



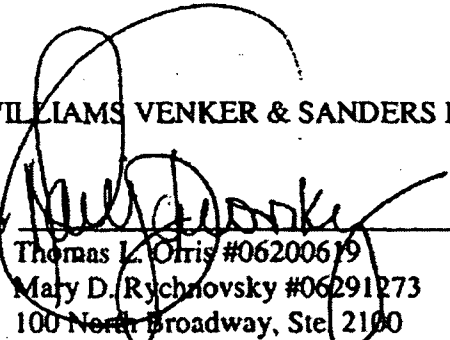
**IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS**

IN RE: ALL ASBESTOS LITIGATION     )  
FILED BY SIMMONSCOOPER LLC,        )  
                                          )  
                                  Plaintiffs     )  
                                          )  
vs.                                        )  
                                          )  
A.P. GREEN REFRACTORIES, ET AL.,    )  
                                          )  
                                  Defendants.     )

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of Defendant Pneumo Abex LLC, Successor in Interest to Abex Corporation's Second Amended Answers to Plaintiffs' Interrogatories and First Amended Response to Plaintiffs' Request for Production of Documents was sent via U.S. Mail, first-class postage prepaid, this 1<sup>st</sup> day of November, 2007, to: Ted N. Gianaris, Esq., SimmonsCooper, LLC, 707 Berkshire Boulevard, East Alton, IL 62024. Any Co-Defendant desiring a copy should contact the undersigned.

WILLIAMS VENKER & SANDERS LLC

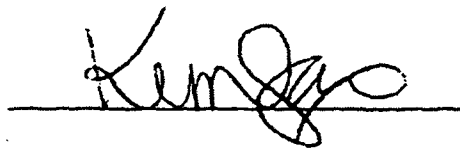
By 

Thomas L. Orris #06200619  
Mary D. Rychnovsky #06291273  
100 North Broadway, Ste. 2100  
St. Louis, MO 63102  
314-345-5000  
314-345-5055 Fax

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was served upon all counsel of record via LexisNexis File and Serve this 1<sup>st</sup> day of November, 2007.

A handwritten signature, appearing to read "Ken Gao", is written over a horizontal line.

dyg  
C. E. Miller

IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

IN RE: ALL ASBESTOS LITIGATION )  
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Plaintiffs )  
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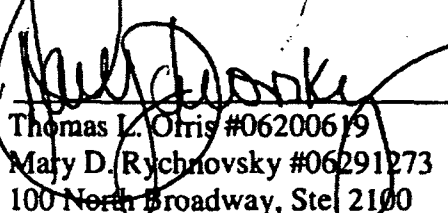
NOV 02 2007

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WILLIAMS VENKER & SANDERS LLC

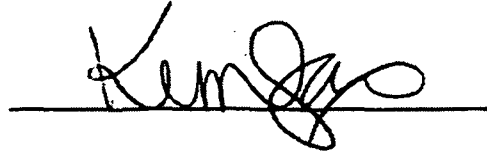
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IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

cc: Mike K.  
Sullivan

IN RE: ALL ASBESTOS LITIGATION  
FILED BY SIMMONSCOOPER LLC,

Plaintiffs,

vs.

A.P. GREEN REFRACTORIES, et. al.,

Defendants.

NOV 02 2007

**SECOND AMENDED ANSWERS OF PNEUMO ABEX LLC, SUCCESSOR IN  
INTEREST TO ABEX CORPORATION, TO PLAINTIFFS' INTERROGATORIES**

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

Pursuant to the Illinois Rules of Civil Procedure and the Illinois Supreme Court Rules, defendant Pneumo Abex LLC, successor in interest to Abex Corporation (hereinafter "Abex"), hereby responds to Plaintiffs' Interrogatories, as follows:

Abex objects to these interrogatories on the grounds that they are premature and purport to shift the burden of establishing product identification from plaintiffs to Abex.

Abex also objects to these interrogatories on the grounds that they are compound, contain numerous terms that are vague and ambiguous and call for speculation.

Abex further objects to these interrogatories to the extent they purport to seek information or materials unrelated to Abex's alleged liability in these actions and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to these interrogatories on the ground that they assume the truth of matters

not established or matters not in evidence.

Abex also objects to these interrogatories on the ground that they are speculative inasmuch as they fail to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex further objects to these interrogatories on the grounds that they are overly broad, oppressive, harassing and otherwise unduly burdensome and call for speculation to the extent to which they request information or materials which are not within the personal knowledge, possession or control of Abex, its employees or agents, or which may be ascertained or derived, if at all, only from a page-by-page review of the existing voluminous business records and documents of Abex. Therefore, the burden of deriving or ascertaining the answers to these interrogatories, if at all, is substantially the same for plaintiffs as Abex.

Abex objects to these interrogatories to the extent to which they purport to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

The answers of Abex hereinafter set forth are limited to providing information concerning

domestic automotive and/or railroad friction products manufactured by Abex for the allegedly relevant time period only.

Abex never mined or commercially sold raw asbestos or asbestos products. To the best of current and reasonably available information and belief, Abex did not manufacture or sell asbestos-containing automotive brakes, brake assemblies or brake shoes. Nor did Abex ever manufacture, process, distribute, market or sell any asbestos-containing building insulation products. Abex was never involved in the installation or removal of any product. Neither did Abex ever own or operate a contract unit. Rather, Abex manufactured and sold automotive and railroad friction products, some of which contained chrysotile asbestos only.

These answers are based upon such information as is currently and reasonably available to Abex and Abex reserves the right to supplement or amend these answers when and if additional relevant information or documentation becomes available, including any provided by plaintiffs, at the appropriate time. Discovery and investigation are continuing.

Abex does not concede that any of its answers to these interrogatories are or will be admissible evidence at a trial of these actions. Abex does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answer at trial.

To the extent to which the information contained herein differs in any respect from any prior answer or response to discovery, these answers shall be deemed to update and supersede any prior answers or responses in any and all actions.

This Preliminary Statement and General Objections are explicitly incorporated into each of the answers set forth herein, as appropriate.

## **SECOND AMENDED ANSWERS**

**INTERROGATORY NO. 1:** Identify the person answering these interrogatories on behalf of Defendant.

### **SECOND AMENDED ANSWER TO INTERROGATORY NO. 1:**

Information used to respond to these interrogatories has been gathered over the course of many years and by different persons, so that it is impossible to attribute the information to any specific individual(s) or source(s). Abex sought and received the assistance of its legal counsel in the preparation of these answers. Information has also been gathered from documents that are maintained in the normal course of business at Abex's Brooklyn, New York document repository, where non-privileged documents, to which objection is not made, will be made available for inspection and copying through Abex's counsel at a mutually convenient time, upon receipt of an appropriately worded document request. Dexter L. Kenfield, a vice president of Pneumo Abex LLC, 35 East 62nd Street, New York, New York, has signed the verification to these answers. Mr. Kenfield was employed by Abex as Corporate Counsel from 1986 to 1995 and has been a vice president of Pneumo Abex LLC since November 2004.

**INTERROGATORY NO. 2:** Has the person answering these interrogatories made reasonable inquiry of all available sources of information such that Plaintiff may rely upon these answers as the truthful and complete answers made on behalf of Defendant? List any and all such sources of information relied upon.

### **SECOND AMENDED ANSWER TO INTERROGATORY NO. 2**

To the best of current and reasonably available information and belief, Dexter L. Kenfield, a vice president of Pneumo Abex LLC, 35 East 62nd Street, New York, New York, has signed the certification to these answers to interrogatories, after being advised that they reflect all information reasonably available to Pneumo Abex LLC. See Certification (attached).

**INTERROGATORY NO. 3:** State the following concerning this Defendant

- (a) Full and correct name;
- (b) The form in which Defendant presently conducts business (i.e. corporation, partnership, proprietorship, etc.);
- (c) Identify any and all predecessors and related companies as defined above;
- (d) Any and all other forms in which defendant has conducted business at any time, and the date(s) when business was conducted in each form;
- (e) Any and all names by which Defendant has been known or has conducted business, at any time, and the date(s) during which Defendant has been known by and/or conducted business, under each such name;
- (f) Defendant's principal place of business;
- (g) Defendant's present state of incorporation or state in which Defendant is registered as a partnership, association, etc., whichever is applicable; if Defendant has, at any time, been incorporated or registered in a different state, identify which state and when;
- (h) Most recent date of incorporation or reincorporation, and any and all prior date(s) of incorporation or reincorporation;
- (i) Whether this Defendant is authorized to transact business in the State of Illinois and, if so, the date such authority was first issued and last renewed;
- (j) If this Defendant has an agent, representative or place of business in Illinois, identify such agent, representative, or place of business; and
- (k) If this Defendant has an agent for service in the State of Illinois, identify the registered agent.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 3:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or

materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex Corporation, Pneumo Abex LLC's predecessor, as defined herein, was incorporated as the American Brake Shoe and Foundry Company in New Jersey in 1902, and was reincorporated as that company in 1916 in Delaware. In 1926, the American Brake Shoe and Foundry Company caused to be incorporated a New York corporation named American Brake Materials Corporation. In 1933, American Brake Materials Corporation changed its name to American Brakeblok Corporation. In 1937, American Brakeblok Corporation merged with the American Brake Shoe and Foundry Company, and was thereafter operated as the American Brakeblok Division of that company. In 1943, the American Brake Shoe and Foundry Company changed its name to the American Brake Shoe Company. In 1966, the American Brake Shoe Company changed its name to Abex Corporation.

In 1968, Abex Corporation became a wholly owned subsidiary of Illinois Central Industries, Inc. Illinois Central Industries, Inc. later changed its name to IC Industries, Inc. Abex

later became a wholly owned subsidiary of IC Products Company, itself a wholly owned subsidiary of IC Industries, Inc. (IC Industries, Inc. changed its name to Whitman Corporation in 1988).

In 1988, Abex Corporation was sold to PA Holdings Corporation. In 1990, Abex Corporation was absorbed into PA Holdings Corporation, which later changed its name to Pneumo Abex Corporation. In 2004, Pneumo Abex Corporation was merged into Pneumo Abex LLC.

Pneumo Abex LLC is a Delaware limited liability company and was organized in the State of Delaware in 2004. Pneumo Abex LLC's principal place of business is located at 35 East 62<sup>nd</sup> Street, New York, New York. The former Abex Corporation was qualified to do business in the State of Illinois on November 16, 1916 and was withdrawn on April 2, 1992.

**INTERROGATORY NO. 4:** Has Defendant been sued under its correct legal name? If not, state the correct legal name of Defendant and provide the information requested in No. 3 above concerning the defendant as correctly named.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 4:**

Not applicable.

**INTERROGATORY NO. 5:** Identify any and all persons or entities which own, or at any time have owned, more than a ten percent (10%) interest in this Defendant, and for each such person or entity identified, state the date(s) during which said person or entity owned more than a ten percent (10%) interest in Defendant and the specific type and amount of interest owned.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 5:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is

limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex Corporation, Pneumo Abex LLC's predecessor, as defined herein, was incorporated as the American Brake Shoe and Foundry Company in New Jersey in 1902, and was reincorporated as that company in 1916 in Delaware. In 1926, the American Brake Shoe and Foundry Company caused to be incorporated a New York corporation named American Brake Materials Corporation. In 1933, American Brake Materials Corporation changed its name to American Brakeblok Corporation. In 1937, American Brakeblok Corporation merged with the American Brake Shoe and Foundry Company, and was thereafter operated as the American Brakeblok Division of that company. In 1943, the American Brake Shoe and Foundry Company changed its name to the American Brake Shoe Company. In 1966, the American Brake Shoe

Company changed its name to Abex Corporation.

In 1968, Abex Corporation became a wholly owned subsidiary of Illinois Central Industries, Inc. Illinois Central Industries, Inc. later changed its name to IC Industries, Inc. Abex later became a wholly owned subsidiary of IC Products Company, itself a wholly owned subsidiary of IC Industries, Inc. (IC Industries, Inc. changed its name to Whitman Corporation in 1988).

In 1988, Abex Corporation was sold to PA Holdings Corporation. In 1990, Abex Corporation was absorbed into PA Holdings Corporation, which later changed its name to Pneumo Abex Corporation. In 2004, Pneumo Abex Corporation was merged into Pneumo Abex LLC.

**INTERROGATORY NO. 6:** Identify any and all companies, businesses, corporations, and/or ventures in which this Defendant owns, or at any time has owned, more than a ten percent (10%) interest and which engaged in the design, manufacturing, selling, distributing, applying, installing, or relabeling of products containing asbestos.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 6:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that

the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, Abex Corporation, Pneumo Abex LLC's predecessor, as defined herein, was incorporated as the American Brake Shoe and Foundry Company in New Jersey in 1902, and was reincorporated as that company in 1916 in Delaware. In 1926, the American Brake Shoe and Foundry Company caused to be incorporated a New York corporation named American Brake Materials Corporation. In 1933, American Brake Materials Corporation changed its name to American Brakeblok Corporation. In 1937, American Brakeblok Corporation merged with the American Brake Shoe and Foundry Company, and was thereafter operated as the American

Brakeblok Division of that company. In 1943, the American Brake Shoe and Foundry Company changed its name to the American Brake Shoe Company. In 1966, the American Brake Shoe Company changed its name to Abex Corporation.

In 1968, Abex Corporation became a wholly owned subsidiary of Illinois Central Industries, Inc. Illinois Central Industries, Inc. later changed its name to IC Industries, Inc. Abex later became a wholly owned subsidiary of IC Products Company, itself a wholly owned subsidiary of IC Industries, Inc. (IC Industries, Inc. changed its name to Whitman Corporation in 1988).

In 1988, Abex Corporation was sold to PA Holdings Corporation. In 1990, Abex Corporation was absorbed into PA Holdings Corporation, which later changed its name to Pneumo Abex Corporation. In 2004, Pneumo Abex Corporation was merged into Pneumo Abex LLC.

Abex purchased The S.K. Wellman Company in 1963. To the best of current and reasonably available information and belief, The S.K. Wellman Company did not manufacture or distribute asbestos-containing products prior to Abex's purchase of The S.K. Wellman Company. Further, to the best of current and reasonably available information and belief, following its purchase by Abex, The S.K. Wellman Company business may have sold asbestos-containing automotive friction products. Abex sold The S.K. Wellman Company in 1971.

In addition, there may be additional corporate acquisitions involving Abex which are potentially responsive to this interrogatory but due to the passage of time, the change of the nature of its business, and the change in personnel, Abex lacks current knowledge of any such acquisitions. Abex discontinued the manufacture and sale of asbestos-containing railroad friction

products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

**INTERROGATORY NO. 7:** With respect to each corporation, company, business or joint venture identified in response to Interrogatory No. 6 state:

- (a) The type of business, conducted by such related company;
- (b) The past and present business relationship(s) between said related company and Defendant;
- (c) The nature of the products or services which Defendant has sold to, or purchased from, said related company;
- (d) Whether or not said related company advertises or has advertised products or services supplied by Defendant;
- (e) Whether or not said related company sells or has sold Defendant's products or services within the State of Illinois and, if so, the approximate value of those sales from 1930 to date;
- (f) Whether or not said related company pays taxes of any type to the State of Illinois or to any political subdivision thereof and, if so, the type of taxes paid;
- (g) Whether or not Defendant controls or has controlled, directly or indirectly, in whole or in part, said related company's advertising; and,
- (h) The identity of any past or present officer or director of Defendant who, at any time, served as an officer or director of said related company.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 7:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory:

**SECOND AMENDED ANSWER TO INTERROGAOTRY NO. 7 (a):**

Abex manufactured and sold automotive and railroad friction products, some of which contained chrysotile asbestos only.

**SECOND AMENDED ANSWER TO INTERROGAOTRY NO. 7 (b):**

See Objections and Answer to Interrogatory No. 6, which are incorporated by reference as though set forth herein in full.

**SECOND AMENDED ANSWER TO INTERROGAOTRY NO. 7 (c):**

To the best of current and reasonably available information and belief, Abex manufactured and sold automotive friction products. Abex states it manufactured and sold brake blocks, brake linings and brake pads. In addition, Abex sold clutch facings. Abex states it manufactured and sold railroad brake shoes.

**SECOND AMENDED ANSWER TO INTERROGAOTRY NO. 7 (d) and (g):**

Abex does not know with certainty when each material was used to promote or advertise its asbestos-containing automotive friction products. Furthermore, Abex does not have specific information or materials concerning which advertising agents may have been employed to promote its products. However, documents generally meeting the description of promotional and advertising materials, as well as sales brochures and pamphlets are maintained in the normal course of business at Abex's document repository, where non-privileged documents will be made available for inspection and copying upon request at a mutually convenient time.

**SECOND AMENDED ANSWER TO INTERROGAOTRY NO. 7 (e):**

To the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product

manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of ten (10) million and include an estimated three (3) million sales records, are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 610 boxes, many of which are comprised of approximately 2,000 - 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Sales invoices.
2. General sales correspondence.
3. Shipping sheets.
4. Warehouse shipments.
5. Purchase orders and shipping orders.
6. Sales transmittals.
7. Sales and distributor files.
8. Catalogs.
9. Brochures.
10. Promotional materials.
11. Product brochures.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best

specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**SECOND AMENDED ANSWER TO INTERROGAOTRY NO. 7 (f):**

Abex objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory to the extent to which it purports to seek

information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

**SECOND AMENDED ANSWER TO INTERROGAOTRY NO. 7 (b):**

See Objections and Answer to Interrogatory No. 8, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 8:** List all directors and officers of Defendant from 1940 to date, and for each state all positions held and the date(s) during which each position was held.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 8:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, there are no present employees of Pneumo Abex.

Further, to the best of current and reasonably available information and belief, the name

and last known available address of persons who have been a director of Abex are attached hereto as Exhibit "A." Discovery and inspection are continuing. Abex expressly reserves the right to supplement or amend this answer to this interrogatory should additional relevant information become available.

To the best of current and reasonably available information and belief, the name and last known available address of persons who have been an officer of Abex are attached hereto as Exhibit "B." Discovery and inspection are continuing. Abex expressly reserves the right to supplement or amend this answer to this interrogatory should additional relevant information become available.

**INTERROGATORY NO. 9:** State whether any of Defendants' present or former officers or directors ever served (whether before, during or after becoming Defendants' officer or director) as an officer or director of any other company, corporation or business which manufactured, sold or distributed asbestos or asbestos-containing products and, if so, please:

- (a) Identify each officer and director of Defendant, who served as such other company's officer or director; and
- (b) Identify each company, corporation or business for which each such officer or director served, each position held by such officer or director for such other company, corporation or business, and the time periods each position was held.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 9:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods, products and entities that are not at issue in these cases, on the

grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials regarding entities other than Abex.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products

with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these

boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be

resolved by the Court.

**INTERROGATORY NO. 10:** Has Defendant ever acquired, through purchase, reorganization or merger, another company, corporation or business which manufactured, sold, processed, distributed or contracted to apply, asbestos and/or asbestos-containing products?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 10:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex also objects to this interrogatory to the extent to which it purports to seek

information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex Corporation, Pneumo Abex LLC's predecessor, as defined herein, was incorporated as the American Brake Shoe and Foundry Company in New Jersey in 1902, and was reincorporated as that company in 1916 in Delaware. In 1926, the American Brake Shoe and Foundry Company caused to be incorporated a New York corporation named American Brake Materials Corporation. In 1933, American Brake Materials Corporation changed its name to American Brakeblok Corporation. In 1937, American Brakeblok Corporation merged with the American Brake Shoe and Foundry Company, and was thereafter operated as the American Brakeblok Division of that company. In 1943, the American Brake Shoe and Foundry Company changed its name to the American Brake Shoe Company. In 1966, the American Brake Shoe Company changed its name to Abex Corporation.

In 1968, Abex Corporation became a wholly owned subsidiary of Illinois Central Industries, Inc. Illinois Central Industries, Inc. later changed its name to IC Industries, Inc. Abex later became a wholly owned subsidiary of IC Products Company, itself a wholly owned subsidiary of IC Industries, Inc. (IC Industries, Inc. changed its name to Whitman Corporation in 1988).

In 1988, Abex Corporation was sold to PA Holdings Corporation. In 1990, Abex Corporation was absorbed into PA Holdings Corporation, which later changed its name to Pneumo Abex Corporation. In 2004, Pneumo Abex Corporation was merged into Pneumo Abex

LLC.

Abex purchased The S.K. Wellman Company in 1963. To the best of current and reasonably available information and belief, The S.K. Wellman Company did not manufacture or distribute asbestos-containing products prior to Abex's purchase of The S.K. Wellman Company. Further, to the best of current and reasonably available information and belief, following its purchase by Abex, The S.K. Wellman Company business may have sold asbestos-containing automotive friction products. Abex sold The S.K. Wellman Company in 1971.

In addition, there may be additional corporate acquisitions involving Abex which are potentially responsive to this interrogatory but due to the passage of time, the change of the nature of its business, and the change in personnel, Abex lacks current knowledge of any such acquisitions. Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

**INTERROGATORY NO. 11:** If the answer to Interrogatory No. 10 is "Yes", with respect to each such predecessor:

- (a) State its full and correct name;
- (b) State its principal place of business;
- (c) State its State of Incorporation;
- (d) State its date and manner of acquisition by Defendant;
- (e) Whether this predecessor was, at any time, authorized to transact business in the

State of Illinois; and

- (f) Identify any and all documents referring to, relating to or reflecting the acquisition.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 11:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent it purports to seek information that is a matter of public record, and thus, equally available to plaintiffs as Abex.

Subject to and without waiving these objections:

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 10(a):**

Pneumo Abex LLC, successor in interest to Abex Corporation.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 10(b):**

Pneumo Abex LLC's principal place of business is located at 35 East 62<sup>nd</sup> Street, New York, New York.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 10(c):**

Pneumo Abex LLC was organized in the State of Delaware.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 10(d):**

Pneumo Abex LLC was organized in the State of Delaware in 2004.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 10(e):**

The former Abex Corporation was qualified to do business in the State of Illinois on November 16, 1916 and was withdrawn on April 2, 1992.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 10(f):**

To the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters

and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims

privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 12:** Has Defendant ever acquired from another corporation, company, or business, by any means other than those specified in Interrogatory No. 10, assets or rights to manufacture, sell, distribute or apply asbestos or asbestos-containing products?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 12:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current knowledge and

belief, Abex is unaware of any agreements for the rebranding of asbestos-containing friction products manufactured by others for resale by Abex. Abex has found no documents or information indicating an agreement for Abex to rebrand and sell under its own name asbestos-containing friction products manufactured by someone else. Abex is aware of information indicating that it may have purchased automotive friction products from Raybestos and Bendix Corporation. It is not known whether the product(s) purchased contained asbestos. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of location where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all

such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 610 boxes, many of which are comprised of approximately 2,000 - 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Sales invoices.
2. General sales correspondence.
3. Shipping sheets.
4. Warehouse shipments.
5. Purchase orders and shipping orders.
6. Sales transmittals.

7. Sales and distributor files.
8. Catalogs.
9. Brochures.
10. Promotional materials.
11. Product brochures.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and

litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 13:** If the answer to Interrogatory No. 12 is "Yes", with respect to each such acquisition:

- (a) State the full and correct name of the company from which such assets or rights were acquired;
- (b) State the principal place of business of the company from which said assets or rights were acquired;
- (c) Describe the assets or rights acquired, including the specific asbestos-containing products to which said assets or rights related; and
- (d) Identify any and all documents referring to, relating to or reflecting the transaction.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 13:**

See Objections and Answer to Interrogatory No. 12, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 14:** Other than any transaction identified in response to Interrogatories Nos. 10-13, has this Defendant ever been involved, in any capacity, including but not limited to, seller, transferor, grantor, franchiser, licensor, buyer, transferee, grantee, franchisee or subject of the transaction, in any transaction, of any kind, concerning any of the following:

- (a) the purchase/sale or transfer of ownership of a company, corporation or business

which manufactured, sold, processed, distributed or contracted to apply asbestos and/or asbestos-containing products; or

- (b) the purchase/sale or transfer of ownership of the assets or rights to manufacture, sell, distribute or apply asbestos or asbestos-containing products; or
- (c) the purchase/sale or transfer of liabilities arising out of the manufacture, sale, processing, distribution or application of asbestos or asbestos-containing products.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 14:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex also objects to this interrogatory to the extent to which it purports to seek

information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Subject to and without waiving these objections, Abex is generally aware of the following transactions that may be responsive to this interrogatory, but has incomplete knowledge of them, including the extent, if any, to which the referenced businesses were associated with asbestos-containing products before, during or after their affiliation with Abex. In addition, there could have been other transactions potentially responsive to this interrogatory as to which Abex lacks current knowledge:

1971 sale of S.K. Wellman business to Brush-Wellman Corporation

1985 sale of AMSCO Welding Products business to Stood Company

1986 sale of Signal-Stat Division to Federal-Mogul Corporation

1986 sale of Denison Division to ASEA Inc.

1987 sale of Railroad Products Division to ABC Rail Corporation

1987 sale of Waukesha Pump Division to AMCA International Corporation

1988 sale of AMSCO Division to Amalloy Corporation

1988 sale of Remco Hydraulics Division to Remco Hydraulics Inc.

1989 sale of French friction products business to T & N plc

1989 sale of Italian friction products business to Rutgerswerke A.G.

1989 sale of Mexican friction products business to Echlin Corporation

1989 sale of Waukesha Foundry business to Waukesha Foundry Inc.

1994 sale of Jetway Division to FMC Corporation

1994 sale of Abex Friction Products Division and Canadian affiliate to Wagner Electric Corporation

1994 sale of joint venture interest in Sundaram-Abex Limited (India) to co-venturer

1996 sale of Abex-NWL Aerospace Division to Parker-Hannifin Corporation

**INTERROGATORY NO. 15:** If the answer to any sub-part of Interrogatory No. 14 is "Yes", with respect to each such transaction:

- (a) Identify all parties to the transaction;
- (b) Identify the subject matter of the transaction;
- (c) State the date of the transaction; and,
- (d) Identify any and all documents, referring to, relating to or reflecting the transaction.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 15:**

See Objections and Answer to Interrogatory No. 14, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 16:** State the first and last dates on which any asbestos-containing product was manufactured by:

- (a) Defendant;

- (b) each and every predecessor; and
- (c) each and every related company.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 16:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, Abex ceased selling clutch facings in approximately 1971. Abex ceased manufacturing and selling its asbestos-containing railroad friction products in 1977. Abex ceased manufacturing and selling its asbestos-containing automotive friction products in 1987.

**INTERROGATORY NO. 17:** State the first and last dates on which any asbestos-containing product was specified, sold, distributed, applied and/or installed within the United States by:

- (a) Defendant;
- (b) each and every predecessor; and
- (c) each and every related company.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 17:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Abex manufactured and sold various asbestos-containing automotive friction products during various periods from approximately 1927 to 1987. To the best of current and reasonably available information and belief, Abex states it sold clutch facings from an unknown time period until approximately 1971. Abex manufactured and sold asbestos-containing railroad friction products from approximately 1957 to 1977.

**INTERROGATORY NO. 18:** State the last date on which Defendant or any related company specified, sold, distributed, applied and/or installed any asbestos-containing product outside the United States and identify by brand or trade name the products so specified, sold, distributed, applied and/or installed.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 18:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly

burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, Abex ceased selling clutch facings in approximately 1971. Abex ceased manufacturing and selling its asbestos-containing automotive friction products in 1987. Abex ceased manufacturing and selling its asbestos-containing railroad friction products in 1977.

To the best of current and reasonably available information and belief, Abex

manufactured and sold its asbestos-containing automotive friction products under one or more of the following trade names at various times:

| <u>Trade Name</u>               | <u>Year of<br/>Registration<br/>or First Use</u> |
|---------------------------------|--------------------------------------------------|
| American Brake Materials ... .. | 1930                                             |
| Brakeblok. ... ..               | 1936                                             |
| American Brakeblok ... ..       | 1938                                             |
| Abex ... ..                     | 1941                                             |
| Brake Shoe ... ..               | 1943                                             |
| Esline ... ..                   | 1965                                             |
| Stopper ... ..                  | 1966                                             |
| American Eagle ... ..           | 1974                                             |
| Crossing Guard ... ..           | 1975                                             |
| Protector ... ..                | 1975                                             |
| 121 Super Brakes ... ..         | 1975                                             |
| Velvetouch Organik. ... ..      | Unknown                                          |

**INTERROGATORY NO. 19:** Identify by full and complete trade name, any and all asbestos-containing products as defined above, which this Defendant, any related company, or any predecessor(s) has, at any time:

- (a) Designed;
- (b) Manufactured;
- (c) Processed;
- (d) Sold;
- (e) Distributed;
- (f) Applied;
- (g) Installed;
- (h) Patented;
- (i) Specified; or
- (j) Re-labeled.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 19:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, duplicative, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, Abex manufactured and sold its asbestos-containing automotive friction products under one or more of the following trade names at various times:

| <b><u>Trade Name</u></b>        | <b><u>Year of<br/>Registration<br/>or First Use</u></b> |
|---------------------------------|---------------------------------------------------------|
| American Brake Materials ... .. | 1930                                                    |
| Brakeblok. ... ..               | 1936                                                    |
| American Brakeblok ... ..       | 1938                                                    |
| Abex ... ..                     | 1941                                                    |
| Brake Shoe ... ..               | 1943                                                    |
| Esline ... ..                   | 1965                                                    |
| Stopper ... ..                  | 1966                                                    |
| American Eagle.....             | 1974                                                    |
| Crossing Guard ... ..           | 1975                                                    |
| Protector.....                  | 1975                                                    |

121 Super Brakes .... 1975  
Velvetouch Organik. .... Unknown

Abex manufactured and sold asbestos-containing railroad friction products under the trade name "Comet."

**INTERROGATORY NO. 20:** With respect to each asbestos-containing product listed for each subpart of Interrogatory No. 19:

- (a) Identify the specific company (Defendant, predecessor, related company) which designed, manufactured, processed, specified, sold, distributed, applied, installed, patented or re-labeled such product;
- (b) State the year in which Defendant, its related company or its predecessor first designed, manufactured, processed, specified, sold, distributed, applied, installed, patented or re-labeled such product; and,
- (c) State the year in which the Defendant, its related company or predecessor last designed, manufactured, processed, specified, sold, distributed, applied, installed, patented or re-labeled such product.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 20:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections:

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 20 (a):**

American Brake Shoe and Foundry Company, American Brake Materials Corporation, American Brakeblok Corporation, American Brake Shoe Company.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 20 (b):**

Abex first manufactured and sold asbestos-containing automotive friction products in approximately 1927. To the best of current and reasonably available information and belief, Abex states it is unaware of the date that it first started selling clutch facings. Abex first manufactured and sold asbestos-containing railroad friction products in approximately 1957.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 20 (c):**

Abex ceased manufacturing and selling its asbestos-containing automotive friction products in 1987. To the best of current and reasonably available information and belief, Abex ceased selling clutch facings in approximately 1971. Abex ceased manufacturing and selling its asbestos-containing railroad friction products in 1977.

**INTERROGATORY NO. 21:** Were any of the products, which were listed in response to Interrogatory No. 19 as having been specified, sold, distributed, applied or installed by Defendant, its predecessor or related company(ies), purchased from another company and relabeled for sale or distribution by Defendant, its predecessors or related companies? If so, identify those products, and with respect to each:

- (a) Identify the company from which Defendant, its predecessor or related company purchased the product; and
- (b) Identify the company which manufactured the product; and,
- (c) State the date(s) during which said re-labeled product was sold, distributed or applied.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 21:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and to the best of current knowledge and belief, Abex is unaware of any agreements for the rebranding of asbestos-containing friction products manufactured by others for resale by Abex. Abex has found no documents or information indicating an agreement for Abex to rebrand and sell under its own name asbestos-containing friction products manufactured by someone else. Abex is aware of information indicating that it may have purchased automotive friction products from Raybestos and Bendix Corporation. It is not known whether the product(s) purchased contained asbestos. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-

containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is

substantially the same for plaintiffs as Abex.

There are approximately 610 boxes, many of which are comprised of approximately 2,000 - 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Sales invoices.
2. General sales correspondence.
3. Shipping sheets.
4. Warehouse shipments.
5. Purchase orders and shipping orders.
6. Sales transmittals.
7. Sales and distributor files.
8. Catalogs.
9. Brochures.
10. Promotional materials.
11. Product brochures.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has

segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 22:** Has this Defendant, at any time, applied, contracted to apply, installed or engaged in the business of applying or installing, asbestos-containing products? If so:

- (a) State the date(s) on which or during which Defendant applied, contracted to apply, installed or engaged in the business of applying or installing asbestos-containing products;
- (b) Identify any and all sites within the State of Illinois at which Defendant applied,

installed or contracted to apply or install asbestos-containing products, and for each such site:

- (i) State whether the products you applied, installed or contracted to apply or install were included as part of the project's contract price or whether you applied the products that were provided at the worksite;
- (ii) Identify by manufacturer and trade name each and every asbestos-containing product applied or installed;
- (iii) State the date(s) during which said application or installation took place;
- (iv) Identify the employee(s) of Defendant who was (were) in charge of the job;
- (v) Identify the person or entity for which products were applied or installed; and
- (vi) Identify all documents relating to such contract, application or installation.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 22:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods, products and work sites that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Abex states that it did not apply, contract to apply, install or engage in the business of applying or installing asbestos-containing products.

**INTERROGATORY NO. 23:** Has this Defendant, any predecessor or any related company, ever engaged in the business of mining asbestos? If so:

- (a) Identify which company(ies) whether (Defendant, predecessor or related company) engaged in said business;
- (b) State the date(s) during which each said company engaged in such business;
- (c) State each and every location at which such mining was done;
- (d) Identify each and every officer, employee and/or agent of said company who, at any time, was in charge of each mining operation; and,
- (e) Identify each and every entity, if any, to which said company sold the asbestos which was mined.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 23:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague and ambiguous and calls for speculation.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, Abex did not engage in the business of mining "asbestos."

**INTERROGATORY NO. 24:** Has this Defendant, any predecessor or any related company ever purchased and resold raw asbestos? If so, with respect to each such purchase and resale:

- (a) State the date(s) of the transaction;
- (b) Identify any and all parties from which the raw asbestos was purchased; and
- (c) Identify any and all parties to which the raw asbestos was sold.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 24:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, Abex is not aware that it ever purchased and then resold "raw

asbestos.”

**INTERROGATORY NO. 25:** Identify each and every source from which Defendant, any predecessor or related company, obtained raw asbestos and/or asbestos-containing material used by Defendant, any predecessor or related company, to manufacture or process any product listed in response to Interrogatory No. 19.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 25:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Abex does not possess complete knowledge concerning the identity of all its suppliers or the specific time periods of its purchase from specific suppliers of raw chrysotile asbestos fiber, which were the only asbestos fibers ever utilized by Abex in the manufacture of its asbestos-containing friction products. The extent of its knowledge is reflected below.

To the best of current and reasonably available information and belief, Abex is generally aware that, during various periods since 1948 and no later than 1987, when Abex ceased the

manufacture of asbestos-containing automotive friction products, raw chrysotile asbestos fibers were purchased from the following suppliers for use in manufacturing friction products:

Asbestos Corporation, Ltd.  
Thetford Mines  
Quebec, Canada

Bell Asbestos Mines, Ltd.  
Thetford Mines  
Quebec, Canada

GAF Corp.  
Hyde Park, Vermont

Lake Asbestos  
Black Lake  
Quebec, Canada

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

Vermont Asbestos Group, Inc.  
Hyde Park, Vermont

Abex may have purchased various types of raw asbestos fibers from North American Asbestos Corporation and perhaps other suppliers for research purposes only.

**INTERROGATORY NO. 26:** Is Defendant or any related company, as of the date of answering these interrogatories, still manufacturing, specifying, selling, distributing, applying or installing any asbestos-containing product? If so, give the brand/trade names of such products, type and percentage of asbestos in such product, and the date on which Defendant or any related company first manufactured, specified, sold, distributed, applied or installed said products.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 26:**

No.

**INTERROGATORY NO. 27:** With respect to each and every product listed in answer to Interrogatory No. 19, provide a full and complete description of the package in which the product was sold, including, but not limited to, type of package, size, color and writings thereon.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 27:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, some of Abex's asbestos-containing automotive friction products were generally packaged in plain, brown, or tan cardboard boxes according to size, with the end label being imprinted with colors. Abex packaging varied from product to product over the many decades of its corporate existence. Abex's asbestos-containing railroad friction products were generally shipped on pallets according to size.

**INTERROGATORY NO. 28:** For each subpart below, state whether or not, to Defendant's knowledge any items as described therein presently exist and, if so, identify any and all such existing items and state the present location of each:

- (a) any product listed in response to Interrogatory No. 19, including, but not limited to, any sample, part or piece thereof;
- (b) any package of the type in which any or all of the products listed in response to Interrogatory No. 19 were or would have been sold, including, but not limited to, any partial package;

- (c) any catalogue, brochure, sales literature or like item referring to, relating to or reflecting any or all of the products listed in response to Interrogatory No. 19;
- (d) any picture, drawing, photograph or like representation of the items described.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 28:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections:

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 28 (a)**

A "Comet" brake shoe is in possession of Abex's counsel.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 28 (b)**

Two types of sample packages for "Abex" automotive friction products are in the possession of Abex's counsel.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 28 (c):**

Abex does not know with certainty when each material was used to promote or advertise

its asbestos-containing automotive friction products. Furthermore, Abex does not have specific information or materials concerning which advertising agents may have been employed to promote its products. However, documents generally meeting the description of promotional and advertising materials, as well as sales brochures and pamphlets are maintained in the normal course of business at Abex's document repository, where non-privileged documents will be made available for inspection and copying upon request at a mutually convenient time.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 28 (d):**

Abex can make available for inspection photographs of two types of sample packages for "Abex" automotive friction products, which are in the possession of Abex's counsel at a mutually convenient time.

**INTERROGATORY NO. 29:** Did Defendant, any related company or any predecessor ever stamp or otherwise place (including affixing tags or labels) a company name, initials, or any identifying logo on any of the products listed in response to Interrogatory No. 19?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 29:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these

cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, at least some of Abex's friction products carried edge codes but the period of time is unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, and where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved

in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 150 boxes, many of which are comprised of approximately 2,000 - 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Winchester quality control.
2. Production plans.
3. Subject files, Friction products division.
4. Blueprints, Friction products division.
5. General correspondence.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to

inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and in house counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 30:** If your answer to Interrogatory No. 19 is "Yes," identify each and every such product upon which such name, initials or identifying logo appeared and for each

such product identified:

- (a) Describe each and every name, initials or identifying logo appearing on said product, at any time, by stating the wording, lettering, symbols, size, color and manner in which it was stamped, placed or axed to said product;
- (b) State the date(s) during which each such name, initials, or identifying logo appeared on said product; and
- (c) Identify any and all documents referring to, relating to or reflecting the stamping, placing or affixing of names, initials or logos to said product, including, but not limited to, any pictures, photographs or like representations of such names, initials or logos.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 30:**

See Objections and Answer to Interrogatory No. 29, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 31:** Was each of the asbestos-containing products listed in response to Interrogatory No. 19 generally expected to reach, or was each packaged to reach, the consumer or user, without substantial change in the condition in which it was sold?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 31:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Abex's asbestos-containing automotive

products were not manufactured pursuant to any single formula. Variations in the formulas of Abex's asbestos-containing automotive products were to meet the customer's specifications for a specific application. Abex's asbestos-containing automotive friction products were generally sold in ready-to-use form. To the best of current and reasonably available information and belief, some Abex friction products were generally intended to reach the ultimate end-user in substantially the same condition as sold by Abex, while other Abex friction products were not. Abex's railroad friction products were intended to reach the ultimate end-user in substantially the same condition as sold by Abex.

**INTERROGATORY NO. 32:** If your answer to Interrogatory No. 31 is "No" with respect to any product(s), explain in what manner Defendant claims said product(s) were altered or substantially changed after sale or distribution and before reaching the consumer or user.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 32:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and to the best of current and reasonably

available information and belief, some Abex automotive friction products may have undergone changes after sale by Abex and prior to reaching the ultimate end-user. Such changes may have included, for example, changes in size, shape, configuration, attachment to other brake system components, and incorporation into larger automotive products.

**INTERROGATORY NO. 33:** With respect to each product listed in response to Interrogatory No. 19, state whether, based upon the material contents, the method of manufacturing, and the method of application, such product could generally be applied or installed without liberating asbestos fibers?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 33:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, Abex's asbestos-containing friction products could generally be applied or installed without liberating asbestos fibers.

**INTERROGATORY NO. 34:** This interrogatory has been withdrawn by plaintiff or stricken by the Court.

**INTERROGATORY NO. 35:** Identify each person who participated in the design and/or preparation of manufacturing specifications for each product listed in response to Interrogatory No. 19.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 35:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, the following individuals may have or may have had information responsive to this interrogatory:

Blume, William  
Kwolek, John  
Merkel, Timothy  
Nelson, Robert E.  
Pearce, Richard  
Spokes, Raymond

None of the above-referenced individuals is currently an officer, director or employee of Abex. This answer is based upon such information as is currently and reasonably available to Abex and Abex reserves the right to supplement or amend this answer when and if additional relevant information or documentation becomes available, including any provided by plaintiffs, at the appropriate time. Discovery and investigation are continuing.

**INTERROGATORY NO. 36:** Identify any and all documents, including, but not limited to, written memoranda, specifications, blueprints, formulas, patterns and designs, referring to, relating to or reflecting the design, preparation, application and/or installation of each product

listed in response to Interrogatory No. 19.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 36:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Abex also objects to this interrogatory to the extent it purports to seek confidential, trade secret or other proprietary information or materials.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or

summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 150 boxes, many of which are comprised of approximately 2,000 - 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Winchester quality control.
2. Production plans.
3. Subject files, Friction products division.
4. Blueprints, Friction products division.
5. General correspondence.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and in house counsel, on

the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 37:** With respect to each product listed in response to Interrogatory No. 19, state:

- (a) The type of asbestos contained in the product as it was first manufactured;
- (b) The percentage of asbestos contained in the product as it was first manufactured;
- (c) Any modification to the product which altered the percentage or type of asbestos in the product and the dates of such modification;
- (d) The source of asbestos in each product;
- (e) The color, physical characteristics, and appearance of each products;
- (f) Any and all other names under which the product was sold, at any time;

- (g) The number and date of each patent or patent application for each product;
- (h) If the product continued to be produced after the deletion of asbestos, all reasons why the asbestos was deleted, the identity of the person(s) who made the decision to delete the asbestos, and the date the product was first produced without the asbestos;
- (i) If the product is no longer produced, all reasons it was discontinued, the identity of the person(s) who made the decision to discontinue the product, the brand name of the replacement product, and the date the replacement product first went into production; and
- (j) The reasons why asbestos was used as an ingredient in each such product.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 37:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection

with litigation, or any other applicable privilege.

Abex further objects to this interrogatory to the extent it purports to seek information that is a matter of public record, and thus, equally available to plaintiffs as Abex.

Subject to and without waiving these objections:

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 37 (a):**

Chrysotile asbestos only.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 37 (b) and (c):**

Abex's asbestos-containing automotive friction products contained approximately 25 to 70 percent chrysotile asbestos only. Abex's "Comet" railroad brake shoe contained approximately 5 percent chrysotile asbestos only.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 37 (d):**

Abex does not possess complete knowledge concerning the identity of all its suppliers or the specific time periods of its purchase from specific suppliers of raw chrysotile asbestos fiber, which were the only asbestos fibers ever utilized by Abex in the manufacture of its asbestos-containing friction products. The extent of its knowledge is reflected below.

To the best of current and reasonably available information and belief, Abex is generally aware that, during various periods since 1948 and no later than 1987, when Abex ceased the manufacture of asbestos-containing automotive friction products, raw chrysotile asbestos fibers were purchased from the following suppliers for use in manufacturing friction products:

Asbestos Corporation, Ltd.  
Thetford Mines  
Quebec, Canada

Bell Asbestos Mines, Ltd.  
Thetford Mines

Quebec, Canada

GAF Corp.  
Hyde Park, Vermont

Lake Asbestos  
Black Lake  
Quebec, Canada

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

Vermont Asbestos Group, Inc.  
Hyde Park, Vermont

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 37 SUBPART (e):**

Abex's asbestos-containing brake linings were flat black, charcoal and gray in color, and were shaped into curved, linear segments and pad shapes. Abex's asbestos-containing railroad brake shoes were flat black, charcoal and gray in color, and had curved, linear segments of friction material integrally attached to steel backings.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 37 SUBPART (f):**

See Objections and Answer to Interrogatory No. 19, which are incorporated by reference as though set forth herein in full.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 37 SUBPART (g):**

To the best of current and reasonably available information and belief unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or

summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 150 boxes, many of which are comprised of approximately 2,000 - 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Winchester quality control.
2. Production plans.
3. Subject files, Friction products division.
4. Blueprints, Friction products division.
5. General correspondence.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and in house counsel, on

the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 37 (h) and (i):**

Abex ceased manufacturing and selling its asbestos-containing automotive friction products in 1987 due to a shift in the demand for friction products.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 37 SUBPART (i)**

Chrysotile asbestos, the only type of asbestos fibers ever used by Abex in the manufacture of its friction products were utilized in Abex's asbestos-containing friction products because it represented a uniquely favorable combination of properties, including thermal stability, friction level, reinforcing properties, cost, availability, compatibility with production processes and

manufacturing equipment, acceptability and familiarity to customers, and safety with regard to its use in friction products.

**INTERROGATORY NO. 38:** Identify any and all facilities at which Defendant, any predecessor or any related company, at any time, manufactured or processed asbestos-containing products, or processed raw asbestos. For each such facility identified:

- (a) State the date(s) which said facility was owned and/or operated by Defendant, any predecessor or any related company;
- (b) State the date(s) during which asbestos-containing products and/or raw asbestos were manufactured or processed, at said facility; and,
- (c) Identify each person serving as the manager or supervisor of said facility during any time which the facility has been owned and/or operated by Defendant, any predecessor or any related company, and state the date(s) of the tenure as manager or supervisor for each.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 38:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods, products and work sites that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Abex never mined, marketed or

commercially sold raw asbestos. Abex's asbestos-containing automotive friction products were manufactured in Detroit, Michigan starting in approximately 1927 and ceased in the mid-1950's; in Salisbury, North Carolina starting in 1974 and ceased in 1987; and in Winchester, Virginia starting in 1947 and ceased in 1987. To the best of current and reasonably available information and belief, E.H. Feierabend (Winchester), Albert Indelicato (Salisbury), and Charles Mallory (Winchester) may have had some operational responsibilities over these plants. Abex does not have any specific knowledge or information as to whether any automotive friction products were manufactured at its former facility in Lancaster, New York. Said facility was destroyed in 1927. Abex is unaware of any documents that could indicate that asbestos-containing automotive friction products were manufactured at the Lancaster, New York facility prior to 1927. Abex's asbestos-containing railroad friction products were manufactured in Chicago, Illinois.

**INTERROGATORY NO. 39:** Withdrawn by plaintiff or stricken by the Court.

**INTERROGATORY NO. 40:** Identify any and all persons known by you to have any knowledge concerning the manufacture, sale, distribution, possession, application, installation or use of the products listed in response to Interrogatory No. 19.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 40:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that

the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, the following individuals may have or may have had information responsive to this interrogatory:

Indelicato, Albert  
Bretz, Earl L., Jr.  
Cvitkovich, Steven  
Feierabend, Eric H.  
Francis, W. H.  
Kleeschulte, David G.  
Mallory, Charles B.  
Nelson, Robert  
Parker, F. R.  
Blume, William  
Merkle, Timothy  
Spokes, Raymond  
Pearce, Richard  
Kwolek, John  
Griffith, Arvon  
Nelson, Robert

None of the above-referenced individuals is currently an officer, director or employee of Abex. This answer is based upon such information as is currently and reasonably available to Abex and Abex reserves the right to supplement or amend this answer when and if additional relevant information or documentation becomes available, including any provided by plaintiffs, at the appropriate time. Discovery and investigation are continuing.

**INTERROGATORY NO. 41:** Has Defendant, any predecessor or any related company, at any time, designed, manufactured, processed, sold, distributed, supplied, applied, installed or contracted to apply or install any product which contained vermiculite?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 41:**

Not applicable.

**INTERROGATORY NO. 42:** If you answer to Interrogatory No. 41 is "Yes," identify by brand/trade name any and all such products which contained vermiculite and for each:

- (a) State the date(s) during which said product contained vermiculite;
- (b) State, in percentage terms, the amount of vermiculite contained in the product;
- (c) Identify the source of the vermiculite used in the product;
- (d) Identify the specific company (Defendant, predecessor, related company) which designed, manufactured, processed, sold, distributed, applied, installed or patented such product;
- (e) State the year in which Defendant, its related company or its predecessor first designed, manufactured, processed, sold, distributed, applied, installed or patented such product;
- (f) State the year in which the Defendant, its related company or predecessor last designed, manufactured, processed, sold, distributed, applied, installed or patented such product;
- (g) State whether any sample, part or piece of such product is still in existence; and
- (h) Identify all documents relating to such product, including but not limited to any package, brochure, catalog, picture, photograph or like representation of the product or packaging.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 42:**

Not applicable.

**INTERROGATORY NO. 43:** With respect to the products listed in response to Interrogatories Nos. 19 and 42, did Defendant, any predecessor or related company or the manufacturer of the products ever conduct test [sic] of any kind on any or all of said products concerning possible or potential health hazards involved in its use or in the use of material contained therein.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 43:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, any tests conducted by Abex on its asbestos-containing automotive friction products would have been quality control tests to ensure that Abex's asbestos-containing automotive friction products performed their intended task of slowing or stopping a moving vehicle. Any further information or materials related to performance tests lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex has made a reasonable and good faith effort to obtain the requested information, to

the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of ten (10) million and include an estimated three (3) million sales records, are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it

reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 125 boxes, many of which are comprised of approximately 2,000 - 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Research and development, Raw materials.
2. Lab notebooks, Product development.
3. Subject files.
4. Engineering test results.
5. Formula, testing, and development.
6. Production/testing research.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has

segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 44:** If your answer Interrogatory No. 43 is "Yes," with respect to each product test:

- (a) State the location where the test was performed;
- (b) Identify each and every individual who conducted or participated in said test;
- (c) Describe the results of said test;

- (d) State the date or dates upon which said test was conducted;
- (e) Identify any and all documents referring to, relating to or reflecting said test or the results thereof; and
- (f) Identify each and every individual who received a copy of any document referring to, relating to or reflecting the results of said test.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 44:**

See Objections and Answer to Interrogatory No. 43, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 45:** Did any person, including but not limited to, an officer, agent or employee of Defendant, any predecessor or related company recommend any design changes as a result of any test referenced in your response to the preceding interrogatory?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 45:**

See Objections and Answer to Interrogatory No. 43, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 46:** If your answer to Interrogatory No. 45 is "Yes," with respect to each such recommended design change:

- (a) State the product or products involved;
- (b) State the test or tests involved;
- (c) State the nature of the change recommended;
- (d) Identify the person(s) making the recommendation;
- (e) State the nature and effective date of any change made; and
- (f) Identify each and every person who participated in the decision to make or not make the recommended design change.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 46:**

See Objections and Answer to Interrogatory No. 43, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 47:** Identify any and all persons employed by Defendant, its predecessor or related company at any time from 1940 to date as an industrial hygienist or similar position.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 47:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Abex employed industrial hygienists and medical directors whose job duties included ensuring a safe working environment for all Abex employees. Because these personnel dealt with the working conditions of Abex employees, further information or materials regarding them lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving this additional objection, the following persons served as medical director of Abex Corporation:

| <u>Name</u>          | <u>Last Known Place of Employment</u>           | <u>Last Known Address</u>                                            | <u>Years of Employment</u> |
|----------------------|-------------------------------------------------|----------------------------------------------------------------------|----------------------------|
| Lloyd E. Hamlin      | 2501 Blue Island Avenue<br>Chicago, Illinois    | Deceased                                                             | 1941-1961                  |
| Charles C. Blackwell | 2501 Blue Island Avenue<br>Chicago, Illinois    | 4911 East Doubletree Ranch<br>Road<br>Paradise Valley, Arizona 75253 | 1961-1976                  |
| Frederick W. Knoch   | 4550 W. 26th Street<br>Chicago, Illinois 60623  | Deceased                                                             | 1976-1981                  |
| William F. Redman    | 485 Frontage Road<br>Burr Ridge, Illinois 60521 | 396 Belden Street,<br>Glendale Heights<br>Illinois 60137             | 1982                       |
| Dennis G. Egnatz     | 485 Frontage Road<br>Burr Ridge, Illinois 60521 | 121 Lakewood Circle<br>Burr Ridge, Illinois 60521                    | 1982-1987                  |

The following persons served as industrial hygienists of Abex Corporation:

|           |                   |
|-----------|-------------------|
| 1941-1945 | J. B. Littlefield |
| 1943-1954 | H. J. Weber       |
| 1945-1946 | R. H. Anderson    |
| 1946-1966 | H. J. Gotmer      |
| 1948-1948 | W. A. Hamlin      |
| 1949-1954 | A. Edwards        |
| 1951-1951 | R. A. Myles       |
| 1952-1955 | D. Carlson        |
| 1955-1966 | J. S. Holtaway    |
| 1955-1960 | J. T. Siedlecki   |

Last Known Address  
for above group:

2501 S. Blue Island Ave., Chicago,  
Illinois, from 1941 to 1956. Telephone  
number unknown.

|           |                   |
|-----------|-------------------|
| 1961-1966 | J. B. Mahoney     |
| 1967-1974 | C. H. Borcharding |
| 1967-1970 | N. J. Merczak     |
| 1969-1970 | S. Gotceitas      |
| 1970-1971 | F. L. Stanley     |
| 1972-1975 | F. T. Szum        |
| 1972-1976 | M. D. Gidley      |
| 1974-1977 | K. J. Krotz       |
| 1975-1976 | W. P. Osen        |
| 1976-1977 | T. Antonson       |

|              |                       |
|--------------|-----------------------|
| 1976-1987    | C. H. Borcharding     |
| 1977-1988    | L. G. Wessa           |
| 1977-1978    | J. B. Mahoney         |
| 1978-1980    | R. H. Carpenter-Vance |
| 1979-Unknown | E. L. Miller          |

Last Known Addresses  
for above group:

4550 W. 26th Street, Chicago, Illinois,  
from 1956 to November 1983.  
Telephone number unknown.

485 Frontage Road, Burr Ridge, Illinois  
60521, from November 11, 1983 to late  
1980s. Telephone number unknown.

Abex does not know whether the above-referenced individuals are currently living or deceased.

**INTERROGATORY NO. 48:** Identify any and all persons or entities, other than the employees listed above, which provided industrial hygienic or similar services or information to, or for the benefit of, this Defendant, at any time from 1940 to date, including, but not limited to, employees of, or anyone retained by, any predecessor or related company.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 48:**

See Objections and Answer to Interrogatory No. 47, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 49:** Does Defendant have, or has Defendant, any predecessor or any related company ever had, a Research Department? If so:

- (a) State when such department was established, and whether or not such department has operated continuously since being established;
- (b) State how much defendant, its predecessors and/or related company expended each year on research; and
- (c) State the percentage of said expenditure which was for research concerning the health affects or asbestos;
- (d) Identify the person(s) in charge of such department throughout its existence; and
- (e) Identify the person(s) in charge of any asbestos-related research conducted by

such department throughout the years.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 49:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex maintained a corporate-wide research and development department. The purpose of this department included designing and developing new products for Abex. The duties and responsibilities of Abex's product research department were to ensure that Abex's friction products optimally performed the purpose for which they were designed, that is, to assist in the stopping or control of a moving object. Further information or materials related to this department lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 50:** Did Defendant, any predecessor or any related company, or any medical department or industrial hygiene division thereof, maintain a medical and/or scientific library at any time from 1940 to the present? If so:

- (a) State the dates such library existed;
- (b) State the number of volumes maintained therein;
- (c) State the number of employees, part-time or full-time, assigned to the maintenance of said library; and
- (d) Identify the person(s) within the corporate structure to whom said library employees reported throughout the existence of the library.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 50:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is further objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Abex did not maintain an official medical library, although its medical department did have various books and publications

relevant to industrial medicine. Abex is aware that it received the American Industrial Hygiene Association Journal and the Journal of Occupational Medicine, Occupational Health and Safety.

Any such books, articles, and journals, if they exist, are currently maintained at Abex's facility in Brooklyn, New York.

**INTERROGATORY NO. 51:** Identify any and all scientific or medical periodicals to which defendant, any predecessor or any related company, or any medical department or industrial hygiene division thereof, subscribed from 1940 to the present, and for each periodical state the dates of such subscriptions.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 51:**

See Objections and Answer to Interrogatory No. 50, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 52:** Has Defendant, any predecessor or any related company, at any time since 1940:

- (a) been a member of a medical and/or scientific library or library association?
- (b) been a member of any organization or association which maintained a medical and/or scientific library?
- (c) been a member of any organization or association through which members obtained the use of, or access to, a medical and/or scientific library?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 52:**

See Objections and Answer to Interrogatory No. 50, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 53:** If your answer to any subpart of Interrogatory No. 52 is "Yes,":

- (a) Identify the library(ies) involved and state the years during which Defendant, its predecessor or related company was a member of, or otherwise had use of or access to said library; and
- (b) If applicable, identify the organization or association through which Defendant, its predecessor or related company, obtained the use of or access to, such library(ies).

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 53:**

See Objections and Answer to Interrogatory No. 50, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 54:** Has Defendant, any predecessor or any related company, or any person or entity acting on behalf thereof, including but not limited to, any insurance company, at any time, conducted any industrial hygiene surveys concerning any product identified in response to Interrogatory No. 19, including, but not limited to, surveys concerning the manufacture, processing, application, installation, use and/or removal of said products?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 54:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods, products and work sites that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with

litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, yes.

**INTERROGATORY NO. 55:** If your answer to Interrogatory No. 54 "Yes," with respect to each such survey:

- (a) Identify the product(s) which was used in the survey;
- (b) Identify any and all person(s), firm(s) or entity(ies) conducting or participating in the conducting of said survey;
- (c) State the date(s) of said survey;
- (d) Describe the methodology, results and conclusions of said survey;
- (e) Identify any and all documents referring to, relating to, or reflecting said survey or the results and conclusions thereof; and,
- (f) Identify any and all persons to whom such document may have been sent.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 55:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent to which it purports to seek information or

materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections:

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 55 SUBPART (a):**

To the best of current and reasonably available information and belief, industrial hygiene surveys were conducted at Abex facilities.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 55 SUBPART (b):**

To the best of current and reasonably available information and belief, industrial hygiene surveys were conducted at Abex facilities by Abex's industrial hygienists and their staff, and in at least one instance by an insurance carrier, in conjunction with Abex employees.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 55 (c) to (f)**

To the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for

Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity

to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which

the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 56:** Has Defendant, any predecessor or any related company, or any person or entity acting on behalf thereof, including but not limited to any insurance company, at any time, gone into any area where any product identified in response to Interrogatory Nos. 19 and 42 was being manufactured, used, applied or installed to perform a dust level count or similar test?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 56:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods, products and work sites that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, with respect to the manufacture of those products identified in Answer to Interrogatory No. 19, see Answer to Interrogatory No. 54; and with respect to the use, application, and installation of those products identified in Answer to

Interrogatory No. 19, to the best of current and reasonably available information and belief, no.

**INTERROGATORY NO. 57:** If your answer to Interrogatory No. 56 is "Yes," identify each such count or test performed, by stating when and where it was conducted, and with respect to each count or test so identified:

- (a) Identify the product being manufactured, used, applied or installed;
- (b) Identify each and every person who conducted, participated in conducting, or analyzed the results of, said count or test;
- (c) State the purpose of said count or test;
- (d) State what, if any, actions were taken in response to the results of said count or test; and
- (e) Identify any and all documents referring to, relating to or reflecting said count or test, including, but not limited to, any actions taken in response to the results of such count or test.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 57:**

See Objections and Answer to Interrogatory No. 56, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 58:** Has Defendant, any predecessor or any related company, or any person or entity acting on behalf thereof, at any time, conducted any study(ies), of any kind, concerning the effects of the inhalation of asbestos dust or asbestos fibers on one using or being exposed to asbestos or any asbestos-containing product, including, but not limited to, those identified in response to Interrogatory Nos. 19 and 42?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 58:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or

materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex is generally aware that it contributed monies for certain studies at the Saranac Laboratory, Saranac, New York. Abex's documents reflect that any such studies performed by the Saranac Laboratory on behalf of Abex specifically pertained to siderosis and silicosis studies. Plaintiffs' counsel in a different case have produced in discovery unauthenticated photocopies of documents purporting to show that Abex agreed in the 1930's to pay \$250 per year for three years with respect to a single asbestos-related animal study at the Saranac Laboratory. Abex's records do not confirm any such agreement, nor do Abex's records

reflect any such payment. To the best of current knowledge and belief, Abex has found no such documents or any record of having received such documents. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of

the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedures, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and in-house counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These

documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 59:** If your answer to interrogatory No. 58 is "Yes," with respect to each such study:

- (a) Describe the nature of said study, including, but not limited to, the purpose and objectives of the study, the product(s) involved, the date(s) conducted, the methodology employed and the results reached, both raw data and conclusions;
- (b) Identify any and all entities and/or persons conducting said study or participating in the conducting of said study;
- (c) Identify any and all documents referring to, relating to or reflecting said study, including but not limited to reports (both interim and final), notes, memoranda, work paper; data compilations and surveys;
- (d) Identify any an all directors, officers, agents or employees of Defendant who participated in the decision to have the study conducted; and,
- (e) Identify any and all entities and/or persons who received a copy of any document referring to, relating to or reflecting the results or conclusions reached.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 59:**

See Objections and Answer to Interrogatory No. 58, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 60:** Did Defendant, its predecessor or related company, take any action as a result of any study or studies set forth in response to Interrogatory Nos. 56 and 58? If so, identify each and every study which resulted in some action being taken, and:

- (a) Describe the actions taken, including the effective date of said actions:
- (b) Identify any and all persons, including, but not limited to, directors, officers, agents and employees of Defendant who participated in the decision to undertake said actions; and
- (c) Identify any and all documents referring to, relating to or reflecting said actions, or any subsequent modification or discussion of the same.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 60:**

See Objections and Answer to Interrogatory Nos. 56 and 58, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 61:** Has Defendant, any predecessor, or any related company, or any person or entity acting on behalf thereof, at any time, conducted any study(ies) designed to minimize or eliminate the inhalation of asbestos dust and fibers by those using, handling or exposed to any product listed in response to Interrogatory Nos. 19 and 42?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 61:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds

that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex further objects to this interrogatory on the ground that it seeks to impose upon Abex a legal duty or obligation to which it was not subject.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, insofar as Abex understands this interrogatory, and to the best of current and reasonably available information and belief, no.

**INTERROGATORY NO. 62:** If your answer to Interrogatory No. 61 is "Yes," with respect to each such study:

- (a) Identify the product involved;

- (b) Identify the person(s) and/or entity(ies) conducting said study;
- (c) State the date said study began and the date on which it was completed;
- (d) Identify any and all persons, including, but not limited to, directors, officers, agents or employees of Defendant, who participated in the decision to have said study conducted;
- (e) Describe the nature of said study;
- (f) Describe the nature of any action to eliminate or minimize inhalation of asbestos dust or asbestos fibers undertaken as a result of said study;
- (g). Identify any and all documents referring to, relating to or reflecting said study or the results thereof; and,
- (h). Identify any and all persons receiving a copy of any document referring to, relating to or reflecting the results or conclusions of said study.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 62:**

See Objections and Answer to Interrogatory No. 61, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 63:** Did Defendant, any related company, or any predecessor at any time, give to persons, who would be applying and/or removing any of the products listed in response to Interrogatory Nos. 19 and 42, any instructions or guidelines concerning precautions, warnings, procedures, and/or methods to use, in order to safely apply or remove such products? If so, describe such instructions, state to whom they were given, state the dates they were given, and describe the manner in which they were given.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 63:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory on the ground that it seeks to impose upon Abex a legal duty or obligation to which it was not subject.

Subject to and without waiving these objections, in the mid-1970s, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

**CAUTION: CONTAINS ASBESTOS FIBERS.  
AVOID CREATING DUST. BREATHING ASBESTOS  
DUST MAY CAUSE SERIOUS BODILY HARM.**

Abex does not believe the wording of this warning was ever changed. To the best of current and reasonably available information and belief, the warning labels were affixed to automotive friction product packages.

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

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

Because studies have indicated that exposure to excessive amounts of asbestos dust may be a potential health hazard, OSHA has set maximum levels to which workers

may be exposed. Since most automotive friction materials normally contain a sizable amount of asbestos, it is important that people who handle brake linings and clutch facings understand the nature of the problem and know the precautions to be taken.

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

**ASBESTOS DUST HAZARD  
AVOID BREATHING DUST  
WEAR ASSIGNED PROTECTIVE EQUIPMENT  
DO NOT REMAIN IN AREA UNLESS YOUR WORK REQUIRES IT  
BREATHING ASBESTOS DUST MAY BE HAZARDOUS  
TO YOUR HEALTH**

The amount of asbestos in the dust brake lining wear is normally at an extremely low level because of chemical breakdown during use, and if machining of friction material does not take place, simple procedures will minimize exposure.

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

**CAUTION  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
BREATHING ASBESTOS DUST MAY  
CAUSE SERIOUS BODILY HARM**

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

- 6) Good housekeeping is essential in a workplace where asbestos-containing materials are handled. Industrial vacuum cleaners equipped with multiple stage, high efficiency filters should be used for removing accumulations of asbestos dust and waste. Never use compressed air or dry sweeping for cleaning. Water or other dust suppressants should be applied if brooms are used.
- 7) Good personal hygiene practices are important in minimizing asbestos dust exposure. Do not smoke. Wash before eating. Shower after work. Change to work clothes upon arrival at work and change from work clothes at conclusion of work. Work clothing should not be taken home. Laundering asbestos contaminated clothing shall be done so as to prevent release of airborne asbestos fibers in excess of the exposure limits.

**CAUTION: DO NOT BREATHE ASBESTOS**

**INTERROGATORY NO. 64:** Did Defendant, any predecessor or any related company, at any time, place any warning signs or labels on the containers in which any or the products listed in response to Interrogatory Nos. 19 and 42 were packaged?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 64:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory on the ground that it seeks to impose upon Abex a legal duty or obligation to which it was not subject.

Subject to and without waiving these objections, in the mid-1970s, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

|                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------|
| <b>CAUTION: CONTAINS ASBESTOS FIBERS.<br/>AVOID CREATING DUST. BREATHING ASBESTOS<br/>DUST MAY CAUSE SERIOUS BODILY HARM.</b> |
|-------------------------------------------------------------------------------------------------------------------------------|

Abex does not believe the wording of this warning was ever changed.

**INTERROGATORY NO. 65:** If your answer to Interrogatory No. 64 is "Yes," identify each and every product upon which such a warning was placed, and with respect to each such product identified:

- (a) State the date on which any order directing that a warning be placed on said product first issued;
- (b) Identify any and all persons participating in the decision to issue that order;
- (c) State the first date on which such warning was actually placed on said product;
- (d) State the first date on which such product accompanied by such warning was first sold, distributed or installed;
- (e) State the exact wording of this first warning;
- (f) State the exact location and size of this first warning as it appeared on said product;
- (g) Identify any and all persons who participated in any phase of the drafting or design of said first warning, including, but not limited to, those who performed the actual drafting and design work, those who reviewed the work, those who edited the work and those who approved the warning;
- (h) State why you placed such warning on said product, including, but not limited to, whether you placed such warning on said product because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute; and

- (i) Identify any and all documents referring to, relating to or reflecting, said warning, its drafting, and/or the decision to place the warning on said product, including, but not limited to, any communication as described in subpart (h) of this interrogatory.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 65:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory on the ground that it seeks to impose upon Abex a legal duty or obligation to which it was not subject.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, the warning labels were affixed to automotive friction product cardboard packaging. Abex can make available for inspection photographs of the warning labels that were affixed to Abex's automotive friction product sample cardboard box packaging, which are in the possession of Abex's counsel at a mutually convenient time, upon receipt of an appropriate worded document request.

**INTERROGATORY NO. 66:** With respect to each product identified in response to Interrogatory No. 65 as having been accompanied by a warning, state whether, subsequent to the first warning described, above, any different warning was ever placed upon said product. Any alteration, change or modification in the language, working, capitalization, punctuation, style of type or printing, size, color, or location on the package or container, of the warning constitutes a different warning.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 66:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory on the ground that it seeks to impose upon Abex a legal duty or obligation to which it was not subject.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, no.

**INTERROGATORY NO. 67:** With respect to each different warning which accompanied each product listed in response to Interrogatory No. 65:

- (a) State the date on which any order directing that such different warning be placed on said product first issued;
- (b) Identify any and all persons participating in the decision to issue that order;

- (c) State the first date on which such different warning was actually placed on said product;
- (d) State the first date on which such product accompanied by such different warning was sold, distributed or installed;
- (e) Describe, with specificity, any and all changes, modifications or differences between the different warning and the prior warnings(s);
- (f) Identify any and all persons who participated in any phase of the drafting or design of such different warning, including, but not limited to, those who performed the actual drafting and design work, those who reviewed the work, those who edited the work and those who approved the different warning;
- (g) State why you placed such different warning on said product, including, but not limited to, whether you placed such different warning on said product because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm corporation, governmental agency, committee, association, attorney or institute; and
- (h) Identify any and all documents referring to, relating to or reflecting, said different warning, its drafting, and/or the decision to place the different warning on said product.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 67:**

Not applicable.

**INTERROGATORY NO. 68:** Prior to the date on which Defendant first directed that a warning accompany any product identified in response to Interrogatory Nos. 19 and 42, did any person, firm, organization or other entity, within or without your employ, suggest, recommend, counsel, advise, or otherwise indicate in any manner, that a warning should accompany any or all of such products or asbestos-containing products generally?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 68:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of

establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory on the ground that it seeks to impose upon Abex a legal duty or obligation to which it was not subject.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, in the mid-1970s, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. Any discussion of warning labels for friction materials at a Friction Materials Standard Institute, Inc. meeting may have taken place after Abex commenced placement of warning labels on its asbestos-containing products.

**INTERROGATORY NO. 69:** If you answer to Interrogatory No. 68 is "Yes," with respect to each such suggestion, recommendation, counseling, advice or other indication:

- (a) Identify the person(s) and/or entity(ies) giving the same;
- (b) State the date(s) on which the same was given;
- (c) Identify any and all persons receiving notice of the same;
- (d) Describe what, if any, action Defendant took in response to or upon the same; and,
- (e) Identify any and all documents referring to, relating to or reflecting the same, or any action taken thereon or in response thereto.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 69:**

See Objections and Answer to Interrogatory No. 68, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 70:** Did Defendant, any predecessor, or any related company ever place any warning directly upon any of the products listed in response to Interrogatory Nos. 19 and 42?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 70:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory on the ground that it seeks to impose upon Abex a legal duty or obligation to which it was not subject.

Abex further objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection

with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of

the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedures, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and in-house counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These

documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 71:** If your answer to interrogatory No. 70 is "Yes," identify each and every product upon which such a warning was placed and for each such product identified:

- (a) State, verbatim, each and every warning which ever appeared on said product;
- (b) State the size, color and location of each such warning and describe the manner in which it was placed upon the product;
- (c) State the dates on which each such warning first and last appeared in said product; and,
- (f) Identify any and all documents referring to, relating to or reflecting the placing of any warning directly upon said products, including, but not limited to, decisions not to place such a warning.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 71:**

See Objections and Answer to Interrogatory No. 70, which are incorporated by reference

as though set forth herein in full.

**INTERROGATORY NO. 72:** Did any warning of any type concerning the products listed in response to Interrogatory Nos. 19 and 43 ever appear in any sales literature or other materials distributed or provided by Defendant, any predecessor or any related company, to the purchasers, consumers and/or users of such products?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 72:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory on the ground that it seeks to impose upon Abex a legal duty or obligation to which it was not subject.

Subject to and without waiving these objections, documents generally meeting the description of promotional and advertising materials, as well as sales brochures and pamphlets are maintained in the normal course of business at Abex's document repository, where non-privileged documents will be made available for inspection and copying upon request at a mutually convenient time.

Further, in 1979 and 1982, Abex participated in the preparation and distribution of a pamphlet published by the Friction Materials Standards Institute, Inc. entitled "Recommended

Procedures for Reducing Asbestos Dust During Brake Servicing." An excerpt of this pamphlet is reprinted below:

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

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

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

**ASBESTOS DUST HAZARD  
AVOID BREATHING DUST  
WEAR ASSIGNED PROTECTIVE EQUIPMENT  
DO NOT REMAIN IN AREA UNLESS YOUR WORK REQUIRES IT  
BREATHING ASBESTOS DUST MAY BE HAZARDOUS  
TO YOUR HEALTH**

The amount of asbestos in the dust brake lining wear is normally at an extremely low level because of chemical breakdown during use, and if machining of friction material does not take place, simple procedures will minimize exposure.

- 2) During brake servicing, the mechanic should wear a respirator approved by NIOSH for asbestos dust. It should be worn during all procedures starting with the removal of wheels and including reassembly.
- 3) When removing worn friction materials, remove the accumulated dust in the assemblies with an industrial vacuum cleaner equipped with a high efficiency filter system. If such equipment is not available, dust can be removed with a damp cloth. Do not use compressed air or dry brushing for cleaning unless the assembly is enclosed and properly exhausted.
- 4) Whenever possible, purchase friction materials pre-ground and ready for installation. If matching is necessary, the precautions which must be taken are of extreme importance. This is the operation in brake service when exposure to asbestos dust may be at its highest. This increases the difficulty in complying with the OSHA standards. In addition to the approved respirator, there must be local exhaust ventilation such that worker exposures are maintained below the OSHA asbestos standards. If there is any question as to the efficiency of asbestos dust removal by the machine, the manufacturer should be contacted.
- 5) Industrial vacuum cleaner bags containing asbestos dust and cloths used for

wiping brake assemblies should be sealed in plastic bags and labeled with the following warning label printed in letters of sufficient size and contrast to be readily visible and legible:

**CAUTION  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
BREATHING ASBESTOS DUST MAY  
CAUSE SERIOUS BODILY HARM**

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

- 6) Good housekeeping is essential in a workplace where asbestos-containing materials are handled. Industrial vacuum cleaners equipped with multiple stage, high efficiency filters should be used for removing accumulations of asbestos dust and waste. Never use compressed air or dry sweeping for cleaning. Water or other dust suppressants should be applied if brooms are used.
- 7) Good personal hygiene practices are important in minimizing asbestos dust exposure. Do not smoke. Wash before eating. Shower after work. Change to work clothes upon arrival at work and change from work clothes at conclusion of work. Work clothing should not be taken home. Laundering asbestos contaminated clothing shall be done so as to prevent release of airborne asbestos fibers in excess of the exposure limits.

**CAUTION: DO NOT BREATHE ASBESTOS**

**INTERROGATORY NO. 73:** If your answer to Interrogatory No. 72 is "Yes," identify each and every item of sales literature or other materials in which such a warning appeared, and for each item so identified:

- (a) State the date on which said item was first provided to distributors, sellers, purchasers, consumers or users;
- (b) List the products discussed in the literature;
- (c) Identify any and all other sales literature concerning the products listed in response to Interrogatory Nos. 19 and 42 which was provided to distributors, sellers, purchasers, consumers or users after the above date and which contained no warning.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 73:**

See Objections and Answer to Interrogatory No. 72, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 74:** Does Defendant or any related company have any of the following in its possession, custody or control:

- (a) any package, container, label or item of sales literature which Defendant claims constitutes or contains any warning which ever accompanies any product listed in response to Interrogatory Nos. 19 and 42?
- (b) any picture, photograph or like reproductive representation of any item described in subpart (a)?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 74:**

See Objections and Answer to Interrogatory No. 72, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 75:** State the year the Defendant or any predecessor(s) was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust, promulgated by the American Conference of Governmental Industrial Hygienists, and identify the specific persons) receiving such advise [sic], and any and all documents communicating such advise.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 75:**

Abex objects to this interrogatory on the grounds that it is over broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is further objected to on the grounds that such information or materials lack relevance to the issues arising

in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Subject to and without waiving these objections, Abex is unaware of when it was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust. Lloyd Hamlin served as Abex's Medical Director from 1941 to 1961. Dr. Hamlin published an article in 1955, referring therein to maximum allowable concentrations for various substances. Dr. Hamlin is deceased and Abex has no way to determine when, if ever, he or any other Abex official first received information responsive to this interrogatory. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex,

or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 15 to 25 boxes, many of which are comprised of approximately

2,000 to 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Medical Department Records.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and

litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 76:** State whether such threshold limit values or maximum allowable concentrations referred to in Interrogatory No. 75 involved TOTAL dust or just asbestos dust?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 76:**

See Objections and Answer to Interrogatory No. 75, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 77:** Describe, in detail, any and all tests, if any, conducted by Defendant, any predecessor or any related company, or anyone acting on behalf thereof, concerning the quantity, quality or threshold limit values of asbestos dust or particles to which applicators or consumers of asbestos-containing products were exposed while using any product identified in response to Interrogatory Nos. 19 and 42, including:

- (a) The product being used;
- (b) Identify any and all person(s), firms) or entity(ies) conducting or participating in the conducting of said test;
- (c) State the dates) of said test;
- (d) Describe the methodology, results and conclusions of said test;
- (e) Identify any and all documents referring to, relating or reflecting said test or the results and conclusions thereof; and,
- (f) Identify any and all persons to whom any document referring to, relating to or reflecting the results or conclusions of said test was sent.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 77:**

Abex objects to this interrogatory on the grounds that it is over broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory on the ground that it purports to seek information regarding entities other than Abex.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or

summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or

management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 78:** Did Defendant, any predecessor or any related company, at any time, directly advise the owners or management employees of any worksite in which it sold or applied any product listed in response to interrogatory Nos. 19 and 43, of threshold limit values for exposure to asbestos dust recommended by the American Conference of Governmental Industrial Hygienist? If so, state the date or dates that you so advised each such owner or employees, the manner in which you advised such owner or employee and the name of each such owner or employee.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 78:**

Abex objects to this interrogatory on the grounds that it is over broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory on the ground that it purports to seek information regarding entities other than Abex.

Abex also objects to this interrogatory to the extent to which it purports to seek

information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions,

on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 79:** State the date on which any official of Defendant or its predecessor(s) first had knowledge, notice, information or understanding that exposure to asbestos would, could or might cause each of the following diseases:

- (a) Pleural disease;
- (b) Asbestosis;
- (c) Mesothelioma;
- (d) Lung cancer;
- (e) Any other forms of cancer.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 79:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Lloyd Hamlin served as Abex's Medical Director between 1941 and 1961. Dr. Hamlin published an article in 1946 in which he referenced asbestosis. Dr. Hamlin is deceased and Abex has no way to determine when, if ever, he or any other Abex official first received information responsive to this interrogatory. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters

and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 15 to 25 boxes, many of which are comprised of approximately 2,000 to 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Medical Department Records.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity

to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which

the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 80:** With respect to each disease set forth in Interrogatory No. 79:

- (a) Identify the official who first obtained the knowledge, notice, information or understanding to which the interrogatory refers;
- (b) Identify any and all documents referring to, relating to or reflecting such knowledge, notice, information or understanding; and
- (c) Describe what, if any, action said official, Defendant, any predecessor or any related company took in response to such knowledge, notice, information or understanding.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 80:**

See Objections and Answer to Interrogatory No. 79, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 81:** Does Defendant possess knowledge or information concerning, a causal connection between exposure to asbestos or asbestos-containing products and:

- (a) Pleural disease?
- (b) Asbestosis?
- (c) Mesothelioma?
- (d) Lung cancer?
- (e) other cancer?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 81:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to call for an expert

opinion or conclusion which Abex is unqualified to render.

Abex further objects to this interrogatory on the ground that it purports to call for a medical or scientific opinion or conclusion which Abex is unqualified to render.

Abex objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Lloyd Hamlin served as Abex's Medical Director between 1941 and 1961. Dr. Hamlin published an article in 1946 in which he referenced asbestosis. Dr. Hamlin is deceased and Abex has no way to determine when, if ever, he or any other Abex official first received information responsive to this interrogatory. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by

inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records

contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 15 to 25 boxes, many of which are comprised of approximately 2,000 to 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Medical Department Records.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These

documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 82:** For each subpart of Interrogatory No. 81 to which you answered "Yes":

- (a) Describe when and how Defendant first obtained knowledge, or information concerning such connection;
- (b) If such knowledge or information was obtained by attendance at any conference, lecture, convention, symposium or meeting, identify such meeting, any and all person attending, and any and all documents referring to, relating to or reflecting the meeting;
- (c) If knowledge was obtained from medical or scientific studies, or work, published or unpublished, identify the same.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 82:**

See Objections and Answer to Interrogatory No.81, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 83:** With regard to any knowledge or information obtained subsequent to that identified in your answer to Interrogatory No. 82 (a), identify any and all documents or communications (oral and/or written) concerning the causal connection between exposure to asbestos-containing or asbestos products and any disease, which were sent to, or received by, Defendant, and identify any and all persons conveying and/or receiving such communications.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 83:**

See Objections and Answer to Interrogatory No. 81, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 84:** As to any knowledge or information referred to in Interrogatories 79-83, did Defendant, at any time, educate or inform its employees, distributors, purchasers or any persons working in the vicinity where any asbestos-containing product was being applied or installed as to the hazards known to Defendant or about which Defendant had information, and as to the safety precautions necessary to guard against cancer and other diseases arising from the use and handling of the products identified in response to Interrogatory No. 19?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 84:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex also objects

to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it assumes the truth of matters not established or matters not in evidence.

Abex objects to this interrogatory on the ground that it seeks to impose upon Abex a legal duty or obligation to which it was not subject.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, in the mid-1970s, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

|                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>CAUTION: CONTAINS ASBESTOS FIBERS.<br/>AVOID CREATING DUST. BREATHING ASBESTOS<br/>DUST MAY CAUSE SERIOUS BODILY HARM.</b></p> |
|--------------------------------------------------------------------------------------------------------------------------------------|

Abex does not believe the wording of this warning was ever changed. To the best of current and reasonably available information and belief, the warning labels were affixed to automotive friction product packages.

In 1979 and 1982, Abex participated in the preparation and distribution of a pamphlet published by the Friction Materials Standards Institute, Inc. entitled "Recommended Procedures

for Reducing Asbestos Dust During Brake Servicing." An excerpt of this pamphlet is reprinted below:

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

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

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

**ASBESTOS DUST HAZARD  
AVOID BREATHING DUST  
WEAR ASSIGNED PROTECTIVE EQUIPMENT  
DO NOT REMAIN IN AREA UNLESS YOUR WORK REQUIRES IT  
BREATHING ASBESTOS DUST MAY BE HAZARDOUS  
TO YOUR HEALTH**

The amount of asbestos in the dust brake lining wear is normally at an extremely low level because of chemical breakdown during use, and if machining of friction material does not take place, simple procedures will minimize exposure.

- 2) During brake servicing, the mechanic should wear a respirator approved by NIOSH for asbestos dust. It should be worn during all procedures starting with the removal of wheels and including reassembly.
- 3) When removing worn friction materials, remove the accumulated dust in the assemblies with an industrial vacuum cleaner equipped with a high efficiency filter system. If such equipment is not available, dust can be removed with a damp cloth. Do not use compressed air or dry brushing for cleaning unless the assembly is enclosed and properly exhausted.
- 4) Whenever possible, purchase friction materials pre-ground and ready for installation. If machining is necessary, the precautions which must be taken are of extreme importance. This is the operation in brake service when exposure to asbestos dust may be at its highest. This increases the difficulty in complying with the OSHA standards. In addition to the approved respirator, there must be local exhaust ventilation such that worker exposures are maintained below the OSHA asbestos standards. If there is any question as to the efficiency of asbestos dust removal by the machine, the manufacturer should be contacted.
- 5) Industrial vacuum cleaner bags containing asbestos dust and cloths used for

wiping brake assemblies should be sealed in plastic bags and labeled with the following warning label printed in letters of sufficient size and contrast to be readily visible and legible:

**CAUTION  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
BREATHING ASBESTOS DUST MAY  
CAUSE SERIOUS BODILY HARM**

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

- 6) Good housekeeping is essential in a workplace where asbestos-containing materials are handled. Industrial vacuum cleaners equipped with multiple stage, high efficiency filters should be used for removing accumulations of asbestos dust and waste. Never use compressed air or dry sweeping for cleaning. Water or other dust suppressants should be applied if brooms are used.
- 7) Good personal hygiene practices are important in minimizing asbestos dust exposure. Do not smoke. Wash before eating. Shower after work. Change to work clothes upon arrival at work and change from work clothes at conclusion of work. Work clothing should not be taken home. Laundering asbestos contaminated clothing shall be done so as to prevent release of airborne asbestos fibers in excess of the exposure limits.

**CAUTION: DO NOT BREATHE ASBESTOS**

To the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product

manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will

prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 85:** If your answer to Interrogatory No. 84 is "Yes," identify each such occasion on which Defendant so educated or informed its employees, distributors or purchasers, as follows:

- (a) Identify the persons or parties which you educated or informed;
- (b) State when, where and in what manner they were educated or informed;
- (c) Identify any and all documents referring to, relating to or reflecting the communication or other dissemination of such information; and
- (d) Identify any and all persons who so educated or informed said employees, distributors, purchasers or persons working in the vicinity of application or who participated in the same in any way including, but not limited to, assembling, drafting, writing, rewriting, preparing or conveying such information in any format.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 85:**

See Objections and Answer to Interrogatory No. 84, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 86:** Did Defendant or any predecessor entity perform, direct to be performed, finance in whole or in part, sponsor in whole or in part or receive the results of, any studies or tests concerning the relationship between asbestos exposure and asbestosis, cancer and/or mesothelioma?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 86:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent to which it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex is generally aware that it contributed monies for certain studies at the Saranac Laboratory, Saranac, New York. Abex's documents reflect that any such studies performed by the Saranac Laboratory on behalf of Abex specifically pertained to siderosis and silicosis studies. Plaintiffs' counsel in a different case have produced in discovery unauthenticated photocopies of documents purporting to show that Abex agreed in the 1930's to pay \$250 per year for three years with respect to a single asbestos-related animal study at the

Saranac Laboratory. Abex's records do not confirm any such agreement, nor do Abex's records reflect any such payment. To the best of current knowledge and belief, Abex has found no such documents or any record of having received such documents. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved

in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedures, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and in-house counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel

or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 87:** If your answer to Interrogatory No. 86 is "Yes," with respect to each such study or test:

- (a) State the nature of the involvement (performed, directed it to be performed, financed, sponsored, received results, etc.);
- (b) State when, where and at what intervals said study was performed;
- (c) Identify any and all persons, firms or entities which performed said study;
- (d) Identify any all documents referring to, relating or reflecting or reflecting said study or the results thereof; and
- (e) State all means by which the results of said study were disseminated including, if applicable, publication; and identify any and all persons who received said results and any and all publications in which said results appeared.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 87:**

See Objections and Answer to Interrogatory No. 86, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 88:** Did Defendant at any time during the period that the products listed in response to Interrogatory Nos. 19 and 42 were manufactured, sold, applied or installed, inform any purchaser or user of said products that such products could cause cancer, asbestosis, and/or other serious diseases?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 88:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the grounds that it assumes the truth of

matters not established or matters not in evidence.

Abex objects to this interrogatory on the ground that it seeks to impose upon Abex a legal duty or obligation to which it was not subject.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, in the mid-1970s, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

**CAUTION: CONTAINS ASBESTOS FIBERS.  
AVOID CREATING DUST. BREATHING ASBESTOS  
DUST MAY CAUSE SERIOUS BODILY HARM.**

Abex does not believe the wording of this warning was ever changed. To the best of current and reasonably available information and belief, the warning labels were affixed to automotive friction product packages.

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

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

Because studies have indicated that exposure to excessive amounts of asbestos dust may be a potential health hazard, OSHA has set maximum levels to which workers

may be exposed. Since most automotive friction materials normally contain a sizable amount of asbestos, it is important that people who handle brake linings and clutch facings understand the nature of the problem and know the precautions to be taken.

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

**ASBESTOS DUST HAZARD  
AVOID BREATHING DUST  
WEAR ASSIGNED PROTECTIVE EQUIPMENT  
DO NOT REMAIN IN AREA UNLESS YOUR WORK REQUIRES IT  
BREATHING ASBESTOS DUST MAY BE HAZARDOUS  
TO YOUR HEALTH**

The amount of asbestos in the dust brake lining wear is normally at an extremely low level because of chemical breakdown during use, and if machining of friction material does not take place, simple procedures will minimize exposure.

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

**CAUTION  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
BREATHING ASBESTOS DUST MAY  
CAUSE SERIOUS BODILY HARM**

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

- 6) Good housekeeping is essential in a workplace where asbestos-containing materials are handled. Industrial vacuum cleaners equipped with multiple stage, high efficiency filters should be used for removing accumulations of asbestos dust and waste. Never use compressed air or dry sweeping for cleaning. Water or other dust suppressants should be applied if brooms are used.
- 7) Good personal hygiene practices are important in minimizing asbestos dust exposure. Do not smoke. Wash before eating. Shower after work. Change to work clothes upon arrival at work and change from work clothes at conclusion of work. Work clothing should not be taken home. Laundering asbestos contaminated clothing shall be done so as to prevent release of airborne asbestos fibers in excess of the exposure limits.

**CAUTION: DO NOT BREATHE ASBESTOS**

To the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during

which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 89:** Did Defendant, any predecessor or any related company, or any workers' compensation insurance carrier thereof, ever have any claims for lung diseases or death from lung disease, whether directly or indirectly attributed to asbestosis, mesothelioma, lung cancer, or exposure to asbestos-containing products?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 89:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the grounds that it is premature, overly broad, oppressive, harassing and unduly burdensome in that, to date, plaintiffs have failed to proffer any evidence showing the requisite nexus between plaintiffs and/or plaintiffs' decedents and any Abex product.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods, products and medical conditions that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory on the ground that plaintiffs do not allege plaintiffs and/or plaintiffs' decedents were employees of Abex or ever present at any Abex facility.

Abex objects to this interrogatory on the ground that it is speculative inasmuch as it fails

to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Abex further objects to this interrogatory to the extent to which it purports to seek medical records or privileged personnel information, which Abex will not provide absent an appropriate waiver of the applicable privilege.

Asbestos-related worker's compensation claims filed by Abex employees may allegedly arise out of working conditions and involve materials not at all related to those at issue in the present cases. Moreover, a claim may be brought even where the alleged medical condition complained of relates to an employer other than Abex, but the claim is brought against Abex merely because it employed the claimant during the period the alleged condition was diagnosed or because Abex was the claimant's last employer. Furthermore, such claims are governed by standards of proof and theories of liability significantly different from those applicable to plaintiffs' claims in the present action.

Subject to and without waiving these objections, and based upon reasonably available information and belief, the first two asbestos-related workers' compensation claims made against Abex are as follows:

| <u>Notice Received</u> | <u>Alleged Injury</u> | <u>Claimant</u>   |
|------------------------|-----------------------|-------------------|
| Approx. 1979           | Asbestosis            | Riley, Joseph     |
| Approx. 1980           | Asbestosis            | Lane, Jennings L. |

Although some later additional asbestos-related workers' compensation claims were filed against Abex, the defendant lacks sufficient reasonably available information to provide details regarding the nature or the time frame of these claims.

The following is a list of the first ten asbestos-related lawsuits filed against Abex. Data reasonably available to Abex at this time does not include claimant's alleged disease.

| <u>No.</u> | <u>Name</u>          | <u>Year Received</u> | <u>State</u> |
|------------|----------------------|----------------------|--------------|
| 1.         | Haney v. Abex        | 1977                 | MI           |
| 2.         | Clutter v. Abex      | 1978                 | OH           |
| 3.         | Zitis, M. v. Abex    | 1979                 | NJ           |
| 4.         | Friedman, I. v. Abex | 1979                 | NJ           |
| 5.         | Derrick v. Abex      | 1980                 | PA           |
| 6.         | Kean v. Abex         | 1980                 | PA           |
| 7.         | Kelly v. Abex        | 1980                 | PA           |
| 8.         | Rees v. Abex         | 1980                 | PA           |
| 9.         | Rice v. Abex         | 1980                 | PA           |
| 10.        | Sweigart v. Abex     | 1980                 | PA           |

**INTERROGATORY NO. 90:** To be redrafted and resubmitted to defendants pursuant to order

of the Court.

**INTERROGATORY NO. 91:** How many past or present employees of Defendant, its predecessors or related companies are known by you who claim to be suffering from, to have suffered from, or have suffered deaths caused by:

- (a) asbestosis?
- (b) lung cancer?
- (c) mesothelioma?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 91:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods, products and medical conditions that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is further objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-

product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Abex further objects to this interrogatory to the extent to which it purports to seek medical records or privileged personnel information, which Abex will not provide absent an appropriate waiver of the applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all

such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 15 to 25 boxes, many of which are comprised of approximately 2,000 to 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Medical Department Records.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to

inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 92:** For each employee referenced in your answer to Interrogatory No. 91, state the date that Defendant first knew, or had notice or information, that such past or

present employee who claims he/she was suffering, or had suffered from:

- (a) asbestosis;
- (b) lung cancer;
- (c) mesothelioma;

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 92:**

See Objections and Answer to Interrogatory No. 91, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 93:** Identify any and all material safety data sheets concerning the products listed in response to Interrogatory Nos. 19 and 42 prepared, at any time, by, or on behalf of, Defendant, and predecessor or any related company.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 93:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation,

or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven

(7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on

the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 94:** Identify any and all trade organizations, associations, or other entities, including but not limited to American Textile Institute (ATI), Asbestos Information Association (AIA), Industrial Health Foundation or Industrial Hygiene Foundation (IHF), National Insulation Manufacturers Assn. (NIMA), National Insulation Contractors Assn. (NICA), National Safety Council (NSC), American Ceramics Society (ACS), National Building Materials Distributors Assn. (NIA), Sprayed Mineral Fiber Manufacturers Assn. (SMFMA), Thermal Insulation Manufacturers Assn. (TIMA), Quebec Asbestos Mining Assn. (QAMA), to which Defendant, any predecessor or any related company has belonged or in which any or all of the same have participated since 1925, and state the applicable dates of such membership or participation.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 94:**

Abex objects to this interrogatory on the grounds that it is over broad, unduly

burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Abex was a member of the following trade associations: Asbestos Information Association of North America (1975 to 1980); the Brake Lining Manufacturing Association (from an unknown period to 1949); the Air Pollution Control Association; the Manufacturers Alliance for Productivity and Innovation (formerly, the Machine and Allied Products Institute); and the Friction Materials Standards Institute, Inc. (1949 to 1994). Furthermore, based upon information and belief, Abex was a member of the Air Hygiene Foundation of America, Inc. (which later became the Industrial Hygiene Foundation) (1937 to 1961) and the American Industrial Hygiene Association, although such membership is neither confirmed nor corroborated by the records maintained by or in the possession of Abex.

Within the past few years, Abex has been provided with historical documents from other parties that list American Brake Shoe & Foundry Co., and/or certain of its employees as members of the National Safety Counsel ("NSC"). It is not known if all of the employees of American Brake Shoe & Foundry who are listed as members or attendees at NSC functions were employed by Abex with respect to the manufacture or sale of friction materials that contained asbestos. These historical documents also reflect that some employees of American Brake Shoe & Foundry may have been trustees/members of the NSC. Abex has not found any information in its files evidencing a corporate membership in the NSC. Abex's investigation continues and it reserves the right to supplement this answer if additional, relevant material becomes available.

**INTERROGATORY NO. 95:** Identify any and all persons attending, on behalf of Defendant, any predecessor or any related company, any meetings, seminars or symposiums held by the trade organizations, associations, or other entities identified in response to Interrogatory No. 94.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 95:**

Abex objects to this interrogatory on the grounds that it is over broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is further objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex,

or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 200 boxes, many of which comprise of approximately 2,000 -

3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Club Membership, 1980-1981.
2. Asbestos Information Association, 1977.
3. Expense Reports, 1980-1982.
4. Abex News and other miscellaneous publications, 1967-1978.
5. 1970s 1980s, Friction Materials Standard Institute ("FMSI").

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues,

claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 96:** Did any officer, employee, agent or representative of Defendant, of any predecessor, or of any related company, serve, at any time, as:

- (a) an officer, director or official of any trade organization, association or entity identified in response to Interrogatory No. 94?
- (b) a member of any committee or subcommittee of any trade organization, association or entity identified in response to Interrogatory No. 94?
- (c) the chair of any committee or subcommittee of any trade organization, association or entity identified in response to Interrogatory No. 94?
- (d) the representative or liaison for any trade organization, association or entity identified in response to Interrogatory No. 94 to any other trade organization, association or entity, including, but not limited to, A.T.I., I.H.F., N.L.M.A., A.I.A., N.I.C.A., T.I.M.A., Q.A.M.A., N.A.C. N.S.C., A.C.S., N.B.M.D.A., N.I.A., S.M.F.M.A.?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 96:**

Abex objects to this interrogatory on the grounds that it is over broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is further objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, Abex was represented on the AIA/NA's International Friction Materials Advisory Panel from 1979 to 1980. To the best of current and reasonably available information and belief, Abex was a member of the Friction Materials Standard Institute, Inc.'s subcommittee named "Asbestos Study Committee" from 1971 to at least 1975. To the best of current and reasonably available information and belief, E. H. Feierabend served on the Asbestos Study Committee of the Friction Materials Standards Institute, Inc. from 1972 to at least 1975.

**INTERROGATORY NO. 97:** For each subpart of Interrogatory No. 96 to which your answer is "Yes," identify each and every person serving in such capacity and:

- (a) state the trade organization, association or entity for which such service was rendered;
- (b) specify the capacity of service, including identifying any specific committee, subcommittee or other trade organizations, associations or entities involved; and;
- (c) state the applicable dates of service.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 97:**

See Objections and Answer to Interrogatory No. 96, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 98:** Identify any and all documents which Defendant, its predecessor(s) or any related company submitted to, or received from, the organizations listed in response to Interrogatory Nos. 94 and/or 97:

- (a) which refer to, relate to or reflect the subject of asbestos;
- (b) which refer to, relate to or reflect a relationship between asbestos exposure and any disease; and/or
- (c) which refer to, relate to or reflect the placement or providing of warnings with respect to hazardous products.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 98:**

Abex objects to this interrogatory on the grounds that it is over broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is further objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are

otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex received various copies of The Industrial Hygiene Digest on unknown dates. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven

(7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 200 boxes, many of which comprise of approximately 2,000 - 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Club Membership, 1980-1981.
2. Asbestos Information Association, 1977.
3. Expense Reports, 1980-1982.
4. Abex News and other miscellaneous publications, 1967-1978.
5. 1970s 1980s, Friction Materials Standard Institute ("FMSI").

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New

York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 99:** Identify any and all documents including, but not limited to, minutes, bulletins or reports, created by, or on behalf of, any trade organization, association or entity listed in response to Interrogatory No. 94 and/or 97 or any committee, subcommittee or subgroup thereof;

- (a) which refer to, relate to or reflect the subject of asbestos;
- (b) which refer to, relate to or reflect a relationship between asbestos exposure and any disease; or
- (c) which refer to, relate to or reflect the placement or providing of warnings with respect to hazardous products.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 99:**

See Objections and Answer to Interrogatory No. 98, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 100:** Identify any and all documents including, but not limited to, minutes, bulletins or reports, received by, or on behalf of, any trade organization, association or entity listed in response to Interrogatory No. 94 and/or 97, or any committee, subcommittee or subgroup thereof;

- (a) which refer to, relate to or reflect the subject of asbestos;
- (b) which refer to, relate to or reflect a relationship between asbestos exposure and any disease; or
- (c) which refer to, relate to or reflect the placement or providing of warnings with respect to hazardous products.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 100:**

See Objections and Answer to Interrogatory No. 98, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 101:** Identify any and all agreements, oral or written, between or among Defendant, any of the other defendants in this lawsuit, any organization, association or other entity including, but not limited to, those identified in your answer to Interrogatory No. 94 and/or any medical or scientific foundations, relating to the standardization of:

- (a) Specifications for asbestos cloth products;

- (b) Specifications for paper or burlap bags, or other packaging to be used for the transport and/or storage of asbestos cement;
- (c) Warning or caution labels to be applied to asbestos products and/or their packaging, cartons, containers, or boxes;
- (d) Methods of dissemination of public relations information to defendant's purchasers, advertisers, distributors, factory workers, contractors, insulators, users, consumers of asbestos products and/or the general public;
- (e) Safety equipment and/or protective clothing to be utilized while handling defendant's asbestos products;
- (f) Medical programs to be offered or sponsored by defendant.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 101:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is further objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the

discovery of admissible evidence.

Abex also objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex further objects to this interrogatory to the extent to which it purports to seek information or materials regarding entities other than Abex.

Abex objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, Abex is unaware of any documents responsive to this interrogatory. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the

manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents.

Therefore, the burden of deriving or ascertaining the answer to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 200 boxes, many of which comprise of approximately 2,000 - 3,000 pages, that contain the documents from which the answer to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Club Membership, 1980-1981.
2. Asbestos Information Association, 1977.
3. Expense Reports, 1980-1982.
4. Abex News and other miscellaneous publications, 1967-1978.
5. 1970s 1980s, Friction Materials Standard Institute ("FMSI").

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel

or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 102:** Did Defendant, any predecessor or related company, direct to be performed, sponsor in whole or in part, finance in whole or in part, receive the results of, or become aware of, any studies or tests performed by the Saranac Lake Laboratory of the Trudeau Foundation relating to asbestos exposure and its effects upon human health?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 102:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing causation from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or

materials regarding time periods and products that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as it understands this interrogatory, Abex is generally aware that it contributed monies for certain studies at the Saranac Laboratory, Saranac, New York. Abex's documents reflect that any such studies performed by the Saranac Laboratory on behalf of Abex specifically pertained to siderosis and silicosis studies. Plaintiffs' counsel in a different case have produced in discovery unauthenticated photocopies of documents purporting to show that Abex agreed in the 1930's to pay \$250 per year for three years with respect to a single asbestos-related animal study at the Saranac Laboratory. Abex's records do not confirm any such agreement, nor do Abex's records reflect any such payment. To the best of current knowledge and belief, Abex has found no such documents or any record of having received such documents. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this

information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the

intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the response to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedures, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and in-house counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and

litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 103:** If your answer to Interrogatory No. 102 is "Yes":

- (a) Identify any and all documents received by Defendant, its predecessor(s), or a related company referring to, relating to or reflecting any findings or results of those studies or tests, and state the date upon which each was first received;
- (b) Identify any and all communications (oral or written), between Defendant, its predecessors) or a related company and Saranac personnel, including but not limited to Gerrit W.H. Schepers, M.D.;
- (c) Identify any and all documents referring to, relating to or reflecting the Saranac studies received or submitted by Defendant, its predecessors) or a related company either directly, through related or predecessor companies, through other companies, or through any trade associations, organizations or other entities; and
- (d) Identify any and all documents referring to, relating to or reflecting recommendations or findings of such studies relating to:
  - (i) Adequacy or inadequacy of threshold limit values;
  - (ii) Substitution of materials other than asbestos to be used in the insulation process.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 103:**

See Objections and Answer to Interrogatory No. 102, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 104:** With respect to each subject listed below, state whether said subject was, at any time, discussed at a meeting of the board of directors of Defendant, any predecessor or any related company:

- (a) The sale and/or marketing of any asbestos-containing product, including, but not limited to, the products listed in response to Interrogatory Nos. 19 and 42;
- (b) The health hazards resulting from exposure to asbestos, including, but not limited to, exposure resulting from the use, application or removal of asbestos-containing products;
- (c) The placement or possible placement of warning labels on asbestos-containing products or their packages, or in sales literature, therefore including, but not limited to, the products listed in response to Interrogatory Nos. 19 and 42; and
- (d) Any test, survey, study or similar matter concerning asbestos or asbestos-containing products, including, but not limited to, the products listed in response to Interrogatory Nos. 19 and 42.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 104:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is further objected to on the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the

discovery of admissible evidence.

Abex objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex,

or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the response to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity

to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which

the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 105:** If you answer to any one or more of the subparts of Interrogatory No. 104 is "Yes," then with respect to each subpart for which you answered "Yes":

- (a) Identify each and every board meeting at which said subject was discussed by stating the dates) on which, and the locations) at which, each meeting was held;
- (b) Identify any and all persons present at each such meeting; and,
- (c) Identify any and all documents, including, but not limited to, minutes, referring to, relating to, or reflecting each such meeting.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 105:**

See Objections and Answer to Interrogatory No. 104, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 106:** Identify any and all seminars, symposiums, conferences or like gatherings attended by any officer, agent or representative of Defendant, any predecessor or any related company, at which the subject of asbestos, the health hazards of asbestos exposure, or the placement or providing of warnings was discussed.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 106:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is further objected to on the grounds that such information or materials lack relevance to the issues arising in these cases

and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive and/or railroad friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive and/or railroad friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex further objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex is in possession of a typewritten note stating that a former Abex Medical Department Director, Lloyd E. Hamlin, presented a paper at a symposium held in 1952 at Saranac Lake. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons

or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records

contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the response to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 200 boxes, many of which comprise of approximately 2,000 - 3,000 pages, that contain the documents from which the response to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Club Membership, 1980-1981.
2. Asbestos Information Association, 1977.
3. Expense Reports, 1980-1982.
4. Abex News and other miscellaneous publications, 1967-1978.
5. 1970s 1980s, Friction Materials Standard Institute ("FMSI").

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions,

on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 107:** Identify any and all documents, including, but not limited to, notes, reports, minutes or bulletins, which refer to, relate to or reflect any meeting identified in response to Interrogatory No. 106.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 107:**

See Objections and Answer to Interrogatory No. 6, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 108:** With respect to each job site set forth in the attached Exhibit A: (i) identify any and all documents referring to, relating to or reflecting the purchase, sale, delivery, use, application or ordering, of any of the products listed in response to Interrogatory Nos. 19 and 42 by, for, to or at said site; and, (ii) identify any and all persons known by

Defendant to have knowledge concerning the same.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 108:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials regarding entities other than Abex.

Abex further objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, Abex states that not later than 1987 it manufactured some asbestos-containing automotive friction products that were sold to agencies of the United States

Government, Chrysler Corporation and General Motors Corporation. Abex states it never manufactured or sold asbestos-containing automotive brakes, brake assemblies or brake shoes. Abex lacks personal knowledge and information sufficient to state the exact nature of the friction material sold to agencies of the United States Government, Chrysler Corporation and General Motors Corporation, such as whether it was strip lining material, brake block, disc brake caliper pads, or some other form of friction material. To attempt to ascertain this information, Abex has made a reasonable inquiry and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations. However, additional information may be available in documents maintained in the normal course of business at Abex's Brooklyn, New York document repository, where pursuant to Illinois Rules of Civil Procedure, non-privileged documents will be made available upon request at a mutually convenient time.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters

and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid."

The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the response to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 610 boxes, many of which are comprised of approximately 2,000 - 3,000 pages, that contain the documents from which the response to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the following:

1. Sales invoices.
2. General sales correspondence.

3. Shipping sheets.
4. Warehouse shipments.
5. Purchase orders and shipping orders.
6. Sales transmittals.
7. Sales and distributor files.
8. Catalogs.
9. Brochures.
10. Promotional materials.
11. Product brochures.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These

documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 109:** Identify any and all parties, located within a 200 mile radius of Madison County, Illinois, including, but not limited to, distributors, suppliers or contractors, known by you to have purchased, received, sold, distributed, applied or otherwise used, at any time, any or all of the products listed in response to Interrogatory Nos. 19 and 42.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 109:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds

that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials regarding entities other than Abex.

Abex further objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that

might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of ten (10) million and include an estimated three (3) million sales records, are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the response to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

There are approximately 610 boxes, many of which are comprised of approximately 2,000 - 3,000 pages, that contain the documents from which the response to this interrogatory may be ascertained or derived, the subject matter of which includes but is not limited to the

following:

1. Sales invoices.
2. General sales correspondence.
3. Shipping sheets.
4. Warehouse shipments.
5. Purchase orders and shipping orders.
6. Sales transmittals.
7. Sales and distributor files.
8. Catalogs.
9. Brochures.
10. Promotional materials.
11. Product brochures.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions,

on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 110:** To be redrafted and resubmitted to defendants pursuant to order of the Court.

**INTERROGATORY NO. 111:** To be redrafted and resubmitted to defendants pursuant to order of the Court.

**INTERROGATORY NO. 112:** In any lawsuit, as described in Interrogatory No. 111, has Defendant been subject to sanctions, a contempt citation or similar action for failing, or refusing to comply with, any court order, for discovery fraud, or for the failure to provide complete, accurate and truthful responses to discovery?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 112:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Abex further objects to this interrogatory to the extent it purports to seek information that is a matter of public record, and thus, equally available to plaintiffs as Abex.

Subject to and without waiving these objections, since this interrogatory refers to Interrogatory No. 111, this interrogatory cannot be answered unless and until Interrogatory No. 111 has been redrafted and resubmitted to defendants.

**INTERROGATORY NO. 113:** If your answer to Interrogatory No. 112 is "Yes," with respect to each such occasion described:

- (a) Identify the lawsuit involved, the court which imposed the sanctions or issued the contempt citation, and any other court which reviewed the same;
- (b) Describe the violation for which sanctions or contempt was imposed;
- (c) If the violation involved the failure or refusal to produce any document(s), identify any and all such documents;
- (d) If the violation involved any failure to truthfully answer or to respond to Interrogatories, identify any and all such Interrogatories and your response thereto, including the person answering on your behalf;
- (e) State the present status or final disposition of the matter, whichever is applicable; and;

- (f) Identify any and all documents referring to, relating to or reflecting said matter, including, but not limited to, pleadings, exhibits and court orders.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 113:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Abex objects to this interrogatory to the extent it purports to seek information that is a matter of public record, and thus, equally available to plaintiffs as Abex.

Subject to and without waiving these objections, see Answer to Interrogatory No. 112.

**INTERROGATORY NO. 114:** To be redrafted and resubmitted to defendants pursuant to order of the Court.

**INTERROGATORY NO. 115:** To be redrafted and resubmitted to defendants pursuant to order of the Court.

**INTERROGATORY NO. 116:** Withdrawn by plaintiff or stricken by the Court.

**INTERROGATORY NO. 117:** Withdrawn by plaintiff or stricken by the Court.

**INTERROGATORY NO. 118:** Withdrawn by plaintiff or stricken by the Court.

**INTERROGATORY NO. 119:** Withdrawn by plaintiff or stricken by the Court.

**INTERROGATORY NO. 120:** Has Defendant, any predecessor or any related company, ever been cited, warned, fined or sanctioned for, any violation of a federal or state statute, law, rule, ordinance, code, administrative order, executive order, or the like, by any federal or state governmental entity, which violation concerned asbestos in any way?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 120:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence.

Abex objects to this interrogatory on the ground that it is speculative inasmuch as it fails to distinguish among raw asbestos, asbestos contained in building insulation products and/or asbestos-containing automotive friction products, and/or among the different types of asbestos fibers. Because the asbestos fiber contained in Abex's asbestos-containing automotive friction products was chrysotile, the only type of asbestos Abex ever used for product production, which was resin-bonded and encapsulated, proper use of such products did not create or contribute to any adverse health effects.

Abex also objects to this interrogatory to the extent to which it purports to seek

information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Abex further objects to this interrogatory to the extent it purports to seek information that is a matter of public record, and thus, equally available to plaintiffs as Abex.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate; by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such

records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of ten (10) million and include an estimated three (3) million sales records, are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the response to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best

specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 121:** If your answer to Interrogatory No. 120, is "Yes," with respect to each such violation:

- (a) Withdrawn by plaintiff or stricken by the Court.
- (b) State the date of the citation, warning, fine, sanction or write-up;
- (c) Describe the violation and state the date(s) during which it occurred;
- (d) Identify the statute, law, rule, ordinance, code or order to which it occurred;

- (e) State what, if any, specific fine, penalty, or sanction was imposed;
- (f) State the date in which and the manner in which said violation was corrected;
- (g) Identify any and all officials of Defendant, its predecessor or its related company having knowledge or notice of said violation and state the date on which said knowledge or notice was received; and
- (h) Identify any and all documents referring to, relating to or reflecting said violation.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 121:**

See Objections and Answer to Interrogatory No. 120, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 122:** Has any federal or state government entity, at any time, conducted an inspection, test or survey concerning asbestos or asbestos exposure at any facility where the products listed in response to Interrogatory Nos. 19 and 42 were manufactured, processed, applied, used or removed?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 122:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods, products and work sites that are not at issue in these cases, on the ground that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is further objected to on the grounds that such information or materials lack relevance to the issues arising

in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek otherwise lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, Gordon S. Siegel, M.D., Chief of the Occupational Medicine Section, Division of Occupational Health, Department of Health, Education and Welfare of the U.S. Public Health Service in Washington, D.C., in 1965, prepared to embark on a 20-year study entitled, "Occupational Health Study of the Asbestos Products Industry in the United States." As part of the study, all employees of Abex who worked or would be hired at the Winchester, Virginia facility were to be surveyed. Information currently available to Abex indicates that this study was terminated by the Government before it was concluded. To the best of current knowledge and belief, Abex has found no such documents or any record of having received such documents. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or

summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the response to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedures, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and in-house counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or

management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 123:** If your answer to Interrogatory No. 122 is "Yes," then with respect to each such inspection, test or survey:

- (a) Identify the governmental entity conducting the same;
- (b) State the dates(s) on which the same was conducted;
- (c) Describe the nature of the inspection, test or survey including, but not limited to, the results or conclusions thereof; and
- (d) Identify any and all documents referring to, relating to or reflecting the same.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 123:**

See Objections and Answer to Interrogatory No. 122, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 124:** Identify:

- (a) Any expert whom you intend to call as a witness;
- (b) The subject matter on which the expert is expected to testify;
- (c) The substance of the facts and opinions to which the expert is expected to testify;
- (d) A summary of the grounds for each opinion;
- (e) The address of such person and field of expertise;
- (f) Identify and produce each treatise, article or text upon which the expert will rely in testifying.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 124:**

Abex objects to this interrogatory on the grounds that it is privileged and premature.

Discovery and investigation are continuing.

Subject to and without waiving these objections, see Pneumo Abex LLC's Disclosure of Fact and Expert Witnesses. Abex has not yet determined which expert witnesses it intends to call at a trial of these matters and reserves the right to supplement or amend this answer as appropriate once a determination has been made.

**INTERROGATORY NO. 125:** Are there any policies of insurance which provide, or might provide, coverage on behalf of Defendant, any predecessor or any related company for the injuries alleged in Plaintiffs' complaints?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 125:**

Abex objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and insofar as it understands this

interrogatory, Abex is currently involved in litigation with various insurance companies concerning the coverage available to Abex in asbestos personal injury actions. Various confidentiality agreements and protective orders are in effect in that litigation. To the extent to which information subject to this interrogatory exists and is covered by such agreements or orders, Abex objects to the production of such information.

The primary coverage was provided by:

From 1943 to 1957: Maryland Casualty Company.

From 1957 to 1971: Liberty Mutual Insurance Company.

From 1971 to 1974: The Travelers Insurance Companies.

From 1974 to 1975: Argonaut Insurance Company.

From 1975 to 1978: Continental Insurance Company.

From 1978 to 1979: Northwestern National Insurance Company.

From 1979 to 1980: Continental Insurance Company.

From 1980 to 1985: National Union Fire Insurance.

To the best of current and reasonably available information and belief, excess coverage was provided by the following insurance companies at various times and levels covering the period between approximately 1950 and 1985:

ALBA General Insurance Company LTD.

AIG

AIU

Allianz Underwriters, Inc.

Allstate Insurance Company, as successor in interest to Northbrook Excess Surplus Insurance Company (formerly known as Northbrook Insurance Company)

**American Home**

**American Re**

**Anglo French Insurance Company LTD.**

**Anglo Saxon Insurance Association LTD.**

**Argonaut Insurance Company**

**Associated International**

**Bishopsgate Insurance Company LTD.**

**British Aviation Insurance Company LTD.**

**British Merchants Insurance Company LTD.**

**Brittany Insurance Company LTD.**

**California Union**

**Century Indemnity Company**

**Chubb (Federal)**

**City General Insurance Company**

**Columbia Casualty**

**Compagnie D'Assurance Maritimes Aeriennes & Terrestres, S.A.**

**Compagnie Europeenne D'Assurances Industrielles, S.A.**

**Continental Casualty**

**Cornhill Insurance PLC**

**Dominion Insurance Company LTD.**

**Economic Insurance Company LTD.**

**Employers Mutual**

**Evanston Insurance Company**

**Excess Insurance Company LTD.**

**Falcon**

**Federal Insurance Company**

**Fidelidade Insurance Company**

**Fireman's Fund**

**First State**

**Folksam International Insurance Company LTD.  
Gibraltar**

**Granite State**

**Great American Surplus**

**Harbor Specialty Insurance Group**

**Heddington Insurance (UK) LTD.**

**Helvetia-Accident Swiss Insurance Company LTD.**

**Highlands**

**The Home**

**Hudson**

**Insurance Co. of the State of PA**

**Insurance Company of North America**

**International Ins. Co.**

**ISOP**

**Lexington Insurance Company (UK) LTD.**

**Lloyd's & London Market Companies**

**London & Edinburgh Insurance Company LTD.**

**Ludgate Insurance Company LTD.**

**Minster Insurance Company LTD.**

**Mitsui Marine & Fire Insurance Company (Europe) LTD**

**Mt. McKinley Insurance Company (formerly known as Gibraltar Casualty Company)**

**National Surety Group.**

**National Union Fire Insurance Company of Pittsburgh, PA.**

**New Hampshire  
OSLO Reinsurance Company (UK) LTD.**

**River Thames Insurance Company LTD.**

**Royal Scottish Insurance Company LTD.**

**Sphere/Drake Insurance Company LTD.**

**St. Paul International Insurance Company LTD.**

**Stonewall**

**Stronghold Insurance Company LTD.**

**Swiss National Insurance Company LTD.**

**Switzerland General Insurance Company**

**Threadneedle Insurance Company LTD**

**Tokio Marine & Fire Insurance (UK) LTD.**

**Travelers Casualty and Surety Company**

**Trent Insurance Company LTD.**

**Vanguard Insurance Company LTD.**

Winterthur Swiss Insurance Company

World Auxiliary Insurance Corporation LTD.

World Marine & General Insurance Company LTD.

**INTERROGATORY NO. 126:** If your answer to Interrogatory No. 125 is "Yes," identify each such policy of insurance as follows:

- (a) Identify the insurer(s)
- (b) Identify the insured(s)
- (c) State the date on which the policy was first purchased and the date on which the policy expired or was terminated;
- (d) Describe the coverage provided, including, but not limited to, the time period over which the policy applied, the nature of the acts, omissions and injuries covered, and whether the policy provides primary or excess coverage; and
- (e) State the dollar limits of the coverage provided, including, if applicable, the "per person" limitations and "per occurrence" limitation.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 126:**

See Objections and Answer to Interrogatory No. 125, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 127:** With respect to each policy described in response to Interrogatory No. 126, state:

- (a) the dollar amount of coverage which remains unexpended; and
- (b) whether any dispute exists between insurer and insured with respect to coverage.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 127:**

See Objections and Answer to Interrogatory No. 125, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 128:** Other than the policies of insurance described in response to

Interrogatory No. 126, do there exist any agreements providing for the benefit of Defendant, any predecessor or any related company, complete or partial indemnification for any or all expenses incurred with respect to any or all of these cases, including, but not limited to, judgments, settlements, costs, experts' fees and/or attorneys' fees?

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 128:**

Abex objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Abex also objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not calculated to lead to the discovery of admissible evidence.

Abex further objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, Abex is currently involved in litigation with various insurance companies concerning the coverage available to Abex in asbestos personal injury actions. Various confidentiality agreements and protective orders are in effect in that litigation. To the extent to which information subject to this interrogatory exists and is covered by such agreements or orders, Abex objects to the production of such information.

Subject to and without waiving these objections:

November 24, 1994 Asset Purchase Agreement between Pneumo Abex Corporation and Wagner Electric Corporation, and associated Mutual Guaranty Agreement.

April 28, 1988 Stock Purchase Agreement between PA Holdings Corporation and IC

Industries, Inc.

**INTERROGATORY NO. 129:** If your answer to interrogatory No. 128 is "Yes," for each such agreement:

- (a) Identify all parties to the agreement and state the capacity of each such party (i.e. indemnitor, indemnitee, etc.);
- (b) State the terms of the agreement, including the nature of the expenses covered and, if applicable, any limitations on payment, reimbursement or indemnification; and
- (c) Identify any and all documents referring to, relating to or reflecting said agreement.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 129:**

See Objections and Answer to Interrogatory No. 128, which are incorporated by reference as though set forth herein in full.

**INTERROGATORY NO. 130:** Was this Defendant ever allowed to use the trademark or logo of any other company, including but not limited to, its predecessor or related company, on any products Defendant sold, distributed or installed, and if so please state:

- (a) The trademark or logo used by you;
- (b) The company allowing such use of its trademark or logo;
- (c) The time period such use was allowed;
- (d) Whether such use was by written, verbal or implied agreement;
- (e) Each and every product such trademark or logo was placed upon;
- (f) Identify all documents which refer to, relate to or reflect the use of such trademark or logo.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 130:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly

burdensome, compound, vague and ambiguous and calls for speculation.

Abex also objects to this interrogatory on the ground that it purports to shift the burden of establishing product identification from plaintiffs to Abex.

Abex further objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials regarding entities other than Abex.

Abex further objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Subject to and without waiving these objections, and to the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the

manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of ten (10) million and include an estimated three (3) million sales records, are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge, it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the

burden of deriving or ascertaining the response to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

**INTERROGATORY NO. 131:** From 1940 to present, state whether Defendant and/or predecessor or related company ever provided workers' compensation health, accident and disability and/or life insurance coverage for its employees, and if so:

- (a) Withdrawn by plaintiff or stricken by the Court;
- (b) State whether such insurance carriers) ever conducted any dust counts or studies, industrial hygiene surveys or other tests relating to any asbestos-containing products that Defendant's employees may have been working with or around; and,
- (c) If you response to subpart (b) hereof is in the affirmative, please indicate the date of each such count, study, survey or other test and identify all documents relating thereto.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 131:**

Abex objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, compound, vague and ambiguous and calls for speculation.

Pursuant to the Court's April 13, 2000 Order, Abex's answer to this interrogatory is limited to the years between 1930 and 1980.

Abex also objects to this interrogatory to the extent it purports to seek information or materials regarding time periods and products that are not at issue in these cases, on the grounds that such information or materials lack relevance and are not reasonably calculated to lead to the discovery of admissible evidence. To the extent it purports to seek information or materials regarding the working conditions of Abex employees, this interrogatory is further objected to on

the grounds that such information or materials lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence. Abex objects to this interrogatory on the grounds that the information or materials it purports to seek lack relevance to the issues arising in these cases and are not reasonably calculated to lead to the discovery of admissible evidence.

Abex also objects to this interrogatory to the extent to which it purports to seek information or materials that have been gathered, received, or prepared in the course of litigation, or which are otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Abex further objects to this interrogatory to the extent to which it purports to seek medical records or privileged personnel information, which Abex will not provide absent an appropriate waiver of the applicable privilege.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory:

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 131 (b):**

To the best of current and reasonably available information and belief, industrial hygiene surveys were conducted at Abex facilities by Abex's industrial hygienists and their staff, and in at least one instance by an insurance carrier, in conjunction with Abex employees.

**SECOND AMENDED ANSWER TO INTERROGATORY NO. 131 (c):**

To the best of current and reasonably available information and belief, unknown. Abex has made a reasonable and good faith effort to obtain the requested information, to the extent that

it is not equally available to plaintiffs, by making a good faith search of locations where documents containing this information, if it exists, should be found, where appropriate, by inquiry to other natural persons or organizations.

Abex's lack of personal knowledge is due to the following: Abex discontinued the manufacture and sale of asbestos-containing railroad friction products in 1977 and asbestos-containing automotive friction products in 1987 and no longer operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all the records and documents that might be responsive to this interrogatory.

Abex's corporate existence spans a period of more than one hundred (100) years, during which time it underwent numerous changes in its corporate structure, management, headquarters and name. The volume of records generated, and documents accumulated, during that time was enormous. Therefore, no reasonable possibility can exist that Abex has in its possession all such records and documents, or that it otherwise has knowledge of the information contained in all such records and documents.

The existing business records and documents of Abex, which number in excess of seven (7) million (excluding an estimated three (3) million non-railroad sales invoices), are preserved in the order in which they were found. No summary, abstract, or compilation of the contents of the Abex document repository has been prepared and to the best of Abex's knowledge, no such document exists. In the past, Abex has provided parties with a document entitled "Finding Aid." The Finding Aid is not a summary, abstract, or compilation. To the best of Abex's knowledge,

it reflects the general nature of the contents of boxes of documents and provided with the intention of affording parties a reasonable opportunity to examine, audit, and inspect the records contained in the repository for purposes of copying or preparing their own abstracts or summaries. There was never a central corporate filing system of Abex records and documents. Therefore, the burden of deriving or ascertaining the response to this interrogatory, if at all, is substantially the same for plaintiffs as Abex.

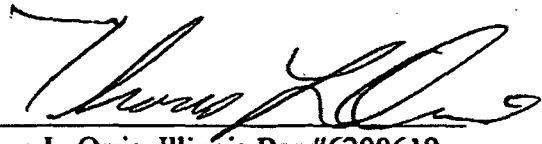
Pursuant to Illinois Rules of Civil Procedure, plaintiffs will have a reasonable opportunity to examine, audit, inspect and to make copies, compilations, abstracts, or summaries of these boxes of documents, which will be produced to plaintiffs at Abex's facility in Brooklyn, New York, where they are maintained in the normal course of business, should plaintiffs decide to inspect them.

Abex has no comprehensive list or log of the documents with respect to which it claims privilege. In the past, when Abex has had cause to review some boxes of documents, it has segregated and/or tagged certain documents with respect to which it claims privilege. The best specificity that Abex can presently provide as to the documents with respect to which it claims privilege is as follows: Documents passing between Abex and/or its predecessors or divisions, on the one hand (collectively "Abex"), and their attorneys, both outside and inhouse counsel, on the other hand, as well as documents prepared at the request of, or for the benefit of such counsel or setting forth mental impressions of the attorneys on matters concerning Abex. These documents, include, but are not limited to, correspondence, memoranda, notes of telephone conversations and other records relating to workers' compensation and personal injury issues, claims and litigation (asbestos and non-asbestos related); environmental issues, claims and

litigation; insurance coverage issues, claims and litigation; real estate issues, claims and litigation; real estate and business transactions; labor and employment issues, claims and litigation; anti-trust issues, claims and litigation; legal issues related to corporate governance or management; as well as other legal issues, transactions and claims.

When a plaintiff avails himself or herself of the offer to inspect the documents, Abex will remove any documents with respect to which it claims privilege, on a box-by-box basis, and will prepare and serve a privilege log on plaintiff within sixty (60) days after the last date upon which the documents were inspected. Any dispute as to the propriety of any objection can thereafter be resolved by the Court.

Dated: October\_\_, 2007

By: 

Thomas L. Orris, Illinois Bar #6200619  
Williams Venker & Sanders LLC  
Bank of America Tower  
100 North Broadway  
21st Floor  
St. Louis, Missouri 63102  
(314) 345-5000  
(314) 345-5055 FAX

Attorneys for Defendant Pneumo Abex LLC,  
successor in interest to Abex Corporation

**In Re: Asbestos Litigation Filed by the SimmonsCooper, LLC**

**CERTIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in **SECOND AMENDED ANSWERS OF PNEUMO ABEX LLC, SUCCESSOR IN INTEREST TO ABEX CORPORATION, TO PLAINTIFFS' INTERROGATORIES** are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Dated: October 9, 2007

  
\_\_\_\_\_  
DEXTER L. KENFIELD

**EXHIBIT A**

**DIRECTORS OF ABEX CORPORATION BETWEEN 1930 AND 1980**

| <b><i>NAME</i></b>      | <b><i>DATES</i></b> |
|-------------------------|---------------------|
| Allen, Samuel G.        | 1935-1946           |
| Anderson, K.            | 1971                |
| Armitage, C.            | 1931-1933           |
| Bailey, Ralph E.        | 1976-1982           |
| Baldwin, Ernest E.      | 1923-1933           |
| Belury, G.              | 1969-1980           |
| Berg, Eugene P.         | 1972-1981           |
| Biggs, R. W.            | 1964-1981           |
| Blume, W.A.             | 1946                |
| Bourke, W.O.            | 1980-1988           |
| Brush, C.E.             | 1956-1964           |
| Buschman, Howard C. Sr. | 1964-1968           |
| Clapp, P.H. Jr.         | 1970-1980           |
| Coffin, Joel S.         | 1916-1934           |
| Coleman, W.W.           | 1939-1956           |
| Conway, S.S. Jr.        | 1968-1983           |
| Crane, Winthrop M. Jr.  | 1931-1944           |
| Cummings, Tilden        | 1961-1980           |
| Curtis, James B.        | 1916-1924           |
| Cutler, Otis H.         | 1916-1923           |
| Cutler, William F.      | 1916-1959           |
| Davidson, Robert J.     | 1916-1931           |
| Davis, Arthur V.        | 1929-1962           |

| <b><i>NAME</i></b>        | <b><i>DATES</i></b> |
|---------------------------|---------------------|
| Davison, H.F.             | 1940-1961           |
| Decker, G.                | 1970                |
| Denison, William          | 1955-1963           |
| Dickey, C.D.              | 1943-1945           |
| Drury, S.S.               | 1941-1944           |
| Dunn, Kempton.            | 1952-1969           |
| Finigan, Thomas           | 1929-1934           |
| Fitzpatrick, Frederick F. | 1922-1925           |
| Floe, Carl F.             | 1968-1980           |
| Foote, Alfred S.          | 1961-1974           |
| Frick, Raymond A.         | 1969-1983           |
| Frost, F.W.               | 1971                |
| Gagnebin, Albert P.       | 1966-1983           |
| Gallagher, Joseph         | 1916-1919           |
| Gilbert, L.J.             | 1931-1932           |
| Given, William B. Jr.     | 1929-1966           |
| Glore, Charles P.         | 1929-1934           |
| Gott, Rodney C.           | 1963-1969           |
| Hannan, Kenneth M.        | 1956-1970           |
| Hansen, J.A.              | 1974                |
| Harrah, Robert E.         | 1976-1986           |
| Herlihy, F.B.             | 1964-1983           |
| Hillman, Stanley E.G.     | 1968-1972           |
| Hof, E.C.                 | 1942-1944           |
| Hord, S.Y.                | 1968-1972           |

| <b><i>NAME</i></b>   | <b><i>DATES</i></b> |
|----------------------|---------------------|
| Horne, B.R.          | 1964-1974           |
| Humphrey, Arthur L.  | 1925-1934           |
| Hutchins, John S.    | 1956-1968           |
| Huttig, A.B.         | 1968                |
| Johns, W.T.          | 1964                |
| Johnson, William B.  | 1968-1987           |
| Josephs, Devereux C. | 1953-1967           |
| Judd, George M.      | 1928-1934           |
| Kelly, W.T. Jr.      | 1956-1970           |
| Kessler, W.D.        | 1964                |
| Knox, James B.       | 1921                |
| Knox, Henry C.       | 1916-1924           |
| Konker, G.E.         | 1972-1973           |
| MacDonald, A.C.      | 1970                |
| Marshall, Waldo H.   | 1916-1925           |
| McCall, S.T.         | 1941-1945           |
| McCulloch, P.L. Jr.  | 1964                |
| McGarrah, Gates W.   | 1916-1931           |
| Monda, C.N.          | 1974                |
| Munkenbeck, H.H. Jr. | 1964                |
| Murray, Lawrence N.  | 1943-1966           |
| Naumann, William L.  | 1979-1984           |
| Newbert, F.B.        | 1964                |
| Ortman, Randolph     | 1919-1932           |
| Pearce, William G.   | 1916-1961           |

| <b>NAME</b>              | <b>DATES</b> |
|--------------------------|--------------|
| Persbacker, Victor L.    | 1964-1980    |
| Pomeroy, Daniel E.       | 1916-1964    |
| Pryor, Samuel F.         | 1916-1933    |
| Prytherch, R.M.          | 1941-1944    |
| Raddatz, W.D.            | 1970-1974    |
| Rennie, D.K.             | 1974         |
| Romine, George L.        | 1969-1976    |
| Russell, T.W. Jr.        | 1967-1972    |
| Ryerson, E.L.            | 1941-1961    |
| Sargent, William D.      | 1902-1937    |
| Schaefer, N.H.           | 1964         |
| Scherler, E.A.           | 1974         |
| Schnoes, R.F.            | 1977-1984    |
| Schurman, G.M.           | 1947-1967    |
| Scribner, Gilbert H. Jr. | 1960-1969    |
| Sheffidd, J.J.           | 1964         |
| Sibbald, E.B.            | Unknown      |
| Snow, Elmer J.           | 1916-1947    |
| Snow, Fred W.            | 1916-1930    |
| Stevens, John P. Jr.     | 1947-1969    |
| Tayp, M.                 | 1964         |
| Terbell, Joseph B.       | 1916-1958    |
| Terry, M.B.              | 1970         |
| Thompson, James S.       | 1929-1932    |
| Trainer, Maurice N.      | 1944-1969    |

| <b><i>NAME</i></b>    | <b><i>DATES</i></b> |
|-----------------------|---------------------|
| Van Gordon, Jerome W. | 1968-1974           |
| Watson, A.K.          | 1957-1966           |

**EXHIBIT B**

**OFFICERS OF ABEX CORPORATION BETWEEN 1930 AND 1980**

| <b><i>NAME</i></b>    | <b><i>TITLE</i></b>         | <b><i>DATES</i></b>    |
|-----------------------|-----------------------------|------------------------|
| Aigeltinger, A.       | Vice President              | 1934-1941              |
| Altmeyer, C.E.        | Vice President              | 1979                   |
| Ames, George C.       | Treasurer                   | 1921-1931              |
| Anderson, Edward R.   | Vice President              | 1957                   |
| Anderson, Kenneth     | Vice President              | 1966-1970              |
| Belury, George        | Vice President<br>President | 1957-1970<br>1970-1980 |
| Biggs, F.B.           | Vice President              | 1952-1954              |
| Biggs, Robert W.      | Vice President              | 1964-1965              |
| Black, William A.     | Vice President              | 1943-1955              |
| Blume, William        | Vice President              | 1944-1949              |
| Bradley, George R.    | Vice President              | 1968                   |
| Bridgewater, Boyd E.  | Vice President              | 1964                   |
| Brush, Cyrus          | Vice President & Secretary  | 1948-1967              |
| Buschman, H.          | Vice President<br>Secretary | 1968-1983              |
| Clapp, Phillip H. Jr. | Vice President              | 1973-1978              |
| Conway, Stephen       | Vice President<br>President | 1957-1960<br>1980-1985 |
| Cottle, O.            | Treasurer                   | 1968-1983              |
| Crocombe, William E.  | Vice President              | 1940-1952              |
| Cutler, O.            | President                   | 1903-1916              |
| Cutler, William       | Vice President              | 1921-1953              |

| <b>NAME</b>           | <b>TITLE</b>                | <b>DATES</b>           |
|-----------------------|-----------------------------|------------------------|
| Davidson, R.J.        | Secretary                   | 1902                   |
| Davis, A.V.           | Vice President              | 1952                   |
| Denison, William      | Vice President              | 1958-1961              |
| Dunn, Kempton         | Treasurer<br>President      | 1943-1953<br>1954-1963 |
| Finigan, Thomas       | Vice President              | 1919-1931              |
| Forquer, Rush M.      | Vice President              | 1961-1983              |
| Fraula, Scott W.      | Vice President              | 1953-1963              |
| Frick, Raymond A.     | Vice President              | 1961-1964              |
| Gallegher, Joseph     | Vice President              | 1916                   |
| Gilbert, H.K.         | Treasurer                   | 1902                   |
| Gillies, H.A.         | Vice President              | 1940                   |
| Given, W.B. Jr.       | President                   | 1929-1950              |
| Herlihy, Francis B.   | Vice President              | 1966-1978              |
| Hillman, Stanley E.G. | Vice President              | 1968                   |
| Hutchins, John S.     | Vice President<br>President | 1946-1963<br>1963-1966 |
| Huttig, A.B.          | Secretary & Treasurer       | 1968                   |
| Iwarsson, B.          | Vice President              | 1979-1980              |
| Janke, F.             | Treasurer                   | 1935                   |
| Jordan, William B.    | Treasurer                   | 1953-1959              |
| Judd, George M.       | Secretary                   | 1916-1929              |
| Kelly, William T. Jr. | Vice President<br>President | 1946<br>1966-1968      |
| Knox, Henry C.        | Treasurer                   | 1917-1920              |
| Konker, G.E.          | Vice President              | 1971-1974              |

| <b><i>NAME</i></b>     | <b><i>TITLE</i></b>                                             | <b><i>DATES</i></b>                 |
|------------------------|-----------------------------------------------------------------|-------------------------------------|
| MacGowan, W.           | Vice President                                                  | 1930                                |
| Mandy, D.G.            | Vice President                                                  | 1979-1980                           |
| McCall, Sumner T.      | Vice President & Treasurer<br>Secretary                         | 1931-1932<br>1943-1946              |
| McCulloch, Paul L, Jr. | Vice President                                                  | 1960-1965                           |
| McGowan, William       | Vice President                                                  | 1917-1931                           |
| Mitten, Robert         | Vice President                                                  | 1968                                |
| Parsons, Joseph        | Secretary<br>Vice President                                     | 1930-1943                           |
| Pearce, William G.     | President                                                       | 1916-1919                           |
| Persbacker, Victor L.  | Senior Vice President<br>Vice President Administration          | 1960-1967<br>1967-1982              |
| Pettis, Clifton D.     |                                                                 | 1917-1921                           |
| Pettus, Thomas W.      | Vice President                                                  | 1919-1955                           |
| Raddatz, M.D.          | Vice President                                                  | 1977-1978                           |
| Rennie, D.K.           | Vice President                                                  | 1972-1980                           |
| Romine, George L.      | Vice President                                                  | 1972-1977                           |
| Russell, Thomas W. Jr. | Vice President & Treasurer<br>First Vice President<br>President | 1959-1967<br>1967-1968<br>1968-1970 |
| Sargent, William D.    | President and First Vice President                              | 1902-1903                           |
| Schaefer, Raymond      | Vice President                                                  | 1951-1968                           |
| Shepard, J.R.          | Vice President                                                  | 1971                                |
| Spencer, J. Brooks     | Vice President                                                  | 1943-1953                           |
| Stone, Charles B. III  | Vice President                                                  | 1960-1962                           |
| Terbell, Joseph B.     | Vice President<br>President<br>Vice President                   | 1917-1918<br>1919-1929<br>1931-1959 |

| <b><i>NAME</i></b>  | <b><i>TITLE</i></b>               | <b><i>DATES</i></b> |
|---------------------|-----------------------------------|---------------------|
| Terry, Maynard B.   | Vice President                    | 1964-1971           |
| Thompson, James S.  | Vice President                    | 1917-1928           |
| Trainer, Maurice N. | First Vice President<br>President | 1943<br>1950-1954   |
| Ward, Gilfry        | Vice President                    | 1957-1969           |
| Weigel, George K.   | Vice President                    | 1968                |
| Weiger, R.J.        | Vice President                    | 1971-1974           |
| Wright, Charles P.  | Vice President                    | 1925-1932           |

| <u>Jobsite</u>                  | <u>City</u>    | <u>State</u> |
|---------------------------------|----------------|--------------|
| 3M Corp.                        | Bedford Park   | IL           |
| A.O. Smith                      | Granite City   | IL           |
| A.P. Green                      | Mexico         | MO           |
| ADM                             | Decatur        | IL           |
| Acme Steel                      | Riverdale      | IL           |
| Air Products                    | Alton          | IL           |
| Alcan Plant                     | Alton          | IL           |
| Alton Box Board                 | Alton          | IL           |
| Alton Box Board                 | Godfrey        | IL           |
| Alton Box Board                 | Highland       | IL           |
| Alton Powerhouse                | Alton          | IL           |
| Alton Square Shopping Center    | Alton          | IL           |
| Alton State Hospital            | Alton          | IL           |
| Amax Corp.                      | Sauget         | IL           |
| American Can                    | St. Louis      | MO           |
| American Car                    | St. Louis      | MO           |
| American Colloid                | Granite City   | IL           |
| American Steel                  | Granite City   | IL           |
| American Water                  | Belleville     | IL           |
| American Zinc                   | East St. Louis | IL           |
| Amoco                           | Wood River     | IL           |
| Anderson Hospital               | Maryville      | IL           |
| Anheuser-Busch Brewery          | St. Louis      | MO           |
| Baldwin Powerhouse              | Baldwin        | IL           |
| Barnes Hospital                 | St. Louis      | MO           |
| Barry Wehmiller                 | St. Louis      | MO           |
| Bell Telephone                  | St. Louis      | MO           |
| Bethalto Lumber Company         | Bethalto       | IL           |
| Bethalto School District        | Bethalto       | IL           |
| Bethlehem Steel                 | Burns Harbor   | IN           |
| Beverly Farms                   | Godfrey        | IL           |
| Biebel Brothers Roofing Company | St. Louis      | MO           |
| Birmingham & Prosser            | St. Louis      | MO           |
| Blue Island School Dist.        | Blue Island    | IL           |
| Boeing                          | St. Louis      | MO           |
| Brooks Food                     | Collinsville   | IL           |
| Bungee Corp.                    | Avert          | MO           |
| Bungee Corp.                    | Cairo          | IL           |
| Bungee Corp.                    | Caml           | IL           |
| Bungee Corp.                    | Dale           | IL           |
| Bungee Corp.                    | East Prairie   | MO           |
| Bungee Corp.                    | Fountain Bluff | IL           |
| Bungee Corp.                    | Glenn          | IL           |
| Bungee Corp.                    | Harrisburg     | IL           |
| Bungee Corp.                    | Linda          | MO           |
| Bungee Corp.                    | McMullin       | MO           |
| Bungee Corp.                    | Metropolis     | IL           |
| Bungee Corp.                    | Miller City    | IL           |
| Bungee Corp.                    | Morehouse      | MO           |
| Bungee Corp.                    | Prices Landing | MO           |
| Bungee Corp.                    | Pulaski        | IL           |

| <u>Jobsite</u>                    | <u>City</u>     | <u>State</u> |
|-----------------------------------|-----------------|--------------|
| Bungee Corp.                      | Ridgway         | IL           |
| Bungee Corp.                      | Shawneetown     | IL           |
| Bungee Corp.                      | St. Louis       | MO           |
| Bungee Corp.                      | Tamms           | IL           |
| Bungee Corp.                      | New York        | NY           |
| Busch & Latta                     | St. Louis       | MO           |
| Busch Stadium                     | St. Louis       | MO           |
| C.P. Hall Co.                     | Bedford Park    | IL           |
| C.P.C International Corn Products | Summit          | IL           |
| Campbell Soup                     | Chicago         | IL           |
| Caterpillar                       | Peoria          | IL           |
| Celotex Corporation               | Fort Dodge      | IA           |
| Cerro Copper                      | Sauget          | IL           |
| CertainTeed                       | East St. Louis  | IL           |
| Chicago Civic Center              | Chicago         | IL           |
| Christ Hospital                   | Oak Lawn        | IL           |
| Chrysler Corporation              | St. Louis       | MO           |
| City of Chicago                   | Chicago         | IL           |
| Clark Oil                         | Hartford        | IL           |
| Clinton Powerhouse                | Clinton         | MO           |
| Coffeen Powerhouse                | Coffeen         | IL           |
| Collinsville Lumber Company       | Collinsville    | IL           |
| Combustion Engineering            | St. Louis       | MO           |
| Commonwealth Steel                | Madison         | IL           |
| Consolidated Aluminum             | Madison         | IL           |
| Continental Can                   | Chicago         | IL           |
| Continental Can                   | St. Louis       | MO           |
| Crescent Electric                 | Chicago         | IL           |
| Cumberland Powerhouse             | Cumberland City | TN           |
| Cupples Mfg.                      | St. Louis       | MO           |
| Darlings                          | Chicago         | IL           |
| Diamond Construction              | Quincy          | IL           |
| Dow Chemical                      | Joliet          | IL           |
| Dresden Nuclear Powerhouse        | Morris          | IL           |
| Duck Creek Powerhouse             | Peoria          | IL           |
| Duraplex                          | Herrin          | IL           |
| East St. Louis Housing Authority  | East St. Louis  | IL           |
| Eastgate Shopping Center          | East Alton      | IL           |
| Federal Steel                     | East Alton      | IL           |
| Fischer Building Supply           | East Alton      | IL           |
| Ford Motor Company                | St. Louis       | MO           |
| Forest Park Highlands             | St. Louis       | MO           |
| G.D. Searle & Co.                 | Skokie          | IL           |
| Gardner Denver                    | Quincy          | IL           |
| Gary Sheet & Tin                  | Gary            | IN           |
| General Chemical                  | Washington Park | IL           |
| General Motors                    | St. Louis       | MO           |
| General Motors                    | Wentzville      | MO           |
| General Radiator                  | Mount Vernon    | IL           |
| General Steel                     | Granite City    | IL           |
| Grace Chemical                    | Memphis         | TN           |

| <u>Jobsite</u>                     | <u>City</u>    | <u>State</u> |
|------------------------------------|----------------|--------------|
| Granite City Steel                 | Granite City   | IL           |
| Granite Sheetmetal                 | Granite City   | IL           |
| Great Lakes Naval Training Center  | N. Chicago     | IL           |
| Harbison Walker                    | Vandalia       | MO           |
| Hartford Lumber Company            | Hartford       | IL           |
| Heldtman Steel                     | Granite City   | IL           |
| Hillsboro Glass                    | Hillsboro      | IL           |
| Hunter Packing Company             | St. Louis      | MO           |
| Illinois American Water            | East St. Louis | IL           |
| Illinois Brick                     | Blue Island    | IL           |
| Illinois Central Railroad          | E.St. Louts    | IL           |
| Inland Steel                       | East Chicago   | IL           |
| Inland Steel                       | Hammond        | IN           |
| Inland Steel Powerhouse            | East Chicago   | IN           |
| Inter-Lake Steel                   | Chicago        | IL           |
| Jefferson Smurfit                  | Allon          | IL           |
| Jewish Hospital                    | St. Louis      | MO           |
| Johnson & Johnson                  | Bedford Park   | IL           |
| Joppa Powerhouse                   | Joppa          | IL           |
| Kaiser Aluminum                    | Mexico         | MO           |
| Kaiser Refractories                | Mexico         | MO           |
| Ken's Texaco                       | Wood River     | IL           |
| Kincaid Powerhouse                 | Kincaid        | IL           |
| Labadie Powerhouse                 | Labadie        | MO           |
| Laclede Steel                      | Allon          | IL           |
| Laclede Steel                      | Venice         | IL           |
| Lever Brothers                     | St. Louis      | MO           |
| Litchfield High School             | Litchfield     | IL           |
| Mallinckrodt Chemical              | St. Louis      | MO           |
| Mallinckrodt Chemical              | Weldon Springs | MO           |
| Marathon Oil                       | Robinson       | IL           |
| McDonnell Douglas                  | St. Louis      | MO           |
| McCormick Place                    | Chicago        | IL           |
| Mead Packaging                     | Godfrey        | IL           |
| Meramec Mining                     | Sullivan       | MO           |
| Meramec Powerhouse                 | St. Louis      | MO           |
| Mercy Hospital                     | Chicago        | IL           |
| Meredosla Powerhouse               | Meredosla      | IL           |
| Metro Sanitary                     | Cicero         | IL           |
| Midwest Rubber                     | E. St. Louis   | IL           |
| Mikco Grain Company                | Cairo          | IL           |
| Mishawaka Pipe & Valve Corporation | Mishawaka      | IN           |
| Missouri Pacific Railroad          | Bonne Terre    | MO           |
| Missouri Power & Light             | Herman         | MO           |
| Mobil Oil Refinery                 | Sauget         | IL           |
| Monsanto Queeney                   | St. Louis      | MO           |
| Monsanto Sauget                    | Sauget         | IL           |
| National Lead                      | Granite City   | IL           |
| National Marine                    | Hartford       | IL           |
| National Refractories              | Mexico         | MO           |
| National Steel                     | Granite City   | MO           |

| <u>Jobsite</u>               | <u>City</u>       | <u>State</u> |
|------------------------------|-------------------|--------------|
| Newton Powerhouse            | Newton            | IL           |
| Northwestern University      | Evanston          | IL           |
| O'Hare Airport               | Chicago           | IL           |
| Obenmeyer Glass              | East St. Louis    | MO           |
| Olin Corp.                   | East Alton        | IL           |
| Owens Illinois Glass         | Alton             | IL           |
| Owens Illinois Glass         | Chicago Heights   | IL           |
| PET Inc.                     | St. Louis         | MO           |
| Pfizer                       | East St. Louis    | IL           |
| Phillips 66                  | East St. Louis    | IL           |
| Plasa Tool & Die             | Alton             | IL           |
| Pilot Knob Pellet Plant      | Pilot Knob        | MO           |
| Pittsburgh Plate & Glass     | Crystal City      | MO           |
| Portage Des Sioux Powerhouse | Portage Des Sioux | MO           |
| Post Office                  | Cincinnati        | OH           |
| Pro Gas                      | Granite City      | IL           |
| Pure Oil Refinery            | Lockport          | IL           |
| Quantem Chemical             | Morris            | IL           |
| Ralston Purina               | St. Louis         | MO           |
| Republic Steel               | Chicago           | IL           |
| Republic Steel               | Yankeetown        | IN           |
| Revere Electric              | Chicago           | IL           |
| Rexall Drug Warehouse        | St. Louis         | MO           |
| Reynolds Aluminum            | Chicago           | IL           |
| Reynolds Metals              | McCook            | IL           |
| Roxana School                | Roxana            | IL           |
| Rush-Presbyterian Hospital   | Chicago           | IL           |
| S.I.U.                       | Carbondale        | IL           |
| S.I.U.                       | Edwardsville      | IL           |
| Sangamo Electric             | Marion            | IL           |
| Santa Fe Railroad Yards      | Chicago           | IL           |
| Sara Lee Bakeries            | Deerfield         | IL           |
| Scott Air Force Base         | Bellefonte        | IL           |
| Shell Oil                    | Wood River        | IL           |
| Sherwin-Williams             | Chicago           | IL           |
| Sinclair Refinery Powerhouse | East Chicago      | IL           |
| Small Arms Plant             | St. Louis         | MO           |
| Southern Equipment           | St. Louis         | MO           |
| Springfield Powerhouse       | Springfield       | IL           |
| St. Anthony's Hospital       | Alton             | IL           |
| St. Clair Roofing Company    | University City   | MO           |
| St. Clair Square             | Fairview Heights  | IL           |
| St. Elizabeth's Hospital     | Bellefonte        | IL           |
| St. Francis Hospital         | Litchfield        | IL           |
| St. Joseph Lead Mine         | St. Joseph        | MO           |
| St. Louis Paint Co.          | St. Louis         | MO           |
| St. Lukes                    | Chicago           | IL           |
| St. Mary's Hospital          | East St. Louis    | IL           |
| Staleys                      | Decatur           | IL           |
| Standard Heating Company     | St. Louis         | MO           |
| Standard Oil                 | Wood River        | IL           |

| <u>Jobsite</u>                        | <u>City</u>   | <u>State</u> |
|---------------------------------------|---------------|--------------|
| Stepan Chemical                       | Elwood        | IL           |
| Sterling Steel                        | Sauget        | IL           |
| Studebaker Corporation                | South Bend    | IN           |
| Texaco Oil                            | Lawrenceville | IL           |
| Tucklape                              | Carbondale    | IL           |
| U.S. Dept. of Labor                   | Rolla         | MO           |
| U.S. Steel                            | Chicago       | IL           |
| U.S. Steel                            | Gary          | IN           |
| Union Oil                             | LaMont        | IL           |
| Union Starch                          | Granite City  | IL           |
| Union Tank Car                        | East Alton    | IL           |
| Universal Match                       | Marion        | IL           |
| University of Illinois Medical Center | Chicago       | IL           |
| Venice Powerhouse                     | Venice        | IL           |
| Washington School                     | Danville      | IL           |
| Waukegan Powerhouse                   | Waukegan      | IL           |
| Wedge Bank                            | Alton         | IL           |
| Western Electric                      | East Alton    | IL           |
| Westinghouse                          | St. Louis     | MO           |
| Wisconsin Steel                       | Chicago       | IL           |
| Wood River School                     | Wood River    | IL           |
| Wood River Township Hospital          | Wood River    | IL           |
| Zion Nuclear Plant                    | Zion          | IL           |