
IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

DOLORES MARCINOWSKI, Executrix	:	CIVIL ACTION
of the Estate of FRANCIS S.	:	
MARCINOWSKI	:	
	:	NO. 88-7410
vs.	:	
	:	<u>ASBESTOS CASE</u>
ABEX CORP., et al.	:	



ABEX CORPORATION'S ANSWERS TO
PLAINTIFF'S INTERROGATORIES - SET I

INTRODUCTION AND GENERAL OBJECTIONS

Abex Corporation ("Abex"), by and through its attorney of record, Clayton H. Thomas, Jr., generally objects to these interrogatories on the grounds that they are unduly burdensome, oppressive, vague, overly broad as to time, scope and location, lack particularity, and are repetitive. The use of the words "any," "all" and "each" is overly broad and is objected to. Many of the interrogatories in this set designate extensive periods of time or request information without any limitation or specification of particular periods of time. As a result of the failure by plaintiff to specify relevant time periods, many of the interrogatories fail to distinguish relevant from irrelevant matter. Many of the interrogatories call for Abex to provide

answers concerning events and records spanning a period of more than four decades. Consequently, the entire set of interrogatories is overly broad, unduly burdensome, oppressive and harassing, and beyond the scope of proper discovery.

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

The failure of plaintiff to limit these interrogatories to information related to Abex's alleged liability in this case renders the interrogatories as a whole, irrelevant to the subject matter of this action individually, and not reasonably calculated to lead to the discovery of admissible evidence. Objection is also made to the extent these interrogatories assume the truth of matters not established, and on the grounds that they seek information which is not relevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence.

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

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

Abex objects to these interrogatories on the ground that they seek information from and identification of each and every person with knowledge of a particular fact, event or subject matter and as such these interrogatories are overly

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

Abex further objects to these interrogatories on the grounds that they are burdensome, hopelessly overbroad and harassing in that they request information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which can be ascertained or derived only from a page-by-page review of the existing voluminous documents and records of Abex. There is no compilation, abstract, index or summary of most records in Abex's possession which may be

responsive to these interrogatories, and the burden of deriving or ascertaining the answer to most interrogatories is substantially the same for plaintiff as for Abex. The answers of Abex hereinafter set forth are limited to providing information concerning domestic automotive friction products manufactured by Abex for the relevant time period only. Abex has never mined asbestos, nor has Abex manufactured, processed, distributed, marketed or sold any asbestos-containing building products.

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

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

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

SPECIFIC ANSWERS

1. Please identify each person who has supplied information used in answering these interrogatories and specify the interrogatories for which he or she is responsible.

ANSWER TO INTERROGATORY NO. 1: Abex objects to this interrogatory on the grounds raised in the foregoing introduction and general objections. Subject to and without waiving these objections, Dexter Kenfield, Esq., Corporate Counsel of Abex, with the assistance of various persons, including legal counsel, participated in drafting these answers.

2. Identify each person who was questioned or consulted in order to answer these interrogatories.

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

3. Identify each document that was examined, reviewed, and/or used in answering each interrogatory and specify the interrogatory.

ANSWER TO INTERROGATORY NO. 3: See answer to interrogatory No. 1.

4. Please state whether or not you are a corporation. If so, state:

- (a) Your correct corporate name;
- (b) The state of incorporation;
- (c) The date of your incorporation;
- (d) The address of your principal place of business;
- (e) The addresses of any other places of business;
- (e) The addresses of any other places of business;
- (f) Whether or not you have ever held a certificate of authority to do business in this state;
- (g) Whether or not you have a registered agent for the purpose of accepting service in this state, and if so, the name and present address of that agent;
- (h) State your corporate purposes;
- (i) State whether or not you have or have had subsidiary or predecessor corporation(s), and if so:
 - (1) The name of the subsidiary and/or predecessor;
 - (2) Its date(s) of incorporation, if a corporation;
 - (3) Its state(s) of incorporation; (4) Its corporate purposes.

ANSWER TO INTERROGATORY NO. 4:

- (a) Abex Corporation;
- (b) Delaware;
- (c) 1916;
- (d) Liberty Lane, Hampton, New Hampshire 03842;
- (e) Abex objects to this subpart on the grounds that it is overly broad, lacks relevance to this case and is not

reasonably calculated to lead to the discovery of admissible evidence;

(f) Abex has been continuously qualified to do business in the State of Pennsylvania since June 1924;

(g) The registered agent for service of process for Abex Corporation is the Prentice-Hall Corporation System, Inc.;

(h) Abex objects to this interrogatory on the grounds that it is vague, ambiguous and lacks particularity as to what information is being requested;

(i) No.

5. State whether you have controlled, purchased or in any way acquired any interest in any corporation or business entity which has mined, manufactured, produced, processed, compounded, converted, sold, merchandised, supplied, distributed, and/or otherwise placed in the stream of commerce, raw asbestos or finished asbestos products and if so, state:

(a) The name and address of said corporation or business entity;

(b) The date(s) you controlled, purchased or acquired any interest;

(c) The manner of acquisition, including percentage of ownership;

(d) Identify all documents with respect to the above;

ANSWER TO INTERROGATORY NO. 5 : No.

6. State whether you have at any time directly or indirectly been engaged in the mining, manufacturing, producing, processing, compounding, converting, selling, merchandising, supplying, distributing, and/or otherwise placing in the stream of commerce of raw asbestos or finished asbestos products. If

so, be specific in your answer and state as to each such asbestos product:

(a) The trade name, general name and/or other identification of each asbestos product, raw or finished;

(b) The dates during which you mined, manufactured, supplied, distributed, and/or otherwise placed in the stream of commerce each such asbestos product;

(c) The intended use of each such asbestos product;

(d) Furnish a complete description of each such asbestos product including the type of asbestos contained therein and the percentage of asbestos contained in said product;

(e) Describe the physical appearance including color of each such product specifying whether the said product was/is sold in a solid, loose, powdered or other form;

(f) Identify the location of each plant or facility which produces each of the aforesaid asbestos products;

ANSWER TO INTERROGATORY NO. 6: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but rather automotive friction products, some of which contained chrysotile asbestos as one of their components. Subject to and without waiving these objections, Abex states as follows:

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

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

(b) Abex manufactured asbestos-containing automotive friction products from approximately 1926 to 1987.

(c) Automotive friction products are generally designed to assist in the stopping or control of a moving object.

(d) Abex objects to this subpart on the grounds that it seeks trade secret information. Subject to and without waiving this objection, Abex's asbestos-containing automotive friction products contained approximately 25 to 65 percent Chrysotile asbestos only.

(e) Automotive brake lining is shaped into curved, linear segments in such dimensions as required by the specifications, characteristics and uses established by the manufacturer of the vehicle or the equipment on which the lining will be applied.

(f) Abex objects to this subpart on the grounds that it is overly broad, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections,

Abex's automotive friction products were manufactured in Detroit, Michigan; Winchester, Virginia; and Salisbury, North Carolina.

7. Do asbestos products that you mine, manufacture, produce, process, compound, convert, sell, merchandise, supply, distribute and/or otherwise place in the stream of commerce require any further change or modification before being put to their ultimate use by the user? For example, is there any mixing or cutting that has to be done? If there are any changes or modification whatsoever, state the specific nature of the change or modification.

ANSWER TO INTERROGATORY NO. 7: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, Abex's asbestos-containing automotive friction products were generally sold in ready-to-use form.

8. State whether you presently mine, manufacture, produce, process, compound, convert, sell, merchandise, supply, distribute, and/or otherwise place in the stream of commerce the product(s) previously listed in interrogatory 6.

ANSWER TO INTERROGATORY NO. 8: No.

9. Identify all distributors of your asbestos products and state:

(a) The date(s) your product(s) were sold or delivered to said distributor;

(b) The quantity or type of product(s) sold or delivered to said distributor;

(c) Identify and produce all documents relating to said distributor;

(d) Whether any agreement concerning third party liability existed between you and the distributors; and if so, if such agreement was in writing, attach a copy of such agreement; if such agreement was oral, then set forth fully the terms and the identity of the persons making such oral agreement.

ANSWER TO INTERROGATORY NO. 9: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving those objections, documents which may be responsive to this interrogatory are on file and can be made available for inspection and copying upon receipt of an appropriate document request.

10. Were any patents or trademarks ever applied for or granted with regard to any product(s) listed in interrogatory 6? If so, for each such product state:

- (a) The number of each patent;
- (b) The date(s) issued and to whom issued;
- (c) The name of each patent application that is presently pending.

ANSWER TO INTERROGATORY NO. 10: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

11. Identify each business entity from whom you have received raw asbestos if you are not a miner or distributor of mineral or raw asbestos during the period of plaintiff's or decedent's employ, including:

- (a) Name of and address of supplier;

- (b) The date(s);
- (c) Amount;
- (d) Types received;
- (e) Identify and produce all documents relating to such purchase;

ANSWER TO INTERROGATORY NO. 11: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, Abex does not possess sufficient knowledge concerning its purchase of raw chrysotile asbestos fiber. Abex is generally aware that chrysotile asbestos fiber, the only asbestos fiber ever utilized by Abex, was purchased from the following companies at various periods since 1950:

Asbestos Corporation, Ltd.
Thetford Mines
Quebec, Canada

Bell Asbestos Mines, Ltd.
Thetford Mines
Quebec, Canada

Lake Asbestos
Lac d'Amiante
Black Lake
Quebec, Canada

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

GAF Corp.
Hyde Park, Vermont

Vermont Asbestos Group, Inc.
Hyde Park, Vermont

12. Identify each business entity from whom you have received finished asbestos products if you are not a miner or a distributor of mined asbestos indicating:

- (a) Name and address of said entity;
- (b) The date(s);
- (c) Amount(s);
- (d) Types receive;
- (e) Identify and produce all documents relating thereto;

ANSWER TO INTERROGATORY NO. 12: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but rather automotive friction products, some of which contained chrysotile asbestos as one of their components. Subject to and without waiving those objections, documents which may be responsive to this interrogatory are on file and can be made available for inspection and copying upon receipt of an appropriate document request.

13. Did you sell raw asbestos or finished asbestos products to the employers of employee plaintiff during or immediately prior to the periods of employment of plaintiff? If yes, identify:

- (a) Dates of sales;
- (b) Amounts of sales;
- (c) Names of finished asbestos containing products sold;
- (d) Amount of raw asbestos sold;

Invoice records can be attached to answer this interrogatory.

ANSWER TO INTERROGATORY NO. 13: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but rather automotive friction products, some of which contained chrysotile asbestos as one of their components. Subject to and without waiving these objections, invoices reflecting sales of Abex's asbestos-containing automotive friction products are on file for a period beginning sometime in 1976 to 1987 only. Such invoices, which number in excess of 800,000, are arranged, for the most part, numerically and chronologically by year and not by customer, product or state. These invoices can be made available for inspection and copying upon receipt of an appropriate document request.

14. If you have no records of sales earlier than a date identified in your answer to number 13 supra, will you admit that you sold asbestos products to the companies involved during or immediately prior to the employ of plaintiff by said companies?

ANSWER TO INTERROGATORY NO. 14: Abex objects to this interrogatory on the grounds that it impermissibly attempts to shift the burden of proof of the plaintiff's claims onto defendant Abex Corporation. Subject to and without waiving this objection, no.

15. Did you sell asbestos products to distributors who would resell your asbestos products to the employers identified in number 13 supra, or ship asbestos products to such employers through sales to such distributors? If so, name the distributors, identifying:

- (a) Name, address of distributors;
- (b) Asbestos products sold to distributors;
- (c) Raw asbestos sold to distributors;
- (d) Amounts sold;
- (e) Dates of sale;

ANSWER TO INTERROGATORY NO. 15: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, assumes facts not established and is vague and ambiguous as to what information is being requested. Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but rather automotive friction products, some of which contained chrysotile asbestos as one of their components. Subject to and without waiving these objections, see answers to interrogatories No. 9 and 13.

16. Did you, at any time, assign or license any of your asbestos products to any person, firm or corporation? If so, state:

- (a) Identify the assigners or licensee;
- (b) The purpose of such assignment or license;
- (c) The name(s) of the product(s) so assigned or licensed;
- (d) The time period of the assignment(s) or license;
- (e) Identify and produce all documents relating to such assignment or license;

ANSWER TO INTERROGATORY NO. 16: Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but rather automotive friction products, some of which contained chrysotile asbestos as one of their components. Subject to and without waiving this objection, to the best of current knowledge and belief, no.

17. Did you rebrand any of your asbestos products for other companies? If so,

- (a) Identify such companies;
- (b) Indicate the specific products rebranded for each company;
- (c) The dates of each such rebranding;

That is, did you manufacture or acquire asbestos products and affix the names of other companies to the product or its containers?

ANSWER TO INTERROGATORY NO. 17: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but

rather automotive friction products, some of which contained chrysotile asbestos as one of their components. Subject to and without waiving those objections, documents which may be responsive to this interrogatory are on file and can be made available for inspection and copying upon receipt of an appropriate document request.

18. Since the initial date of said mining, manufacturing, producing, processing, compounding, converting, selling, merchandising, supplying, distribution and/or otherwise placing in the stream of commerce your asbestos products as specified in the answer to number 6, advise whether or not there have been any alterations or changes, then as to said alterations or changes, state:

- (a) The trade name(s) of each such product(s);
- (b) The date(s) each such product(s) was altered or changed;
- (c) The specific nature and date(s) of each such alteration or change of composition;
- (d) The reason for each alteration or change of composition;

ANSWER TO INTERROGATORY NO. 18: Abex objects to this interrogatory on the grounds that it is vague, ambiguous and lacks particularity as to what information is requested. Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but rather automotive friction products, some of which contained chrysotile asbestos as one of their components. Subject to and without waiving these objections, the formulas of Abex's asbestos-containing friction

products were varied dependent on the specifications of the uses of the particular customers.

19. Describe in detail the packages in which you would, distribute or deliver asbestos products to the wholesaler or retailer for resale to companies such as Plaintiff's employers, stating:

- (a) The type box or package used;
- (b) The date each type of box or package was used;
- (c) A physical description thereof, including the size and color of the box or package;
- (d) A description of size and color of any printed material that appeared on or in said box or package stating:
 - (1) A verbatim statement of any warnings or cautions;
 - (2) The date(s) each such warning or caution was first used and last used.

ANSWER TO INTERROGATORY NO. 19: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but rather automotive friction products, some of which contained chrysotile asbestos as one of their components. Subject to and without waiving these objections, asbestos-containing automotive friction products manufactured and sold by Abex were generally packaged in cardboard boxes according to size. The brand name appeared on the package as did the product name. Abex further

states that in 1972 at the latest, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

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

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

20. Prior to releasing the asbestos product(s) listed in interrogatory 6 for sale, were any tests conducted on same to determine potential health hazards involved in the use, handling or exposure of the materials contained therein: If so, state:

(a) The identity of each individual or firm who conducted such tests;

(b) The date, purpose and result of each such test;

(c) Identify and produce all documents relating to such tests;

ANSWER TO INTERROGATORY NO. 20: Abex objects to this interrogatory on the grounds it is overly broad and burdensome. Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but rather automotive friction products, some of which contained chrysotile asbestos as one of their components. Subject to and without waiving

these objections, Abex conducted quality control tests to ensure that its automotive friction products performed their intended task.

21. Did you make any changes in your asbestos products as a result of such test: If so, state:

- (a) The product changes;
- (b) The nature of the change made;
- (c) The purposes of the change;
- (d) The date of such change;
- (e) The identity of each person or firm responsible for making the change;

ANSWER TO INTERROGATORY NO. 21: To the extent Abex's automotive friction products may not have performed their intended task, i.e. stopping or controlling a moving vehicle, Abex would have modified the specific product so that it would correctly perform its intended task.

22. Has any written material of any kind been prepared by you indicating how your product(s) should be used, applied or handled by the workers who would be reasonably expected to your asbestos products? If so, please state:

- (a) Identify each person or firm who prepared same;
- (b) Identify each person or firm who presently has possession of same;
- (c) The date(s) and manner in which said material was distributed to purchasers or users of your product(s);
- (d) Identify and produce all applicable documents.

ANSWER TO INTERROGATORY NO. 22: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, and assumes facts not established. Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but rather automotive friction products, some of which contained Chrysotile asbestos as one of their components. Subject to and without waiving these objections, in 1979 and 1982, Abex participated in the preparation and distribution of a pamphlet published by the Friction Materials Standards Institute, Inc. entitled, "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing."

An excerpt of this pamphlet is reprinted below:

RECOMMENDED PROCEDURES FOR REDUCING
ASBESTOS DUST DURING BRAKE SERVICING

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

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

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

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

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

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

- (6) Good housekeeping is essential in a workplace where asbestos containing materials are handled. Industrial vacuum cleaners equipped with multiple stage high efficiency filters should be used for removing accumulations of asbestos dust and waste. Never use

compressed air or dry sweeping for cleaning. Water or other dust suppressants should be applied if brooms are used.

- (7) Good personal hygiene practices are important in minimizing asbestos dust exposure. Do not smoke. Wash before eating. Shower after work. Change to work clothes upon arrival at work and change from work clothes at conclusion of work. Work clothing should not be taken home. Laundering as 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

23. If there have been any changes in any labels, inserts or other information which has ever accompanied any of your products as it was placed on the market, state the reasons therefore and the name and address of the person who recommended or ordered the change.

ANSWER TO INTERROGATORY NO. 23: To the best of current knowledge and belief, this interrogatory is not applicable to Abex.

24. State the names, titles and addresses of defendant's advertising agents who are employed or used in connection with the promotion of the product(s) specified in answer to interrogatory 6, and give a summary of all the instructions given to such agents regarding the uses, safety, and health related effects of the use of the products and their obligations to provide this information to customers.

ANSWER TO INTERROGATORY NO. 24: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections Abex does not know with certainty each material which was used to promote or advertise its asbestos-containing friction products. Documents generally meeting the description of

promotional and advertisements materials are on file and can be made available for inspection and copying upon receipt of an appropriate document request.

25. Have you any time published and/or distributed any document containing any warnings concerning the possibility of illness, disease, or injury resulting from the use of or exposure to the asbestos products listed in answer to interrogatory 6. If so, please state:

- (a) The wording of each such warning;
- (b) A description of each such document;
- (c) The method used to distribute the warnings to persons who are likely to use, handle or be exposed to your product(s);
- (d) The date(s) such warning was issued;
- (e) Identify each person who presently has possession of the above-described documents;
- (f) Identify and produce all the documents mentioned in parts (a) through (e) of this question;
- (g) In particular, was any warning ever given, either in writing or in any other way concerning the possibility of the illness as known as cancer resulting from the use of or exposure to any of the asbestos products listed in answer to interrogatory 6.
- (h) How the document and the information involved were communicated to purchasers of the product?

ANSWER TO INTERROGATORY NO. 25: See answer to interrogatory No. 22.

26. Have you ever given any warnings to your employees of dangers of illness and/or disease by reason of their use, handling or exposure to asbestos products: If so, state:

- (a) The date of each such warning;
- (b) How such warnings were given;
- (c) If such warnings were oral, state the names and addresses of the person(s) giving and receiving such warnings;
- (d) If such warnings were written, state:
 - (1) The date(s) of such warning(s);
 - (2) The present location of such warning(s);
 - (3) The names and addresses of individuals who prepared such warning(s);
 - (4) Where and/or how such warning(s) were posted;
 - (5) The reasons for such warning(s).
- (e) Whether or not in the course of such warnings, there was any warning concerning the possibility of contracting the disease known as cancer resulting from the use of or exposure to the asbestos products. In particular, whether there was any warning concerning that type of cancer known as mesothelioma.

ANSWER TO INTERROGATORY NO. 26: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and, in seeking information concerning the working conditions of Abex employees, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but rather automotive friction products, some of which contained chrysotile asbestos as one of their components. Subject to and without waiving these objections, Abex employees did not work with

Abex's finished asbestos-containing automotive friction products and therefore this interrogatory is not applicable.

27. Were you ever advised by any member of the medical profession or other profession such as industrial hygienists occupational hazard professionals or other persons to utilize hazard labels on your products and to give clear and explicit warnings concerning the possibility of cancer, and/or mesothelioma and/or other serious illnesses and diseases including but not limited to asbestos to those who might use, handle, or be exposed to your asbestos products after they have left your control? Identify this individual or individuals or company set forth the date of this advise, and attach copies of this advise if written.

ANSWER TO INTERROGATORY NO. 27: To the best of current knowledge and belief, no.

28. When, if at all, did you first become aware that airborne dust containing some asbestos fibers might be created in the course of the use of your asbestos products by workers in:

- (a) The pipe insulating trade;
- (b) Textile factories;
- (c) Companies manufacturing asbestos products;
- (d) Other industries such as but not limited to:

- (1) Railroads
- (2) Oil burner service

ANSWER TO INTERROGATORY NO. 28:

- (a-c, d2) Not applicable.
- (d1) Abex objects to this interrogatory on the grounds that it lacks relevance to this case and is not

reasonably calculated to lead to the discovery of admissible evidence.

29. When did you first become aware that airborne dust containing asbestos fibers or fibrils would be created in use or removal of your asbestos products by an insulation worker or other workers could cause asbestosis, pleural thickening or pleural plaque, mesothelioma, or lung cancer? Please identify the date of this knowledge by product whether raw asbestos or a finished product and the date of knowledge that each of the diseases set out could develop from exposure to asbestos.

ANSWER TO INTERROGATORY NO. 29 : This interrogatory is not applicable to Abex. Proper use of Abex's asbestos-containing automotive friction products did not create or contribute to a health hazard.

30. If your answer to question 28 is in the affirmative, please explain whether the Threshold Limit Value is based on counts of all particles in the air or just the asbestos fibers in the air.

ANSWER TO INTERROGATORY NO. 30: See answer to interrogatory No. 28.

31. When did defendant know that any governmental or private agency, or other entity, issued guidelines suggesting Threshold Limit Values for exposure to asbestos dust? If ever:

(a) Identify the agency or entity issuing the guidelines;

(b) State the content of the guideline(s) verbatim;

(c) State the date issued and the date you first knew the purpose of the guideline(s).

ANSWER TO INTERROGATORY NO. 31: Abex objects to interrogatory on the grounds that it fails to distinguish among the different types of raw asbestos fibers, asbestos-containing building products and asbestos-containing automotive friction products.

32. Does the defendant contend that the asbestos products mined, manufactured, produced, processed, compounded, converted, sold, merchandised, supplied distributed and/or otherwise place in the stream of commerce by the defendant are not "hazardous substances", as defined in 15 U.S Code, § 1261 (5)? Said definition is incorporated herein by reference, and defendant is required to reply as to all parts of said definition. If so, state the facts, opinions or conclusions upon which defendant relies to support such contention, and identify each document which is applicable.

ANSWER TO INTERROGATORY NO. 32: Abex objects to this interrogatory on the grounds that it seeks a legal conclusion.

33. Have your asbestos products at any time been subjected to:

- (a) Tests or studies by a governmental agency;
- (b) Tests or studies by any independent organization;
- (c) Tests conducted on humans or animals on your behalf or on behalf of any co-defendant in this action. If your answer to any of the subsections (a) through (d) is in the affirmative, for each test study state:

- (1) The date it began;
- (2) The date ended;
- (3) The procedure of the test or study;
- (4) The number of man hours spent on it;

(5) The place where it was conducted;

ANSWER TO INTERROGATORY NO. 33: Abex objects to this interrogatory on the grounds that it is overly broad as to scope. Abex further objects to the term "asbestos products." Abex never manufactured "asbestos products," but rather automotive friction products, some of which contained chrysotile asbestos as one of their components. Insofar as this interrogatory seeks information concerning the alleged hazards to exposure to asbestos from handling automotive friction products, to the best of current knowledge and belief, no.

34. Have you, at any time, been a member of any "trade" association or organization" composed of other miners, manufacturers, suppliers, distributors, producers, processors, compounders, converters, sellers, merchandisers, and/or anyone otherwise placing in the stream of commerce asbestos products? If so, state:

- (a) Identify each such association or organization?
- (b) The dates during which you were a member?
- (c) The names of any publication published by or written by such association or organization;
- (d) The dates and addresses of all other members;
- (e) What meetings you attended and identify who attended;
- (f) Who spoke at such meetings;
- (g) Were transcripts or summaries or minutes or notes made of such meetings? If so, identify the above, tell specifically what was made and given the name, title and address of the person or persons who have custody of the transcripts and/or summaries and or minutes and/or notes mentioned above and

state when and where counsel for the plaintiff may examine and copy these documents.

ANSWER TO INTERROGATORY NO. 34: Abex objects to this interrogatory on the grounds that it is burdensome and overly broad as to time and scope. Subject to and without waiving these objections, Abex was a member of the following trade associations: Asbestos Information Association of North America (1975 to 1980) and The Brake Lining Manufacturing Association (from an unknown period to 1949). Furthermore, Abex is presently a member of the Friction Materials Standards Institute (1949 to present); The American Industrial Hygiene Association ("AIHA"); The Air Pollution Control Association; the Manufacturers Alliance for Productivity and Innovation (formerly the Machinery and Allied Products Institute).

35. Have you, at any time, been a member of and/or contributed to the Industrial Hygiene Foundation: If so, state:

(a) The dates you were a member and/or contributed;

(b) The identification of any publication of any such organization;

(c) What meetings you attended and who attended;

(d) Who spoke at such meetings;

(e) Where transcripts or summarizes or minutes or notes made of such meetings? If so, identify the above, tell specifically what was made and give the name, title and address of the person or persons who have custody of the transcripts and/or summaries and or minutes and/or notes mentioned above and state when and where counsel for the plaintiff may examine and copy these documents.

ANSWER TO INTERROGATORY NO. 35 : Abex has found no documentation in its files evidencing a corporate membership in the Industrial Hygiene Foundation.

36. State whether you have received any workmen's compensation claim for injury, occupational disease, or death, to any of your employees or to any persons working as independent contractor for you, or under your direction or to any persons in "contract units" operated by you or your subsidiaries or divisions or to any persons hired on an occasional basis by your agents, employees or directors, in the course of work activity performed by the aforementioned "contract unit" for the following diseases: asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis dyspnea, carcinoma of the lungs, or mesothelioma. In answering this question confine your answer to workers who were occupationally exposed to asbestos products by their using, handling, fabricating, installing, removing, mixing, cutting, packing or transporting products containing any percentage whatsoever of asbestos whether raw or finished and whether made by you or made by some other company but used, handled, modified, installed, removed, mixed, cut packed or transported by the person or persons making the workmen's compensation claim for injury or unit managers or contract unit occasional workers independently contracted for. If there have been any workman's compensation claims within the above-described criteria between the years 1930 and 1978, state:

- (a) The date you received notice of the claim;
- (b) The identity of the person making the claim; or on whose behalf the claim was made;
- (c) The specific disease or illness complained of. In particular, all complaints of: asbestos, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs and mesothelioma;
- (d) The name of any physician or nurse who made any notes on the claim or who inscribed any words whatsoever on any document, paper, letter, book, or record pertaining to the evaluation of the facts and/or the merits and/or the medical workup of the claim filed;
- (e) A brief summary of the substance of the written materials mentioned in section (d);

(f) The present location(s) of the documents, medical or otherwise, relevant to the claim files, if any, specified in section (a);

(g) An index to the claim files, if any specified in section (a) showing how, if at all, they are broken down by the defendant in the ordinary course of the defendant's business activity (i.e. by geographical region, by plant, by profit center, by disease, by injury, by level of compensation demanded, by estimate on the eventual payment that will be required on the claim, by worker's name or number, by contract unit, by date, or in any other way that the defendant as a practical matter in the ordinary course of defendant's business actually breaks down and indexes the claims of the kind specified for purposes of defendant's own internal filing and record keeping.

(h) The state or federal agency or agencies which would in the ordinary course of defendant's business and in the ordinary course of the state and federal government's business receive notice of the claims;

(i) The indexing or filing system used by those agencies in the respective states or in the respective federal agencies.

(j) The records retention policies concerning claims of the kinds specified in Part (a) of the defendant, and of any state agencies of which the defendant has knowledge in states where the defendant does business, and to which the defendant supplies information concerning claims of this kind. Also include any federal agencies which would receive notice directly or in the defendant's knowledge indirectly as a matter of the ordinary business of the federal government concerning the claims of the aforementioned kind;

(k) The disposition of said claim(s) including benefits paid or settlements reached or moneys voluntarily paid by your insurers, if any;

(l) The last known address of the attorney representing the Claimant, if any;

ANSWER TO INTERROGATORY NO. 36: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and, in seeking information concerning the working conditions of

Abex employees, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further states that it never had any "contract units."

37. Have you ever been named as a party in any action for workmen's compensation benefits for injury, occupational disease, or death by any of your employees or their estates, or by any persons working as independent contractors for you or under your direction or their estates, or by any directors managers or persons involved on a casual labor or occasional worker independently contracted for basis in "contract units" operated by you or their estates where the disease, injury or death was asserted by the Plaintiff and/or claimant in the action to be based in whole or in part on the diseases; asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis dyspnea, carcinoma of the lungs, or mesothelioma and where the plaintiff and/or claimant in the course of his work experience used, handled, fabricated, installed, removed, mixed, cut, packed or transported asbestos products containing any percentage whatsoever of asbestos? If so, state as to each claim:

(a) The identity of the Plaintiff and/or claimant and the disease(s) or injury(s) on which the action was premised;

(b) The date it was filed;

(c) The name and address of the court, agency, or administrative body, in which it was filed;

(d) The term and/or number of the action;

(e) The identity of the claimant's attorney;

(f) The identity of the claimant's physician;

(g) The identity of your physician, and/or expert witnesses;

(h) The disposition of the action including any moneys paid voluntarily or by agreement or in settlement by your or by your insurance carrier.

ANSWER TO INTERROGATORY NO. 37: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and, in seeking information concerning the working conditions of Abex employees, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further states that it never had any "contract units."

38. If you or your insurance carrier have ever paid out money voluntarily, or by agreement, or in settlement, on a claim for the following diseases; asbestos, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs, or mesothelioma between the years 1930 and 1978, specify for each instance:

- (a) The amount paid out;
- (b) Who paid it;
- (c) Who received the payment
- (d) The date of the payment(s);
- (e) Whether, if it was an agreement, the agreement went on file with any court, agency, or administrative body, and if so, the date and location of the filing;
- (f) The current location of any document(s) evidencing such voluntary payment, and the name, and address of their present custodian, and the time and place where counsel for plaintiff may examine and copy such document(s).

ANSWER TO INTERROGATORY NO. 38: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

39. If you or your insurance carrier have ever paid out money, voluntarily, or by agreement, or in settlement to any

employee contractor, contract unit worker, contract unit manager, or casual, or incidental laborer for a claim based on the following diseases; asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs, or mesothelioma, state as to each recipient of such funds:

- (a) His or her identity;
- (b) The identity of his or her attorney;
- (c) The date the claim was made;
- (d) The date payment commenced and the duration and amount(s) of payment(s);
- (e) The insurance carrier making the payment;
- (f) Whether such agreement was filed in any court; agency or administrative body, if so, state:
 - (1) The date it was filed;
 - (2) The location of such filing;
- (g) The current location of any document(s) evidencing such voluntary payment(s) and the name and address of their present custodian and the time and place where counsel for the plaintiff can examine and copy such document(s).

ANSWER TO INTERROGATORY NO. 39: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Abex never had any "contract units."

40. State whether you or your insurance carrier has voluntarily or by agreement paid to any employee benefits for accident, sickness, health, disability, or retirement, by reason of exposure to asbestos products. If so, state as to each:

- (a) The identity of such employee;
- (b) The identity of the employee's attorney;
- (c) The identity of the insurance carrier(s) making such payment;
- (d) The dates the claims were made as to each separate claim by each employee;
- (e) The date payment was made;
- (f) The current location of any documents evidencing such payments, the name and address of their present custodian and the time and place where counsel for the plaintiff can examine and copy such documents.

ANSWER TO INTERROGATORY NO. 40: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

41. State the names and addresses of all your insurance carriers for workmen's compensation and occupational disease compensation from 1930 through 1985, and your insurance carrier for this action, and as to each insurance carrier, state the periods when such coverage was provided and the amount provided, and the name(s) and coverage amounts of your carrier(s) in this action.

If there is a dispute between you and certain carriers as to coverage, please answer this question as to:

- (a) Amount of insurance you claim you have from each company;
- (b) Amount of coverage in dispute;
- (c) Amount of coverage not in dispute.

ANSWER TO INTERROGATORY NO. 41: Abex objects to this interrogatory on the grounds that it is overly broad,

burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Abex is currently in litigation with various carriers concerning the trigger, scope and amount of coverage, if any, available to Abex in asbestos personal injury actions. All coverage is in dispute.

42. If you or your insurance carrier have ever paid out money as a result of a court decree or jury verdict against you in a case in which the plaintiff asserted injury resulting from exposure to asbestos products mixed, manufactured, produced, processed, compounded, converted, sold, merchandised, supplied, or placed in the stream of commerce identify the:

- you;
- (a) Court in which judgment was entered against
 - (b) Court docket number;
 - (c) Plaintiff's name;
 - (d) Plaintiff's attorney's name and address;
 - (e) Amount of judgment;
 - (f) Date judgment entered;
 - (g) Other defendants against whom judgment was entered.

ANSWER TO INTERROGATORY NO. 42: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

43. Do you have a medical department that performs occupational studies or reviews of worker's health? If so, describe:

- (a) How long in existence;
- (b) Names of those who have led that department since 1930;
- (c) Any reports or warnings provided to you by that department as to the effects of asbestos;
- (d) Current address of that person or those persons referred to in (b) supra.

ANSWER TO INTERROGATORY NO. 43: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and, in seeking information concerning the working conditions of Abex employees, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

44. Have you had a medical advisor or other professional reviewing your products particularly asbestos, and making recommendations for use? If so, please answer (a)-(d) of interrogatory 43.

ANSWER TO INTERROGATORY NO. 44: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, vague, ambiguous and lacks particularity as to what information is being requested. Abex further objects on the grounds this interrogatory lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent this interrogatory seeks information which has been gathered or prepared in the course of litigation or which is otherwise protected by the attorney-client

privilege, the work product doctrine or any other applicable privilege, it is objected to.

45. If you are merely a distributor, rather than a manufacturer and distributor of asbestos products, please answer interrogatories 7, 18, 19, 20, 21, 22, 23, 26, 27, with respect to whether you ever received such information from the manufacturers or from the trade association and so indicate by date, place and describe and attach any documents.

ANSWER TO INTERROGATORY NO. 45: Not applicable.

46. (a) Do you contend that the employee plaintiff or, if deceased the plaintiff's decedent or his employer were contributorily negligent?

(b) Do you contend that the employee plaintiff or if deceased the plaintiff's decedent assumed the risk of his employment?

ANSWER TO INTERROGATORY NO. 46: Abex objects to this interrogatory on the grounds that it is premature. Abex has not determined which contentions it intends to assert a trial of this matter.

47. If the answer to interrogatory number 45(a) or 45(b) is yes, please state in detail the factual basis for the contention and name any witnesses you intend to produce to support this contention.

ANSWER TO INTERROGATORY NO. 47: Not applicable.

48. Do you deny that you sold asbestos products to any places of employee plaintiff.

ANSWER TO INTERROGATORY NO. 48: Abex objects to this interrogatory on the grounds that it impermissibly attempts to

shift the burden of proof of the plaintiff's claims onto the defendant Abex Corporation. Subject to and without waiving this objection, yes.

49. Do you deny that you sold asbestos products to the employer of plaintiff or to distributors whom you knew would sell to the employers of plaintiff.

ANSWER TO INTERROGATORY NO. 49: Abex objects to this interrogatory on the grounds that it impermissibly attempts to shift the burden of proof of the plaintiff's claims onto the defendant Abex Corporation. Subject to and without waiving this objection, yes.

50. Did you or employees of your company ever attend meetings of the Asbestos Textile Institute or any of its committees? If yes,

- (a) Identify the meetings and dates;
- (b) Who attended from your company;
- (c) What materials were dispensed;

ANSWER TO INTERROGATORY NO. 50: To the best of current knowledge and belief, no.

51. Identify all individuals who are now or have ever been employed by you including their current addresses who can testify or have testified concerning:

- (a) The history of that portion of your organization responsible for preventive medicine or occupational hygiene;
- (b) Your company medical policy, practices, and procedures;

(c) The history of that portion of your organization responsible for product safety;

(d) The nature and extent of your knowledge, over time, of health hazards actually, allegedly, or possibly associated with exposure to asbestos or asbestos products;

(e) Actions taken by you to warn, direct or indirect purchasers of asbestos products or protect their employees of health hazards;

(f) Actions taken to warn or protect persons such as plaintiff and spouse against hazards of asbestos.

ANSWER TO INTERROGATORY NO. 51: Abex objects to this interrogatory on the grounds that it is overly broad and premature. Abex will designate the names of its witnesses at the appropriate time.

52. Did or does defendant maintain a medical library? If yes, state:

(a) Date established?

(b) Location;

(c) Names and addresses of librarians;

(d) Title, author, and publisher of all journals and books bought or subscribed to during the period 1930 through 1978;

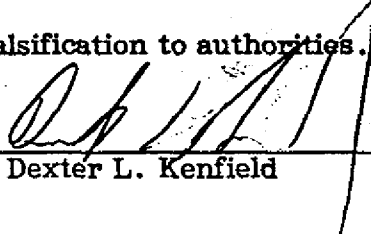
(e) To whom journals in the area of asbestos, industrial hygiene, medicine safety or engineering were distributed.

ANSWER TO INTERROGATORY NO. 52: No.

VERIFICATION

I, DEXTER L. KENFIELD, do hereby verify that I am Corporate Counsel of Abex Corporation and am authorized to make this Verification on behalf of Abex Corporation, that I have read the foregoing Answers to Plaintiff's Interrogatories and know the contents thereof, and that the facts contained therein are true and correct to the best of my knowledge, information and belief.

I understand that false statements are made subject to the penalties of 18 Pa. C.S.A. sec. 4904 relating to unsworn falsification to authorities.



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