

To The Herein DEFENDANT You Are
Hereby Notified To Plead To The
Enclosed INTERROGATORIES Within
thirty (30) Days Of Service thereof
Or A Default Judgment May Be
Entered Against You.

Robert E. Paul

Attorney For

PLAINTIFF'S EXHIBIT

MAR-30

SHEIN & BROOKMAN, P. A.

By: Robert E. Paul, Esquire

IDENTIFICATION NO. 21632

ATTORNEY FOR Plaintiff

235 SOUTH 17TH STREET

PHILADELPHIA, PA. 19103

(215) PES-6677

Vernell London, Executrix of the Es-
tate of Birk Reed

VS.

Nicolet Industries, Inc., et al.

**COURT OF COMMON PLEAS
DIVISION**

May TERM, 1983

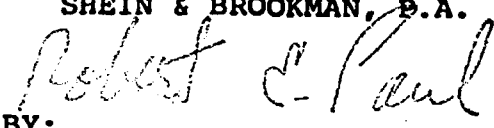
No. 6849

**PLAINTIFFS' SECOND SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO DEFENDANT,**

Plaintiff(s), Vernell London, Executrix of the Estate of
Birk Reed, by their attorneys SHEIN &
BROOKMAN, P.A., demand that Defendants or their agents, servants, and
employees respond to each of the Interrogatories set forth below in a
full and complete manner. Defendants shall respond to these Interrog-
atories as to their relation to the places of employment of employee
plaintiff or if deceased the plaintiff's decedent, to wit, Sun Shipbuild-
Corporation - 1943; Budd Company, Hunting Park - 1947 to 1953; and the U.S. Post
Office, 30th Street Station - 1953 to 1979.

Answers are hereby demanded within 30 days of receipt pursuant to the Rules of Civil Procedure. If defendant refers to a document, writing, or picture, it is hereby demanded by way of a Request for Production pursuant to the Rules of Civil Procedure.

SHEIN & BROOKMAN, P.A.

BY: 

Robert E. Paul, Esquire

1. Is it possible to distinguish the asbestos products listed to you in your answer to interrogatory #6 of Plaintiff's First Set of Interrogatories from those manufactured by competitors?

- (a) If the answer is anyway in the affirmative, please describe how you contend your product can be distinguished, both as a new product, and as one which is removed after use. Also describe how the products by trade and generic name are distinguishable, and the years in which they can be distinguished.
- (b) If there are products which cannot be, in your opinion, distinguished from products of a similar kind manufactured by a competitor, please state the name of such product, who manufactures it, as well as the trade name of the product manufactured by your competitor and the years in which they cannot be distinguished.

ANSWER: Markings on the friction products themselves may have had a Grizzly symbol.

2. When did you first learn that there were or might be adverse health effects associated with the use and fabrication and/or manufacturing, cutting, splicing, slicing, removal, installation or rip-out or tear-out of asbestos containing products; state the date, source, nature and extent of such information.

ANSWER: Defendant is aware of health hazards to asbestos factory workers, miners and insulators. The date of that knowledge is unknown.

- (a) When and how did you learn that, in the use of your asbestos containing products, they would emit asbestos dust into the air?

ANSWER: This knowledge has not been obtained. Use of Defendant's product does not emit asbestos dust into the air.

3. Have you ever conducted any inspection or made any dust count of areas at plaintiff's place of employment or at any other facilities where workers used asbestos products manufactured by your company?

ANSWER: No.

(a) If you have not, explain why this was not done;

(b) If you have, explain what action, if any, was taken by your company following the inspection or the taking of dust counts at plaintiff's place of employment or other facility. Also please give the dates and places, if any, that your company made such dust counts, and set forth the names and addresses of the persons who made authorized, and received the results of the dust counts.

4. State whether from 1930 to the present you have promulgated any rules, written or oral, for the handling of asbestos products by your own employees. If so, state:

ANSWER: Yes.

(a) When such rules were promulgated;

ANSWER: Unknown

(b) The substance of the rules, if oral, and the name and title of the person who disseminated them;

ANSWER: Safety meetings, warning signs, etc.

(c) If in writing, either attach a copy of the rules or identify the written rules by date, title, identification number, present location and the name and address of the custodian thereof;

ANSWER: Any writings are no longer in the possession of Maremont Corporation.

(d) Whether any such material was provided to plaintiff's employer or any other defendant, and, if so, when and to whom.

ANSWER: No.

5. State the names, and addresses of all professional, industrial, health and safety organizations to which you have belonged which have anything to do with the health effects of asbestos, the proper methods of working with asbestos, methods of controlling asbestos dust, setting of standards or regulations, information, lobbying, research, engineering, or use of asbestos products, materials, or fibres, stating the inclusive dates of such membership and the names and addresses of defendant's representatives attended the meetings.

ANSWER: FMSI (Friction material Standards Institute)
Asbestos information Association (AIA)

(a) Were you at any time a member of the Industrial Hygiene Foundation?

ANSWER: No.

(b) If the answer to 5a is yes, during what years?

ANSWER: Not applicable.

(c) Did you receive the monthly digest of the IHF during the period of your membership?

ANSWER: Not applicable.

(d) Did you ever request articles listed in the IHF digest?

ANSWER: Not applicable.

(e) If the answer to 5d is yes, please list the date of all such requests and the article(s) requested.

ANSWER: Not applicable.

(f) Did you ever request articles on asbestos from the IHF?

ANSWER: Not applicable.

(g) If the answer to 5f is yes, please list:

ANSWER: Not applicable.

a.) all articles requested;

b.) date of request

c.) person requesting them

d.) all persons known to have received each such article

(d) All journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety or engineering;

ANSWER: "Brake and Front End"
"Motor"
"Scientific America"

(e) The date(s) such journals were acquired;

ANSWER: Unknown.

(f) All books and articles dealing with asbestos and asbestos related diseases and the date acquired;

(g) The name(s) and position(s) of those for whom the library was established;

(h) If no library was established, explain why.

ANSWER: Objection. This objections calls for the discovery of information obviously irrelevant to this proceeding.

8. Have you, at any time since 1940, maintained any office or department dealing with medical or scientific research? If so, state

ANSWER: No.
(a) The name of such department;

(b) The location of such department;

(c) The name, address, and title of each person who has been in charge of the department.

9. Has defendant hired a "medical director"? If so, state:

ANSWER: No.

(a) The reason for hiring such a medical director;

(d) All journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety or engineering;

(e) The date(s) such journals were acquired;

(f) All books and articles dealing with asbestos and asbestos related diseases and the date acquired;

(g) The name(s) and position(s) of those for whom the library was established;

(h) If no library was established, explain why.

8. Have you, at any time since 1940, maintained any office or department dealing with medical or scientific research? If so, state

(a) The name of such department;

(b) The location of such department;

(c) The name, address, and title of each person who has been in charge of the department.

9. Has defendant hired a "medical director"? If so, state:

(a) The reason for hiring such a medical director;

- (b) The location where the medical director was assigned;
- (c) The duties of the medical director;
- (d) The names and addresses of the persons hiring such medical director and of the medical director;
- (e) Whether such medical director ever made recommendations with regard to minimizing, eliminating, or controlling asbestos dust exposure to your own workers or the workers exposed to your asbestos products, and if so, what were the recommendations;
- (f) The date defendant first hired a medical director;
- (g) The person(s) to whom the medical director reported;
- (h) If no medical director was hired, please explain why.

10. Has defendant hired anyone in a medical advisory capacity?

If so, please state:

ANSWER: Yes-testing clinic in Defiance, Ohio

(a) The reason for hiring a medical advisor;

ANSWER: No one person per se was retained. Extensive physical exams were conducted at this facility.

(b) The location where the medical advisor was assigned;

ANSWER: Not applicable.

(c) The duties of the medical advisor;

ANSWER: Not applicable.

(d) The names and addresses of the persons hiring such medical advisor and of the medical advisor;

ANSWER: Not applicable.

(e) Whether such medical advisor ever made recommendations with regard to minimizing, eliminating, or controlling asbestos dust exposure to your own workers or the workers exposed to your asbestos products, if so, what were the recommendations;

ANSWER: Not applicable.

(f) The date defendant first hired a medical advisor;

ANSWER: Not applicable.

(g) The person(s) to whom the medical advisor reported;

(h) If no such person was hired, explain why.

11. Has defendant ever hired an industrial hygienist, safety director or an occupational health advisor? If so, please state:

ANSWER: Yes.

(a) The reason for hiring such an individual;

ANSWER: For industrial hygiene purposes.

(b) The location where the individual was assigned;

ANSWER: Paulding, Ohio

(c) The duties of the individual;

ANSWER: To conduct industrial hygiene inspections.

(d) The names and addresses of the persons hiring such individual and of the individual;

ANSWER: Unknown.

(e) Whether such individual ever made recommendations with regard to minimizing, eliminating, or controlling asbestos dust exposure to your own workers or the worker exposed to your asbestos products, and if so, what were the recommendations;

ANSWER: Unknown. Maremont Corporation no longer has anyone in its employ who has knowledge in this area.

(f) The date defendant first hired such individuals;

ANSWER: 1977

(g) The person(s) to whom the individual director reported

ANSWER: Unknown.

(h) If no such individual was hired, please explain why.

ANSWER: Not applicable.

12. If any of your employees or officers have testified at trial or by deposition in any litigation or before any Congressional Committee or administrative agency, published any articles, or made any written statements concerning asbestos exposure, pulmonary or asbestos related diseases or industrial hygiene relating to asbestos use, state:

ANSWER: Not applicable.

- (a) The name, address and title of each person;
- (b) The date, location, and forum of such statement, article or testimony;
- (c) Whether defendant has a copy of such statement, article or testimony.

13. Have you undertaken to investigate the occurrence alleged Plaintiff's complaint? If so, state:

ANSWER: No investigation by answering Defendant.

- (a) The name, address and title of the persons participating in such investigation;
- (b) List each written record pertaining to such investigation and its location and custodian;
- (c) Whether you have obtained any written statements made by the plaintiff concerning any of the allegations in his complaint.

14. Do you contend that the detrimental effects of asbestos to human health differ between asbestos factory workers, miners, millers, insulation workers, and users of friction products? If so, explain detail each such contention and supply the basis for each such contention.

ANSWER: Yes. Mechanics are not exposed to sufficient doses at sufficient time periods to be at a health risk. Additionally, asbestos fibers are not released during the braking process. (See Attachment)

15. Have you ever maintained an outside or independent unit which was responsible for installing, modifying, replacing, reconditioning or repairing asbestos friction products at locations outside of your own manufacturing plant? If so, please state:

ANSWER: No.

- (a) When such units were created;
- (b) Where such units were employed or used;

INTERROGATORY ANSWERS CONTINUED:

No. 14. Mechanics changing brakes are not exposed to asbestos fibers but to forsterite. Mechanics no longer have to cut or modify friction products to install them.

- (c) Whether you maintained workers compensation insurance on these workers;
- (d) When, if ever, you received notice of an asbestos related disease among such workers;
- (e) The names and addresses of the persons who notified you of their asbestos related disease.

16. Set forth each and every method, if any, used by defendant restrict release of asbestos dust, fibres or materials out of the transport containers or from the products themselves, indicating with regard to each such method the time period it was used.

ANSWER: Asbestos fibers are encapsulated with various binding materials. The attached sheet shows the various binders.

17. Set forth in detail with regard to each and every sale, delivery or supply of an asbestos product to plaintiff's employer the following:

ANSWER: Defendant did not supply any asbestos products to Plaintiff's employer.

- (a) The date of each such sale or delivery;
- (b) The generic name of the asbestos product;
- (c) The brand name of the asbestos product;
- (d) The trademarked name of the asbestos product;
- (e) The chemical composition of such asbestos product;
- (f) The quantity of each such sale, delivery or supply, and the price paid by employer for the shipment;
- (g) The invoice and purchase order number of such shipments and other information required to identify each such shipment;
- (h) The department and officer or employees of plaintiff's employer who:

1. Placed the order;
 2. Accepted delivery.
- (i) The department and officer or employee of defendant v
1. Accepted the order;
 2. Packaged the order;
 3. Shipped the order;
 4. Has possession at the present time of the records concerning such shipment.

18. With regard to each order of asbestos products sold, delivered or supplied by defendant to plaintiff's employer, state whether

ANSWER: Not applicable.

- (a) Defendant provided employer with product specifications concerning the asbestos products sold;
- (b) The employer provided product specifications to defendant concerning the asbestos products ordered from defendant;
- (c) The defendant provided employer with any advertising or promotional material;
- (d) The defendant provided any instructions concerning the proper use of asbestos materials;
- (e) The defendant provided warnings regarding the asbestos products sold or delivered;
- (f) The defendant provided any warranties concerning the asbestos products delivered;
- (g) The defendant expressly disclaimed any warranties concerning the asbestos products delivered.

19. If any part of the Interrogatory above is answered in the affirmative:

ANSWER: Not applicable.

- (a) Describe each document in detail;
- (b) Identify each such document by date, title and identification number;
- (c) Indicate the name, address and job title of the person who prepared it;
- (d) Indicate the name, address and job title of the person who authorized its use;
- (e) Indicate the means of transmission of each;
- (f) Attach copies of all of same hereto.

20. If any of the information referred to in the interrogatory above was transmitted orally, set forth in detail;

ANSWER: Not applicable.

- (a) The substance of each transmission;
- (b) The date of each transmission;
- (c) The name and address and job title of each party who so transmitted same;
- (d) The means of each oral transmission;
- (e) The name, address and job title of the party of employer who received the transmission.

23. Set forth, in detail, all knowledge defendant had (giving date knowledge was obtained in each such instance and the name and address of the person who obtained such knowledge) with regard to jobs, work conditions and general environment of plaintiff, including:

ANSWER: Unknown. Plaintiff's Complaint was first notice of Mr. Reed at his work place.

(a) The materials used and the names of the manufacturers suppliers;

(b) Amount of asbestos friction materials use;

(c) Grade or type of asbestos friction materials used;

(d) Enviromental conditions;

(e) Threshold limit values of asbestos;

(f) Medical examination and treatment of employees;

(g) Health and safety program and procedures used;

(h) Work practices;

(i) Available protective equipment.

24. Did defendant at any time make any efforts to ascertain the conditions under which their products containing asbestos were used or might be used at the plaintiff's employer's facility? If so, state:

ANSWER: Not applicable.

(a) When such efforts were made;

(b) What such efforts revealed;

(c) The individual and his or her job classification who made such efforts;

(d) What defendant did as a result of obtaining such information;

(e) If not, explain why.

25. Has any officer, employee, or representative of defendant visited any automotive repair shop where its asbestos products were used? If so, state:

(a) The name, address, and title of each employee who visited the shop, and the name of the shop visited;

ANSWER: Unknown.

(b) The purpose of each visit;

ANSWER: Unknown. It is believed visits to Sears automotive repair shops may have been undertaken.

(c) The person he or she saw at the shop on each occasion;

ANSWER: Unknown.

(d) Whether such party or parties discussed the effects on health and safety of exposure to asbestos with any personnel at said shop, and if so, state;

ANSWER: Unknown. It is known that Sears was aware of the possible hazards of asbestos in the workplace.

1. The content of such discussions;

2. The dates of such discussions;

(e) Whether such party or parties attempted to impart information concerning health and safety ramifications of asbestos exposure, and if so, state;

ANSWER: Unknown. It is known that Sears used premolded brake shoes in automotive centers and brakes were brushed clean.

1. Results of such efforts;

ANSWER: It is also known that studies determined that Sears centers complied with OSHA dust levels.

2. The content of the information sought to be imparted;

3. The dates of such efforts;

4. To whom such information was imparted;

- (f) Whether reports, memoranda, or notes were prepared as a result of such visits, and if so, attach copies hereto

26. Did any representatives of the following direct any correspondence to you?

- (a) Any of the automotive repair facilities listed in plaintiff's complaint;

ANSWER: No. Defendant is not aware if any of Plaintiff's decedent's places of employment are auto repair shops.

- (b) Any other plant or automotive repair shop employing you asbestos products in their operations;

ANSWER: Yes.

- (c) Any of the named defendants or third-party defendants in this action.

ANSWER: Yes.

27. If the answer to any of the subparts in the previous interrogatory is in the affirmative, please indicate whether there is any part of said correspondence which can be classified in any of the following enumerated categories:

- (a) Medical policy, practices and procedures, preventive occupational medicine or industrial hygiene;

ANSWER: No.

- (b) Asbestos product safety;

ANSWER: Yes.

- (c) Knowledge of actual, alleged or possible health effects associated with exposure to asbestos fibres or products;

ANSWER: No.

- (d) Warnings to direct or indirect purchasers, employees, users, employers, and other individuals such as husband or wife plaintiffs concerning the health effects of asbestos, protective equipment to be worn or used when exposed to asbestos, and the proper method for handling asbestos;

ANSWER: Yes.

- (e) Actions taken to protect direct or indirect purchasers, employees, users, employers, and other individuals such as husband or wife plaintiffs from the adverse health effects of asbestos;

ANSWER: No.

- (f) Any actions taken to publicize the existence of the adverse health effects of asbestos;

ANSWER: No.

- (g) Rebranding of your asbestos fibres or products by other for sale to any of the entities mentioned in interrogatory 26;

ANSWER: Yes.

- (h) Rebranding of asbestos fibres or products or others for sale by you to any of the entities mentioned in interrogatory 26;

ANSWER: No.

- (i) Sales of your asbestos fibres or products to any of the entities mentioned in interrogatory 26;

ANSWER: Yes.

- (j) Procedures for the manufacture of asbestos friction materials supplied to any of the entities mentioned in interrogatory 26;

ANSWER: No.

- (k) Procedures for which asbestos fibres or products would be used by individuals such as husband-plaintiff;

ANSWER: No.

- (l) Communications by you or any trade association of which you were a member with respect to any actual, alleged, or possible health effects associated with exposure to asbestos;

ANSWER: No.

- (m) Communications by you or any trade association of which you were a member with respect to actual or proposed standards or regulations concerning the manufacture, processing, use, handling or distribution of asbestos or asbestos products;

ANSWER: No.

- (n) Actions taken by you to improve ventilation or dust collection equipment at your asbestos facilities;

ANSWER: No.

- (o) Discussions or grievances or complaints filed by any person, employee or union with respect to allegedly unsafe working conditions or the adverse health effects of asbestos;

ANSWER: Yes. At one Sears center, employees were complaining about Ammco arc grinder's dust collection system.

- (p) Discussions or complaints or warnings by any governmental agency with respect to allegedly unsafe working conditions or the adverse health effects of asbestos or violations of safety regulations;

ANSWER: No, instead, Sears notified Maremont that it was complying with OSHA regulations.

- (q) History of asbestos linked illnesses among employees exposed to asbestos;

ANSWER: No.

- (r) Workmen's compensation claims, contract unit claims or lawsuits alleging illnesses resulting from exposure to asbestos;

ANSWER: No.

- (s) State of medical, scientific and industry knowledge regarding asbestos related disease;

ANSWER: No.

28. If the answer to the above interrogatory is in the affirmative, identify the following:

- (a) The name and title of the person authorizing the correspondence;

ANSWER: Not applicable.

- (b) The date of each correspondence;

ANSWER: Sears notified Maremont in 1976 regarding compliance with OSHA dust levels.

- (c) Whether or not a copy of the correspondence is preserved retained by this defendant or its representatives;

ANSWER: Yes.

- (d) The name and address of the custodian of such correspondence.

ANSWER: Defendant's attorney.

29. Did you direct any correspondence to any representatives of the entities mentioned in interrogatory 26?

ANSWER: Yes.

30. If the answer to any of the subparts in the previous interrogatory is in the affirmative, please indicate whether there is any part of said correspondence which can be classified in any of the following enumerated categories:

- (a) Medical policy, practices and procedures, preventive occupational medicine or industrial hygiene;

ANSWER: Yes.

- (b) Asbestos product safety;

ANSWER: No.

- (c) Knowledge of actual, alleged or possible health effects associated with exposure to asbestos fibres or products

ANSWER: No.

- (d) Warnings to direct or indirect purchasers, employees, users, employers, and other individuals such as husband or wife plaintiffs concerning the health effects of asbestos, protective equipment to be worn or used when exposed to asbestos, and the proper method for handling asbestos;

ANSWER: Yes.

- (e) Actions taken to protect direct or indirect purchasers, employees, users, employers, and other individuals such as husband or wife plaintiffs from the adverse health effects of asbestos;

ANSWER: Yes.

(f) Any actions taken to publicize the existence of the adverse health effects of asbestos;

ANSWER: No.

(g) Rebranding of your asbestos fibres or products by other for sale to any of the entities mentioned in interrogatory 26;

ANSWER: No.

(h) Rebranding of asbestos fibres or products or others for sale by you to any of the entities mentioned in interrogatory 26;

ANSWER: No.

(i) Sales of your asbestos fibres or products to any of the entities mentioned in interrogatory 26;

ANSWER: No.

(j) Procedures for the manufacture of asbestos friction materials supplied to any of the entities mentioned in interrogatory 26;

ANSWER: No.

(k) Procedures for which asbestos fibres or products would be used by individuals such as husband-plaintiff;

ANSWER: No.

(l) Communications by you or any trade association of which you were a member with respect to any actual, alleged, or possible health effects associated with exposure to asbestos;

ANSWER: No.

(m) Communications by you or any trade association of which you were a member with respect to actual or proposed standards or regulations concerning the manufacture, processing, use, handling or distribution of asbestos or asbestos products;

ANSWER: Yes.

(n) Actions taken by you to improve ventilation or dust collection equipment at your asbestos facilities;

ANSWER: No.

(o) Discussions or grievances or complaints filed by any person, employee or union with respect to allegedly unsafe working conditions or the adverse health effects of asbestos;

ANSWER: Yes.

- (p) Discussions or complaints or warnings by any governmental agency with respect to allegedly unsafe working conditions or the adverse health effects of asbestos or violations of safety regulations;

ANSWER: No.

- (q) History of asbestos linked illnesses among employees exposed to asbestos;

ANSWER: No.

- (r) Workmen's compensation claims, contract unit claims or lawsuits alleging illnesses resulting from exposure to asbestos;

ANSWER: No.

- (s) State of medical, scientific and industry knowledge regarding asbestos related disease.

ANSWER: No.

31. If the answer to the above interrogatory is in the affirmative, identify the following:

- (a) The name and title of the person authorizing the correspondence;

ANSWER: L.L. Sealy, Vice President; W.N. Backay, Division Mgr., Brakes

- (b) The date of each correspondence;

ANSWER: March 16, April 2, 1976, July 1, 1980.

- (c) Whether or not a copy of the correspondence is presently retained by this defendant or its representatives;

ANSWER: Yes.

- (d) The name and address of the custodian of such correspondence.

ANSWER: Counsel for Defendant

32. From 1930 until the present, identify the individual(s) who are or were the most knowledgeable concerning the specified categories which follow, and indicate the period of time over which such person was most knowledgeable. If the most knowledgeable person is deceased or is no longer in your employ, please state his or her name and last known address and also, the name of the most knowledgeable person who is in your employ:

- (a) Medical policy, practices and procedures, preventive occupational medicine or industrial hygiene;

ANSWER: Frank C. Skelton-Nuturn Corporation.

- (b) Asbestos product safety;

ANSWER: Mr. Skelton

- (c) Knowledge of actual, alleged or possible health effects associated with exposure to asbestos fibres or products

ANSWER: Mr. Skelton

- (d) Warnings to direct or indirect purchasers, employees, users, employers, and other individuals such as husband or wife plaintiffs concerning the health effects of asbestos, protective equipment to be worn or used when exposed to asbestos, and the proper method for handling asbestos;

ANSWER: Mr. Skelton

- (e) Actions taken to protect direct or indirect purchasers, employees, users, employers, and other individuals such as husband or wife plaintiffs from the adverse health effects of asbestos;

ANSWER: Mr. Skelton

- (f) Any actions taken to publicize the existence of the adverse health effects of asbestos;

ANSWER: Mr. Skelton

- (g) Rebranding of your asbestos fibres or products by others for sale to any of the entities mentioned in interrogatory 26;

ANSWER: W.C. Burkhead

- (h) Rebranding of asbestos fibres or products or others for sale by you to any of the entities mentioned in interrogatory 26;

ANSWER: No one.

- (i) Sales of your asbestos fibres or products to any of the entities mentioned in interrogatory 26;

ANSWER: W.C. Burkhead

- (j) Procedures for the manufacture of asbestos friction materials supplied to any of the entities mentioned in interrogatory 26;

ANSWER: Mr. Skelton

- (k) Procedures for which asbestos fibres or products would be used by individuals such as husband-plaintiff;

ANSWER: Mr. Skelton

- (l) Communications by you or any trade association of which you were a member with respect to any actual, alleged, or possible health effects associated with exposure to asbestos;

ANSWER: Mr. Skelton

- (m) Communications by you or any trade association of which you were a member with respect to actual or proposed standards or regulations concerning the manufacture, processing, use, handling or distribution of asbestos or asbestos products;

ANSWER: Mr. Skelton

- (n) Actions taken by you to improve ventilation or dust collection equipment at your asbestos facilities;

ANSWER: Mr. Skelton

- (o) Discussions or grievances or complaints filed by any person, employee or union with respect to allegedly unsafe working conditions or the adverse health effects of asbestos;

ANSWER: Mr. Skelton

- (p) Discussions or complaints or warnings by any governmental agency with respect to allegedly unsafe working conditions or the adverse health effects of asbestos or violations of safety regulations;

ANSWER: Mr. Skelton

- (q) History of asbestos linked illnesses among employees exposed to asbestos;

ANSWER: Mr. Skelton

- (r) Workmen's compensation claims, contract unit claims or lawsuits alleging illnesses resulting from exposure to asbestos;

ANSWER: Mr. Sherr, Mr. Skelton

(s) State of medical, scientific and industry knowledge regarding asbestos related disease;

ANSWER: Mr. Skelton

(t) Your corporate history;

ANSWER: Mr. Sherr

(u) Your relationship with other corporate entities under your ownership or control;

ANSWER: Mr. Sherr

(v) Location, purpose and operation of your manufacturing facilities.

ANSWER: Mr. Skelton

33. Did this defendant ever become aware that other companies which sold or supplied asbestos friction or insulation products began to affix precautionary health warning labels to their containers of asbestos fibre or packages of asbestos products? If so, state:

ANSWER: Yes.

(a) When you first became aware;

ANSWER: Date unknown. Knowledge acquired from OSHA and FMSI.

(b) Names and addresses of persons who became aware;

ANSWER: Mr. Skelton

(c) Circumstances under which he or she became aware;

ANSWER: See answer to (a).

(d) If your awareness was obtained through a writing, identify the author and date of same, and attach a copy hereto.

ANSWER: See answer to (a)

34. Did defendant place warnings on its containers of asbestos fibre or products that were distributed outside of the United States?

ANSWER: No products to defendant's knowledge distributed outside of United States.

(a) If not, explain why, and state the names and addresses of the persons who were responsible for making this decision, and the reason for same;

(b) If so, state:

1. When defendant first placed such warnings;
2. State the verbatim content of a warning;
3. The reason why such warnings were placed in containers or packages.

35. If defendant did not place warnings concerning the adverse health effects of asbestos on its containers of asbestos fibre or products which were distributed or sold outside the United States, or said warnings were placed on the containers of asbestos fibres or products subsequent to their placement on containers sold within the United States, please indicate why such warnings were used in the United States but not elsewhere. Also specify:

ANSWER: Not applicable.

- (a) Each and every country where such warnings were or were not used;
- (b) As of what date warnings were used with regard to each country;
- (c) The name and address of the person whose decision it was to place or not to place such warnings.

36. Describe in detail the clothing and/or equipment worn by defendant's employees engaged in the manufacturing, production, processing, packaging, assembly, storage or transportation of its asbestos fibre and/or asbestos products. Also please state:

ANSWER: Defendant does not presently have knowledge in this area since it no longer has employees who could respond with the proper
(a) The date such clothing and/or equipment was used; information.

- (b) The names and addresses of the persons who recommended the use of such clothing or equipment;
- (c) The name and address of the person whose decision it was to use such clothing or equipment;
- (d) State the full and complete purpose of each piece of equipment or clothing;
- (e) If the purpose was to reduce dust levels or provide protection from dust, indicate exactly which dust or dusts, and why defendant wanted to provide protection from dust or reduce the dust level.

37. If your company contends that there was no satisfactory substitute for friction products containing asbestos prior to 1973 state each and every fact which supports that contention, and the names and addresses of persons with any knowledge.

ANSWER: Mr. Skelton & Defendant, by way of further answer, objects to this Interrogatory to the extent it requires a shifting of the burden of proof through an Interrogatory in that it requires Defendant to support a contention.

38. If your company contends that asbestos fibres serve any purpose other than as friction material when used as a friction material in friction products please state what that purpose is, when asbestos fibres first served that purpose, and each and every fact which supports that contention, and the names and addresses of persons with any knowledge.

ANSWER: Defendant does not understand this Interrogatory and same cannot be answered.

39. Is it defendant's contention that while there is a causal relationship between asbestos and disease, illness, or injury suffered by the plaintiff, the asbestos which caused same was not the defendant's? If so, set forth in detail:

ANSWER: This Interrogatory contains at least two questions and an assumption (causal relationship between asbestos and Plaintiff's disease or illness). As written, this Interrogatory is misleading and improper and defendant objects to same.

- (a) The source of the asbestos that caused the injury, illness or disease;
- (b) The reasons supporting that conclusion;
- (c) Whether defendant ever supplied asbestos products in any form to that source (indicating the dates of such supply);
- (d) The names and addresses of persons with any knowledge.

40. If defendant contends that plaintiffs improperly used or misused its asbestos fibre and/or friction products, please set forth in detail in what respect the fibre and/or friction products were improperly used, the facts that support that contention, and the names and addresses of persons with any knowledge.

ANSWER: Unknown. Discovery is continuing. Plaintiff has not been deposed and Defendant's Interrogatories have not been answered. Until then, this Interrogatory can not be answered.

41. If defendant contends that plaintiff was contributorily negligent while using defendant's fibre and/or friction products please set forth in detail in what respect plaintiff was contributorily negligent, stating each and every fact which supports that contention, and the names and addresses of persons with any knowledge.

ANSWER: See answer to No. 40.

42. If defendant contends that plaintiff assumed the risk of injury or illness while using defendant's fibre and/or friction products, please set forth in detail in what respect plaintiff assumed the risk, stating each and every fact which supports that contention, and the names and addresses of persons with any knowledge.

ANSWER: See answer to No. 40.

43. If defendant contends that there are other legally responsible persons or entities not named in this lawsuit, please set forth who those persons or entities are and the facts which supports that contention, and the names and addresses of persons with any knowledge.

ANSWER: See answer to No. 40.

44. If defendant contends that any of the entities listed in interrogatory 26 were more knowledgeable than defendant about the dangers associated with exposure to asbestos during the plaintiff's employ at any of the facilities listed in the plaintiff's complaint, please set forth in detail the facts which support that contention, and the names and addresses of persons with any knowledge.

ANSWER: Not applicable.

45. If the response to the preceding interrogatory is in the affirmative, please set forth why the information which was available to these entities was not also available to defendant.

ANSWER: Not applicable.

46. If defendant contends that it was not the proximate cause of plaintiffs' injuries, please set forth in detail in what respect it was not the proximate cause of plaintiffs' injuries, each and every fact which supports that contention, and the names and addresses of persons with any knowledge.

ANSWER: See answer to No. 40.

47. If defendant contends that plaintiffs' claims are barred by the statute of limitations, please set forth, in detail, each and every fact which supports that contention, and the names and addresses of persons with any knowledge.

ANSWER: See answer to No. 40.

48. If defendant contends that service was not properly effected upon it, please set forth the facts which support that contention, and the names and addresses of persons with any knowledge.

ANSWER: Not applicable.

49. If defendant contends that the various types of asbestos and asbestos products listed in answer to interrogatory #6 of plaintiff's interrogatories to defendant, first set were not

- (a) Removed from vehicles which were repaired at any of the facilities listed in plaintiff's complaint as places of employment;
- (b) Installed in vehicles which were repaired at any of the facilities listed in plaintiff's complaint as places of employment;

Please set forth in detail the facts which support that contention, as well as the names and addresses of persons who have any information.

ANSWER: Unknown. To the extent Plaintiff is requiring answering Defendant to prove the negative, answering Defendant objects to this Interrogatory.

50. If defendant contends that this court does not have jurisdiction over the instant matter, please set forth, in detail, the facts that support that contention, and the names and addresses of persons with any knowledge.

ANSWER: See Defendant's Preliminary Objections.

51. If defendant contends that the "state of the art" of medical and/or scientific knowledge concerning the dangers or adverse health effects of asbestos was such that defendant should not have known of the risks to which it exposed the plaintiffs as a result of contact with its asbestos fibre or asbestos friction or automotive products, please set forth in detail the facts that support that contention, and the names and addresses of persons with any knowledge.

ANSWER: Objection. This Interrogatory required Defendant admit or deny conclusion of law which is not the proper subject of an Interrogatory.

52. If defendant contends that it believed that if dust concentrations (of asbestos-containing dust) were kept below 5 million particles per cubic foot, plaintiff and others similarly situated would not contract asbestosis, and in support of this contention will rely upon A Study of Asbestos in the Asbestos Textile Industry, by Dreesen, Dallavale, Edwards, Miller and Sayers, U.S. Treasury Department, Public Health Service, Public Health Bulletin No. 241, (1938) please state:

ANSWER: See Objection raised in response to Interrogatory No. 51.

- (a) Who is the first person in defendant's employ who read this article;
- (b) Where defendant obtained such article;
- (c) When defendant, or its employee, first read this article;
- (d) The name of all persons in defendant's employ who read this article prior to 1970;
- (e) What steps, if any, defendant took to determine the validity of the study upon which the article was based;
- (f) If the person named in subpart (a) above is deceased, upon what facts do you base your statement that this person read this article at the aforementioned time.

53. If defendant contends that plaintiff's employer failed to take adequate precautionary measures to protect plaintiff from exposure to asbestos fibre or asbestos automotive products, please set forth, in detail, in what respect(s) plaintiff's employer did not take adequate precautionary measures, setting forth each and every fact which supports that contention, and the names and addresses of persons with any knowledge.

ANSWER: See answers to Nos. 40 and 51.

54. Have any of the products listed in answer to interrogatory #6 of plaintiff's interrogatories to defendant, first set been patented at any time? If so, state:

(a) The patent number;

(b) When the patent was acquired.

55. If defendant contends that plaintiff's injuries were in any way caused or aggravated by toxins, pollutants, or agents other than asbestos or tobacco, please state the name of each such agent, the injury it caused or aggravated, whether it has caused or aggravated his injuries, and every fact which supports the contention that plaintiff's injuries were so caused or aggravated.

ANSWER: See answer to No. 51.

56. If defendant contends that the contact of asbestos friction materials against either brake drums or flywheels does not produce asbestos-containing dust, please set forth each and every fact which supports that contention, and the names and addresses of persons with any knowledge.

ANSWER: Paul Gross-Bendix Corporation
Mr. Jacko, Mr. DuCharme-Bendix Corporation.

57. If defendant contends that warnings are not necessary on asbestos-containing automotive products, including but not limited to friction materials, gaskets and shielding, please set forth each and every fact which supports that contention, and the names and addresses of persons with any knowledge.

ANSWER: See answer to Interrogatory No. 51. This is an ultimate issue of fact for the trier of fact to decide.

58. For each asbestos automotive product listed in your answer to interrogatory #6 of plaintiff's interrogatories to defendants, first set, set forth:

(a) The type of asbestos fibre used in the product;

ANSWER: Chrysotile and Russian blue fiber (only during Canadian mine strikes).

(b) The percentage of the product comprised of asbestos;
ANSWER: Unknown. Maremont no longer maintains knowledge of asbestos content of products it formerly produced.

(c) The vendor of the asbestos fibre contained in the product;
ANSWER: See answer to Interrogatory No. 11 of Plaintiff's first set of Interrogatories.

59. Please set forth each and every method of affixing defendant's asbestos friction materials to metal shoes or plates from 1938 until the present.

ANSWER: Defendant believes that brake pads were premolded from 1938 on so that they were simply fit onto brake shoes. Defendant's All-in-One and OTC may have required some grinding to fit the pad onto the brake shoe.

60. Please state whether defendant is aware of the practice of using compressed air to remove accumulated dust and debris from brake drums or friction mechanisms during brake or clutch maintenance or repair.

ANSWER: Yes. Defendant is aware some individuals used air hoses to clean brake drums.

61. If the answer to the preceding interrogatory is in the affirmative, please set forth:

(a) The date when defendant first became aware of this practice;

ANSWER: Unknown.

(b) How defendant became aware of this practice;

ANSWER: Unknown.

(c) Whether defendant recommended such practice in product literature, manuals, or instruction booklets, and if so

ANSWER: No.

1. Set forth the dates during which such practices were recommended;

2. Please attach a copy of any such product literature manuals, or instruction booklets.

(d) The name and address of persons with any knowledge.

ANSWER: Objection. Defendant does not understand this Interrogatory in that "any knowledge" is not confined to a particular subject matter.

62. Please set forth whether defendant is aware of the practice of grinding or bevelling asbestos friction materials.

ANSWER: Yes.

63. If the response to the preceding interrogatory is in the affirmative, please set forth:

(a) The purpose for which defendant's asbestos friction materials were ground or bevelled;

ANSWER: Defendant's All-in-One and OTC products may have required some grinding for a proper fit.

(b) The date when defendant first became aware of this practice;

ANSWER: When product sold.

(c) How defendant first became aware of this practice;

ANSWER: Product made to be sold over the counter to individuals or automotive shops.

(d) Whether defendant recommended such practice in product literature, manuals, or instruction booklets, and if so

ANSWER: Installation instructions provided to purchaser.

1. Please set forth the dates during which such practices were recommended;

2. Please attach a copy of any such literature, manual or instruction booklets.

(e) The name and address of persons with any knowledge.

64. Please state whether defendant is aware of the practice of drilling or punching holes in their asbestos friction products in order to affix such products to metal shoes or plates.

ANSWER: No. This is a very old practice performed before pads were pre-molded.

65. If the answer to the preceding interrogatory is in the affirmative, please set forth:

ANSWER: Not applicable.

- (a) The date when defendant first became aware of this practice;
- (b) How defendant first became aware of this practice;
- (c) Whether defendant recommended such practice in product literature, manuals, or instruction booklets, and if so:
 - 1. If defendant did recommend such practice, please set forth the dates during which such practice was recommended;
 - 2. Please attach a copy of any such literature, manual or instruction booklets.
- (d) The name and address of persons with any knowledge.

66. Please list each and every lawsuit involving your asbestos friction products in the following jurisdictions:

ANSWER: Objection. This request is overbroad and calls for the

- (a) **Any Common Pleas Court in Pennsylvania**
discovery of irrelevant information without waiving this objection. Defendant has been sued in Pennsylvania, California
- (b) **Any Federal Court in Pennsylvania**
and in the Eastern District of Pennsylvania, as well as New Jersey, New York and Maryland.
- (c) **Any State Court in:**

- 1. New Jersey;
- 2. New York;
- 3. Delaware
- 4. California
- 5. Maryland

- (d) Any Federal Court in:

1. New Jersey;
2. New York;
3. Delaware;
4. California;
5. Maryland

67. Please list the names and addresses of all Plaintiff's attorneys in all these cases.

ANSWER: Objection. This calls for the discovery of information obviously irrelevant to this proceeding.

SHEIN & BROOKMAN, P.A.

BY: Robert E. Paul

Robert E. Paul, Esquire

SWEENEY, SHEEHAN & SPENCER

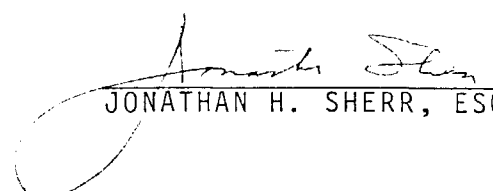
By: Walter S. Jenkins

Walter S. Jenkins
Attorney for Defendant:
Maremont Corporation

V E R I F I C A T I O N

JONATHAN H. SHERR, ESQUIRE, being duly sworn according to law, deposes and says that he is the Corporate Attorney of Maremont Corporation Defendant herein, and that the facts set forth in the foregoing ANSWERS TO INTERROGATORIES are true and correct to the best of his knowledge, information and belief.

This statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.


JONATHAN H. SHERR, ESQUIRE

DATE: July 17, 1994

LAW OFFICES
SWEENEY, SHEEHAN & SPENCER

A PROFESSIONAL CORPORATION
19TH FLOOR-THREE PENN CENTER PLAZA
PHILADELPHIA, PENNSYLVANIA 19102

(215) 563-9811

DONALD J. P. SWEENEY
M. LONDON SPENCER

GEORGE D. SHEEHAN
OF COUNSEL

WALTER S. JENKINS
GEORGE D. SHEEHAN, JR.
THOMAS L. DELEVIE
DENNIS L. PLATT
DANIEL F. MONAHAN
PETER I. HAHN
ROBERT B. GOODYEAR
YVONNE G. BACH
PETER CHALONER
JOSEPH L. FELICIANI
WARREN E. VOTER

July 26, 1984

Robert E. Paul, Esquire
235 South 17th Street
Philadelphia, Pa., 19103

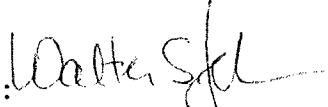
RE: London v. MAREMONT CORPORATION, et al.
Our File No. RG-1299 (4S249A 11489)

Dear Mr. Paul:

Enclosed herewith please find Maremont's Answers to Plaintiff's Interrogatories, Second Set, in the above-captioned matter, the original of which has been filed of record with the Court.

Very truly yours,

SWEENEY, SHEEHAN & SPENCER

By: 
Walter S. Jenkins

WSJ/pe
Enclosure
cc: Counsel of Record