestocork, Solicor, Corpac, Corbestos, and Victor. Smith & Kanzler Company manufactured, sold, and distributed SprayCraft. Defendant's investigation into this matter is ongoing. Defendant reserves the right to amend or supplement this answer.
- c. Without the identification of a specific gasket product, defendant is not able to reasonably respond to the entirety of this interrogatory. If plaintiff identifies an asbestos-containing product to which he claims exposure, defendant will provide available information requested about the product. Victor Products Division has manufactured gaskets without asbestos since its inception in 1967. Victor Products Division started the process of removing asbestos from the gaskets that did contain asbestos no later than the early 1980s. Raw asbestos was no longer used as an added ingredient in the manufacture of gaskets after June 1988. Dana believes that Smith & Kanzler Company manufactured SprayCraft beginning in 1964 when the company was formed.
- d. See answer to (c) above. Dana does not know when Smith & Kanzler Company ceased the manufacture, distribution, and sale of SprayCraft.
- e. Defendant's investigation into this matter is ongoing. Defendant reserves the right to amend or supplement this answer.
- f. Defendant objects to the request to name "all persons" with knowledge concerning these subjects in that such a list would include hundreds and possibly thousands of individuals. Defendant reserves the right to call witnesses who may testify as to these subjects as they may apply to individual cases. Defendant will identify witnesses in individual cases in accordance with the Court's Order. Defendant reserves the right to amend or supplement this answer. Dana does not know the Smith & Kanzler Company person(s) most knowledgeable concerning the sales

of the product identified.

INTERROGATORY NO. 9:

Please describe each product identified in the response to Interrogatory No. 8, including:

- a. its nature, i.e. brake lining, brake pad, clutch facing, gasket, etc.;
- b. its chemical composition;
- c. the type(s) and grade(s) of asbestos fiber contained within it;
- d. the percentage of the type(s) of asbestos fiber within it;
- e. any change(s) in the quantitative percentages of the type(s) of asbestos fiber contained within it over the course of time you designed, manufactured, processed, distributed, sold, relabeled, or held a patent on such product;
- f. its intended use(s); and
- g. the name(s) and address(es) of the supplier(s) of the asbestos fiber used in it.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections:

- a. The products identified in response to Interrogatory No. 8 are types of gaskets. Smith & Kanzler Company's SprayCraft was a fire retardant building insulation product.
- b. In those gaskets that contained asbestos, the chemical composition varied widely, depending on the specifications of the gasket. Without the identification of a specific gasket product, Defendant is not able to reasonably respond to the entirety of this interrogatory. If plaintiffs identify an asbestos-containing product to which they claim exposure, Defendant will provide available information requested about the product. Victor Products Division has manufactured gaskets without asbestos since its inception in 1967. See (c) below with respect to Smith & Kanzler Company's product SprayCraft.
- c. Dana used chrysotile asbestos as an added ingredient in manufacturing its gaskets. The chemical ingredients of SprayCraft, including the percentage of asbestos, are proprietary information and cannot be disclosed without written authorization from Smith & Kanzler Company's authorized officer. To the extent that Dana's knowledge about the formula is knowledge obtained in litigation through counsel, work-product privilege is claimed. To the extent formula information has been disclosed by Celotex (an admitted successor-

in-interest to Smith & Kanzler Company) and obtained by Dana, the communication indicates that the information should be limited to the purposes of that specific litigation only.

- d. In those gaskets that contained asbestos, the percentage by weight of asbestos varied widely, depending on the specifications of the gasket. Without the identification of a specific gasket product, Defendant is not able to reasonably respond to the entirety of this interrogatory. If plaintiffs identify an asbestos-containing product to which they claim exposure, Defendant will provide available information requested about the product. Victor Products Division has manufactured gaskets without asbestos since its inception in 1967. See (c) above with respect to Smith & Kanzler Company's product SprayCraft.
- e. If plaintiffs identify an asbestos-containing Victor gasket to which they claim exposure, Defendant will provide available information requested about the product.
- f. Gaskets are intended to be used in vehicular applications. Smith & Kanzler's SprayCraft product was intended to be used as a building insulation.
- g. Victor Products Division purchased raw asbestos fiber for the manufacture of gaskets from a number of suppliers, among them: Johns-Manville, Canadian Johns-Manville Asbestos, Ltd., and Lake Asbestos of Quebec. Dana does not know the names and addresses of Smith & Kanzler Company's suppliers.

INTERROGATORY NO. 10:

If you manufactured or distributed any product containing any amount of asbestos, please identify, by location and product produced, each plant in which such product was manufactured and/or assembled, the dates of operation for each such plant, and any employee of any such plant who has filed a claim under any occupational disease or worker's compensation statute for any asbestos-related disease, including, but not limited to, mesothelioma, asbestosis, and lung cancer. For each individual identified:

- a. State the date the claim was filed;
- b. Identify the governmental agency and location where the claim was filed;
- c. Identify where the records of the claim may be located, examined and copied;
- d. Identify the employee's occupation; and
- e. Identify the disease alleged by the claimant.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Defendant has a record of a workers compensation claim filed on April 1, 1971, by Clarence Hankins, a "material handler" who worked at Victor Products Division's Chicago plant. This defendant does not acknowledge that the claimant in fact contracted an asbestos-related disease in the course of his employment. Investigation of this matter continues. Defendant reserves the right to amend or supplement this answer. Defendant does not know whether Smith & Kanzler Company had any such claims.

INTERROGATORY NO. 11:

For each of the asbestos-containing products that you manufactured, marketed, sold, or otherwise placed into the stream of commerce, identify each of your employees who has or had the primary responsibility for Research and Development, Testing, Consumer Complaints and Claims, Risk Management and Analysis, Marketing, Product Design, Engineering, Product Safety, and Manufacturing with respect to each such product.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Defendant reserves the right to call witnesses who may testify as to these subjects as they may apply to individual cases. Defendant will identify witnesses in individual cases in accordance with the Court's Order. Subject to and without waiving objections, Dana does not know Smith & Kanzler Company employees who had the primary responsibility for Research and Development, Testing, Consumer Complaints and Claims, Risk Management and Analysis, Marketing, Product Design, Engineering, Product Safety, and Manufacturing with respect to SprayCraft. Dana believes that at some time in the 1960's Smith & Kanzler Company employed Maurice Lieff as the director of research. Dana believes that Mr. Lieff is now deceased.

INTERROGATORY NO. 12:

Identify by name, address, and telephone number:

- a. The most knowledgeable person in your company regarding the sale of asbestos-containing products;
- b. The name of all salespersons for your company whose duties included the sale or distribution of asbestos-containing friction products and other automotive products containing asbestos from 1968 through 1999. For each salesperson identified:
 1. State the years during which such salesman worked for you;
 2. State the territory to which he was assigned; and

3. Identify, by names and addresses, the customers within that territory to whom sales of asbestos friction products and other automotive products containing asbestos were made by that salesman

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections:

- a. There is no Dana employee who is knowledgeable regarding the sale of Smith & Kanzler Company's products. Dana reserves the right to supplement or amend this answer.
- b. Dana had centralized sales departments for Victor Products Division gaskets and gasket materials, including Distribution Management Associates or Joyce Roger, Inc. Dana does not know whether Smith & Kanzler Company employed or utilized salespersons.

INTERROGATORY NO. 13:

Describe in detail any numbers or other markings that were printed, stenciled, embossed, or otherwise inscribed in, affixed to, or placed on, any products that you manufactured, marketed or otherwise placed in the stream of commerce, which products contained any amount of asbestos fibers. For each such item, state the specific purpose of each such number or other marking.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Victor Products Division labeled some of its products for some period of time with "Victor" or "Victopac." Dana does not know whether Smith & Kanzler Company's product had any numbers or other markings that were printed, stenciled, embossed, or otherwise inscribed in, affixed to, or placed on, its product. Dana reserves the right to supplement or amend this answer.

INTERROGATORY NO. 14:

As to each product contained within your responses to Interrogatories Nos. 8 and 9, identify and describe the following:

- a. any trademark applicable to the product during any time of its sale;
- b. the label on the packaging of that particular product for each year of its manufacture and/or sale;

- c. all sales catalogues, brochures, specification sheets, performance data, or other promotional material, as well as any and all installation materials, data, or brochures that would have accompanied or been distributed at the time of installation, application, or use of each such product; and
- d. the exact description of such product in catalogues, brochures, specification sheets, or other promotional material for each year it appeared therein (as to this portion of the interrogatory, you may provide a copy of the document in lieu of describing the same).

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Dana cannot reasonably respond to all portions of this interrogatory because Victor Products Division made thousands of different gaskets. If plaintiffs identify an asbestos-containing Victor gasket to which they claim exposure, Dana will investigate further and may be able to provide information requested about the product. Generally, gaskets were sold in cardboard or corrugated boxes or plastic-wrapped packages. Dana does not know whether Smith & Kanzler Company had in its possession any of the items described in this interrogatory. Subject to and without waiving objections, Dana has produced what purports to be a Smith & Kanzler Company brochure. Dana does not admit or adopt as admissions any statements within the brochure.

INTERROGATORY NO. 15:

If you have ever conducted, or cause to be conducted, tests or studies of ambient asbestos dust particles or fibers created during the manufacture, processing, assembling and/or end use of asbestos-containing products, please state:

- e. the location and address at which any such test and/or study was conducted;
- f. the date of each such test and/or study;
- g. the individual(s) or entity conducting each such test and/or study;
- h. whether you have any documents containing the results and/or conclusions of each such test and/or study;
- i. the identity of the custodian of any such documents.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, the products manufactured by Victor Products Division did not release significant levels of asbestos fiber for several reasons. First,

the gaskets manufactured by the Victor Products Division, did not always contain asbestos. For many of those products that did contain asbestos, the fibers were locked into the gasket with an elastomeric binder. Second, the amount of time that a person spent using a gasket was small compared to the overall time required to replace a gasket. Third, use of gaskets that were manufactured by the Victor Products Division did not release significant levels of biologically active asbestos fibers. Fourth, the type of raw asbestos used in gaskets manufactured by the Victor Products Division was chrysotile asbestos. Fifth, current medical and scientific literature support the conclusion that gasket materials such as the type manufactured by the Victor Products Division do not present a significant risk of harm to humans. Investigation of this matter continues. Defendant does not know whether Smith & Kanzler Company conducted any such studies or tests.

INTERROGATORY NO. 16:

If any of the asbestos-containing products you manufactured, processed, sold, distributed, or otherwise placed in the stream of commerce ever contained any warning or caution concerning the health consequences of the use of the product or the breathing of asbestos dust particles or fibers, please state:

- a. the wording of each warning or caution;
- b. whether the warning was placed on the product itself, contained within a brochure that accompanied the product or whether it was printed on the container of the product;
- c. the description of the size and location of each such printed warning or caution;
- d. the method used to distribute the warning to persons who were likely to-use-the -product;
- e. the date each such warning was issued;
- f. the name(s) of the person or persons who composed the warning;
- g. whether anyone recommended at any time that the warning or caution be amended, altered, or changed in any manner and, if so, by whom, how, when, and whether the warning was actually amended, altered, or changed;
- h. the name, address and job classification of each person who was involved in the decision to place the warning or caution on the product or to amend such warning or caution;
- i. the name, address and job classification of the person most knowledgeable about the warning or caution on the product; and
- j. identify any special instructions provided with each product regarding its use or safety procedures to be employed by persons handling such product.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Defendant is not aware of any credible scientific or medical data that supports the conclusion that the ordinary and foreseeable use of the products manufactured by Dana could cause diseases. Defendant denies that its products required a warning. In approximately January of 1985, Victor Products Division began inserting a caution label with certain gaskets and gasket materials. The label for finished gaskets read substantially as follows: "CAUTION. CONTAINS ASBESTOS FIBERS. AVOID CREATING DUST. BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM." The label for certain gasket materials read substantially as follows: WARNING. This material contains asbestos fibers. Avoid creating air-borne fibers or dust. Follow OSHA work practices, including the use of appropriate dust control equipment. Inhalation of air-born asbestos fibers may cause asbestosis or other serious bodily harm. Smoking greatly increases this risk of serious bodily harm." The language used in warnings may have changed over time.

Dana does not know whether SprayCraft contained any warning or caution concerning the health consequences of the use of the product or the breathing of asbestos dust particles or fibers.

INTERROGATORY NO. 17:

Do you have custody, possession, or control of any samples of the asbestos containing products you manufactured, processed, sold, distributed, or otherwise placed in the stream of commerce? If so,

- a. Identify each such sample;
- b. Identify the custodian of each such sample;
- c. Identify the date on which each such sample was manufactured, processed, sold, distributed or otherwise placed in the stream of commerce;
- d. State whether each such sample was retrieved from the stream of commerce or was retrieved from your warehouses or storage facilities;
- e. If it was retrieved from the stream of commerce, identify the person or company from whom it was retrieved; and
- f. If it was retrieved from in-house sources, i.e., warehouses, storage facilities, or sales representatives of your company, identify where and from whom it was retrieved.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Defendant's investigation into this matter is ongoing. Defendant reserves the right to amend or supplement this answer.

INTERROGATORY NO. 18:

Do you have custody, possession, or control of any packages that presently or formerly contain asbestos-containing products. If so,

- a. Identify each such package;
- b. Identify the custodian of each such package;
- c. Identify the date on which each such package was manufactured, processed, sold, distributed or otherwise placed in the stream of commerce;
- d. State whether or not each such package was retrieved from the stream of commerce or was retrieved from your warehouses or storage facilities;
- e. If it was retrieved from the stream of commerce, identify the person or company from whom it was retrieved; and
- f. If it was retrieved from in-house sources, i.e., warehouses, storage facilities, or sales representatives of your company, identify where and from whom it was retrieved.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Defendant's investigation into this matter is ongoing. Defendant reserves the right to amend or supplement this answer.

INTERROGATORY NO. 19:

When and how did you first become aware that warnings were to be placed on asbestos-containing products?

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, see answer to Interrogatory No. 16 which is incorporated herein as if fully rewritten.

INTERROGATORY NO. 20:

When, if ever, did you specifically inform the purchasers or users of your asbestos-containing products that the use of that product or exposure to asbestos dust or fibers from such product could cause cancer, asbestosis, or other diseases? Please identify any documents containing this information by date, location, and custodian.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, see answers to Interrogatory Nos. 15 and 16.

Dana does not know when, if ever, Smith & Kanzler Company specifically informed the purchasers of SprayCraft that the use of that product or exposure to asbestos dust or fibers from such product could cause cancer, asbestosis, or other diseases.

INTERROGATORY NO. 21:

If you ever acquired another company, corporation, or business that manufactured, sold, processed, or distributed products containing asbestos, please state the following concerning each such other entity:

- a. the full and correct name;
- b. the principal place of business;
- c. the state of incorporation;
- d. the date of its acquisition by you; and
- e. the products that the other entity manufactured, distributed, sold or used.

ANSWER:

See answer to Interrogatory No. 2, which is incorporated herein as if fully rewritten.

INTERROGATORY NO. 22:

Did you ever stamp or imprint the name of your company, its initials, or any identifying logo or design on any asbestos-containing product? If yes, please identify the product upon which it was included and describe the initials, identifying logo or design, and the dates of its inclusion on the product.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. If plaintiffs identify an asbestos-containing Victor gasket to which they claim exposure, Dana will investigate further and may be able to provide information requested about the product. Subject to and without waiving objections, Victor Products Division labeled some of its products for some period of time with "Victor" or "Victopac." Dana does not know whether Smith & Kanzler Company ever stamped or imprinted its name, its initials, or any identifying logo or design on its asbestos-containing product.

INTERROGATORY NO. 23:

If you have discontinued manufacturing, distributing, or selling asbestos-containing products, please give the date that you discontinued such activity and state the reason(s) therefore.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Victor Products Division has manufactured products without asbestos since its inception in 1967. Victor Products Division started the process of removing asbestos from the gaskets that did contain asbestos no later than the early 1980s. Raw asbestos was no longer used as an added ingredient in the manufacture of gaskets after June 1988. Dana believes that Smith & Kanzler Company discontinued business, but does not know the exact date.

INTERROGATORY NO. 24:

When did you first become aware that unprotected exposure to, or inhalation of, airborne asbestos dust and fibers could cause illness or disease of any kind?

- a. state what illnesses and/or diseases you discovered could be caused, precipitated, or aggravated by such exposure;
- b. state the specific date you acquired awareness of each disease entity or illness and its foreseeable relationship to such exposure;
- c. explain fully how you obtained this information, including the source of any such information (i.e., medical articles, scientific papers, journals, independent research, warnings, etc...)
- d. identify any all papers, documents and materials in your possession which relate in any way to your knowledge of the hazards of breathing dust containing asbestos fibers; and
- e. identify the custodian(s) of all such papers, documents or materials.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Objection: When the corporation had knowledge of a matter is a mixed question of law and fact that depends upon whether the knowledge of a number of individuals is imputable to the corporation. Defendant is not aware of any credible scientific or medical data that supports the conclusion that the ordinary and foreseeable use of the products manufactured by defendant could cause these diseases. Defendant understands that most experts do not believe that there is a causative link between exposure to asbestos and colon cancer, stomach cancer, kidney cancer, esophageal cancer, or other gastrointestinal cancers. Defendant also is informed that exposure to asbestos does not cause any pneumoconiosis other than asbestosis and that asbestos exposure is not thought to contribute to laryngeal cancer or lung cancer in the absence of smoking, or exposure to very high levels of asbestos for many years. Defendant also is informed that not all fiber types have been established as a cause of mesothelioma. Defendant believes that it first became aware that exposure to asbestos was associated with an increased risk for the development of asbestosis in connection with its manufacturing facilities where raw asbestos fiber was used. Defendant reserves the right to amend or supplement this answer. Defendant does not know when, if ever, Smith & Kanzler Company was so advised.

INTERROGATORY NO. 25:

During the time that you manufactured, processed, sold, distributed, or otherwise placed in the stream of commerce any asbestos-containing products, did you ever consult with any medical expert(s) in order to determine the existence of any potential hazard of exposure to or inhalation of airborne asbestos dust and fibers. If so, state:

- a. The date(s) of such consultation(s);
- b. The names and current addresses of said entities or medical experts;
- c. What was learned from said consultation;
- d. What was done as a result of said consultation;
- e. The name and current address of the custodian of the information received;
- f. The identity of all documents received or generated which concern such consultation or information; and
- g. The identity of the custodian(s) of such documents.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Dana does not presently believe that it ever consulted any medical expert(s) in order to determine the existence of any potential hazard of exposure to or inhalation of airborne asbestos dust and fibers. Dana does not know whether Smith & Kanzler Company ever consulted any medical expert(s) in order to determine the existence of any potential hazard of exposure to or inhalation of airborne asbestos dust and fibers.

INTERROGATORY NO. 26:

During the time you manufactured, processed, sold, distributed, or otherwise placed in the stream of commerce any asbestos-containing products, identify:

- a. Please produce all published literature or medical articles of which you were aware which dealt with asbestosis, lung cancer, or mesothelioma;
- b. Please produce all brochures, pamphlets or documents which discussed the hazards or potential hazards involved in the handling and/or use of asbestos-containing products; and
- c. Specify the date, month and year of each such article, brochure, pamphlet, or document and how long after publication you became aware of the existence of the article, brochure, pamphlet or documents.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, *see* General Objection No. 10. Defendant's investigation into this matter is ongoing. Defendant reserves the right to amend or supplement this answer.

INTERROGATORY NO. 27:

If you have ever been a member of any of the following organizations or associations, please state the name(s) of such organizations or associations and the date(s) of membership and identify all persons attending any of the organization's meetings on your behalf and the name(s) and nature of any notes, reports, studies, publications and other writings submitted by you or received by you from such organizations or associations relating to the relationship between asbestos exposure and disease:

- a. Asbestos Textile Institute ("ATI");
- b. Industrial Hygiene Foundation and/or Industrial Health Foundation ("IHF");
- c. National Insulation Manufacturers Association ("NIMA");
- d. Thermal Insulation Manufacturers Association ("TIMA");

- e. Asbestos Information Association ("AIA");
- f. Quebec Asbestos Mining Association ("QAMA");
- g. National Safety Council; and/or
- h. any other organizations or associations of manufacturers, miners, distributors, importers, labelers, suppliers, and/or sellers of products containing asbestos fibers.

ANSWER:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Victor Products Division became an associate member of the Asbestos Information Association in 1985. In the late 1980's or early 1990's, Victor Products Division joined the Gasket Fabricators Association and the Asbestos Free Group. Dana believes that Smith & Kanzler Company was a member of or affiliated with the Sprayed Mineral Fibre Manufacturer's Association, Inc.

INTERROGATORY NO. 28:

Please state if you or anyone on your behalf ever conducted, sponsored or contributed financially to any studies or research to determine if the inhalation of asbestos fibers may be harmful. If so, please:

- a. identify the individual(s) or organization(s) who conducted the research;
- b. state the dates that each such research project or test was conducted;
- c. describe in detail the specific results of each test or study; and
- d. identify and produce all documents that refer, reflect or relate to the test or study.

ANSWER:

See answer to Interrogatory No. 15, which is incorporated herein as if fully rewritten.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

Please produce all documents identified or used by you in responding to the Plaintiff's First Set of Interrogatories to Defendants.

RESPONSE:

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Further objecting, this request is overly broad and unduly burdensome because plaintiffs have not specified a product to which plaintiff Christopher Stoeckler was exposed and for which Dana is responsible. Subject to objections, Dana reserves the right to supplement this response, subject to all objections now raised or that can be raised if plaintiffs provide product exposure information.

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents to which you referred, but did not use, in responding to the Plaintiffs First Set of Interrogatories to Defendants.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 3:

Please produce all documents in your possession or control relating to any health hazards associated with the use of asbestos-containing products.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 4:

Please produce all documents relating to any advisory letters sent to any customers of Defendants concerning health hazards associated with the use of asbestos-containing products or precautions to take when using asbestos-containing products.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 5:

Please produce all documents concerning the contemplation or placement of warnings, safety instructions, or cautionary language or other descriptive device concerning the risk, dangers, and hazards of exposure to or use of asbestos or asbestos-containing products.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 6:

Please produce any warnings, safety instructions, cautionary language, or other descriptive device concerning the risk, dangers, and hazards of exposure to, or use of, asbestos or asbestos-containing products that were placed on, or included with, the asbestos-containing products that Defendants designed, manufactured, sold, or otherwise placed in the stream of commerce between 1968 and 1995.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 7:

Please produce all contracts, correspondence, designs, specifications, and photographs of, or pertaining to, the packaging and shipping of asbestos or asbestos-containing products that you designed, manufactured, sold, distributed, or otherwise placed in the stream of commerce between 1968 and 1995.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 8:

Please produce all documents containing any express representations or warranties made by Defendants regarding asbestos or asbestos-containing products Caterpillar designed, manufactured, sold or otherwise placed in the stream of commerce between 1968 and 1995.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 9:

Please produce all documents relating to the health, safety, and environmental and industrial hygiene, of the effects of exposure to asbestos and/or asbestos-containing products that you received from any trade organization of which you are or were a member and/or from any other defendants in this litigation and/or from any other source.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 10:

Please produce all documents relating to your participation, directly or indirectly, in research, development, and/or testing of asbestos and/or asbestos-containing products for the purpose of determining or measuring the performance or safety of a asbestos and/or a sbestos-containing products with reference to the health and safety of persons used or exposed to asbestos-containing products. Include:

- (a) any testing of the feasibility of safety features whether or not such features were incorporated into the asbestos-containing products,
- (b) batch formulas and other tests related to the chemical composition of the asbestos-containing products, and
- (c) test results or studies concerning dust or fibers released from the use of the asbestos containing products.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 11:

Please produce all documents provided to, or received from, any governmental agency, trade organization, testing facility, or laboratory pertaining to the testing, examination, or approval of asbestos and/or asbestos-containing products Defendants designed, manufactured, sold or otherwise placed in the stream of commerce between 1968 and 1995.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 12:

Please produce all documents, specifically including but not limited to, videotapes, photographs, drawings, slides, transparencies and models, and any experiments made by Defendants, or on its behalf, relating to Defendants' asbestos and/or asbestos-containing products.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 13:

Please produce all product data sheets, flyers, product safety sheets, and any other similar documents concerning asbestos and/or asbestos-containing products manufactured, sold or otherwise placed in the stream of commerce by Defendants between 1968 and 1995.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 14:

Please produce all correspondence and documents related to advertisements concerning asbestos, asbestos-containing products and "asbestos-free" friction products designed, manufactured, sold or otherwise placed in the stream of commerce by Defendants from 1968 to 1995.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 15:

Please produce all advertising catalogs, brochures, product inserts, promotional literature, advertising copy, and any other documents published by, or at Defendants request, pertaining in whole or in part to asbestos, asbestos-containing products and "asbestos-free" friction products designed, manufactured, sold or otherwise placed in the stream of commerce by Defendants from 1968 to 1995.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 16:

Please produce all manuals or other instructional materials regarding the installation, use and/or removal of asbestos and/or asbestos-containing products provided to customers of Defendants which it designed, manufactured, sold or otherwise placed in the stream of commerce from 1968 to 1995.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 17:

A bibliography of all titles in Defendants' library, specifically including governmental statutes

or regulations, industry regulations, standards and codes upon which Defendants relied in the design, manufacture or marketing of Defendants asbestos and/or asbestos-containing products.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 18:

A bibliography of all titles in Defendants' library concerning the health risks associated with the inhalation of asbestos dust and fibers.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 19:

Please produce all documents reflecting or relating to any demonstrated, recognized or anticipated problems with the performance or safety of Defendants asbestos and/or asbestos-containing products designed, manufactured, sold or otherwise placed in the stream of commerce by Defendants from 1968 to 1995.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 20:

Documents relating to any comparisons made by, or on Defendants' behalf, between Defendants asbestos and asbestos-containing products and any similar competitive asbestos product manufactured by others.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 21:

Documents relating to seminars, conferences or meetings at which Defendants was represented regarding the state of the art concerning the design, manufacture, production or safety of asbestos and/or any products containing asbestos included, but not limited to, asbestos-containing products as defined herein.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 22:

Please produce any and all documents pertaining to Defendants knowledge of the health hazards of any nature associated with the exposure of human beings to asbestos.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 23:

Please produce any and all documents received from the Friction Materials Standards Institute involving the Asbestos Study Committee, including their surveys, reports, presentations, findings and recommendations.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 24:

Please produce all documents reflecting consumer complaints regarding the performance or safety of the asbestos and/or asbestos-containing products and all documents, including recall notices, reflecting any action or response made by Defendants to any such complaints.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION No. 25:

Please produce samples, properly safeguarded, of all asbestos-containing products Defendants designed, manufactured, sold or otherwise placed in the stream of commerce, including samples of the packages or cartons in which the asbestos-containing products were placed.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents relating to Defendants' corporate structure, including organizational charts applicable for the years 1968 through the present. Include, where applicable, documents identifying the names, addresses and titles of each of Defendants' directors, officers, division and department heads.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 27:

Please produce all correspondence and documents relating to any workers compensation claims filed against Defendants wherein an occupational lung disease is alleged as the occupational illness.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 28:

Please produce all documents prepared by an expert employed by Defendants and/or any other source regarding the relationship between exposure to asbestos-containing products and health and safety.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 28 [sic]:

Please produce all documents relating to insurance, including insurance agreements, policies and indemnity agreements with your

- a. general liability insurance carriers;
- b. products liability insurance carriers;
- c. excess insurance carriers;
- d. workmen's compensation insurance carriers;

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 29 [sic]:

Please produce all documents relating to claims made and/or charges filed against you or your insurance carriers for:

- d. workmen's compensation;
- e. Occupational disease;
- f. Disability, health and/or accident benefits;
- g. Product liability;
- h. Negligence, strict liability, breach of warranty;
- i. Punitive damages;
- j. OSHA violations;
- k. Violations of any federal, state, county or local government statutes, ordinances or regulations.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 30 [sic]:

Please produce all exhibits that Defendants intends to use at trial.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 31 [sic]:

Please produce all documents relied upon by experts Defendants intends to use at trial.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 32:

Please produce any/all documents relative to their work or materials at any job sites or employees identified in plaintiffs' discovery.

RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

REQUEST FOR PRODUCTION NO. 33:

Produce any and all documents reflecting the current net worth of defendant. If defendant is a subsidiary of a publicly traded company, such documents should include information related to the net worth of the subsidiary rather than the parent.

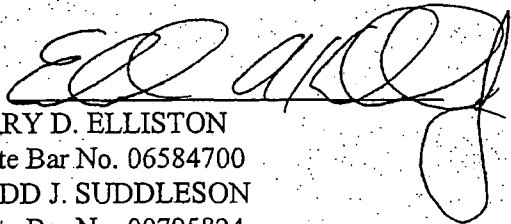
RESPONSE:

See Response to Request for Production No. 1, which is incorporated herein as if fully rewritten.

Respectfully submitted,

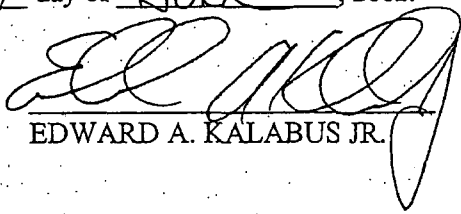
DEHAY & ELLISTON, L.L.P.
3500 Bank of America Plaza
901 Main Street
Dallas, Texas 75202-3736
(214) 210-2400

By:


GARY D. ELLISTON
State Bar No. 06584700
TODD J. SUDDLESON
State Bar No. 00795824
EDWARD A. KALABUS JR.
State Bar No. 24026892
COUNSEL FOR DANA CORPORATION

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument has been forwarded to counsel of record for Plaintiff via Certified Mail, Return Receipt Requested, and to all other counsel of record via first class U.S. mail this the 26th day of JUNE, 2002.


EDWARD A. KALABUS JR.