

DISTRICT COURT, COUNTY OF BOULDER, COLORADO Court Address: 1776 6TH St. P.O. Box 4249, Boulder, CO 80306-4249 Plaintiff(s): DAVID ALBER and DELORES ALBER, as Husband and Wife, v. Defendant(s): UNITED STATES GYPSUM COMPANY, et al. Attorney: Michael D. Plachy, Atty. Reg. # 22014 Michelle A. Pinkowski, Atty. Reg. # 24737 Name: Rothgerber Johnson & Lyons LLP Address: 1200 17th Street, Suite 3000 Denver, Colorado 80202 5839 Phone: (303) 623-9000 Fax: (303) 623-9222 E-mail: mpinkowski@rothgerber.com	▲ COURT USE ONLY ▲ Case Number: 2000 CV 2035 Div.: A2
DEFENDANT HONEYWELL INTERNATIONAL, INC.'S RESPONSES TO PLAINTIFFS' AMENDED FIRST SET OF INTERROGATORIES	

GENERAL OBJECTION

Defendant Honeywell International, Inc., incorrectly named as Honeywell Technology Solutions, Inc., responds and objects to the definitions included in Plaintiffs' Amended First Set of Interrogatories to the extent that these definitions attempt to expand Defendant's obligations under the Colorado Rules of Civil Procedure.

PREFATORY STATEMENT

On April 1, 1985, The Bendix Corporation was merged into Allied Corporation and ceased to exist as a legal entity. On September 30, 1987, Allied Corporation was merged into AlliedSignal Inc. and ceased to exist as a legal entity. On December 1, 1999 AlliedSignal Inc. was merged into Honeywell International, Inc. and ceased to exist as a legal entity. The Bendix Corporation was incorporated in the State of Delaware and maintained its principal place of business in the State of Michigan. Allied Corporation was incorporated in the State of New York and maintained its principal place of business in the State of New Jersey. AlliedSignal Inc. was

incorporated in the State of Delaware and maintained its principal place of business in the State of New Jersey. Honeywell International, Inc. is incorporated in the State of Delaware and maintains its principal place of business in the State of New Jersey. Honeywell International, Inc. is a successor-in-interest to AlliedSignal Inc., which was the successor-in-interest to Allied Corporation which was a successor-in-interest to the Bendix Corporation. The Automotive Sector of Honeywell International, Inc. is the business unit within Honeywell International, Inc. which continues the "Bendix" line of automotive friction products.

The following responses to Plaintiffs' Interrogatories are based upon: (a) information supplied by employees of The Bendix Corporation or documents in the possession of The Bendix Corporation through March 31, 1985; (b) the information or documents acquired by or known to employees of the Automotive Sector of Allied Corporation from April 1, 1985 through September 29, 1987; (c) information or documents acquired by or known to employees of the Automotive Sector of AlliedSignal Inc. from September 30, 1987 to December 1, 1999; and (d) information or documents acquired by or known to employees of Honeywell International, Inc. since December 1, 1999.

In its responses, this party will be identified as "Honeywell" with the understanding that such term refers to: (a) The Bendix Corporation prior to April 1, 1985; (b) the Automotive Sector of Allied Corporation from April 1, 1985 through September 29, 1987; (c) the Automotive Sector of AlliedSignal Inc. from September 30, 1987 to December 1, 1999; and (d) Honeywell International, Inc. since December 1, 1999. As a context of particular questions may require, the automotive friction products manufactured by Honeywell and its predecessors will be described by reference to their registered trademark, "Bendix." Questions directed to matters of corporate identity (e.g., state of incorporation, principal place of business, etc.) are answered as they apply to Honeywell.

INTERROGATORIES

1. State the name, address and position of employment of the person signing the responses to these discovery requests on behalf of this defendant.

RESPONSE: These interrogatories are answered by Honeywell, a corporation. See Verification.

2. To the extent that they are in your possession, custody or control, produce for copying and inspection all tangible items that relate to any of the following:

1. Sale or shipment of goods containing asbestos or vermiculite by you to any location in the State of Colorado between 1946 and 1985.

RESPONSE: Defendant objects to this Interrogatory on the basis that it is vague, overly broad and unduly burdensome.

2. Installation or use by you of goods containing asbestos or vermiculite at any facility or location the State of Colorado between 1946 and 1985.

RESPONSE: This subpart seems to be directed to thermal insulation products. Honeywell has never manufactured thermal insulation products.

3. Tangible items such as, but not limited to, contracts, agreements, plans, specifications to perform services or provide goods containing asbestos or vermiculite to any location in the State of Colorado between 1946 and 1986.

RESPONSE: Defendant objects to this Interrogatory on the basis that it is vague, overly broad and unduly burdensome.

4. Tangible items such as, but not limited to, contracts, agreements, plans, specifications to perform services installing, applying, preparing and/or using goods containing asbestos or vermiculite to any location in the State of Colorado between 1946 and 1986.

RESPONSE: This subpart seems to be directed to thermal insulation products. Honeywell has never manufactured thermal insulation products.

5. The substance of each warning.

RESPONSE: Defendant objects to this Interrogatory on the basis that it is vague, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and impossible to answer as written. Without waiving these or any other objections, and assuming that this interrogatory requests information regarding the warnings placed on automotive friction products manufactured by Honeywell, Defendant states as follows: Although Honeywell does not believe that there is any health hazard associated with the proper use of its products, since 1973, in recognition of OSHA regulations concerning asbestos exposure, a warning label has been placed on all cartons and boxes containing asbestos-containing friction products shipped to customers. Honeywell and its predecessors have complied with OSHA warning regulations even though it has never been determined that exposure to friction products results in exposure to asbestos fibers equal to or in excess of OSHA exposure limits for asbestos fibers. From October, 1973 to August, 1986, the warning label read as follows:

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

From September, 1986 until the present, the warning label reads as follows:

DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

3. The name address of any entity that was a distributor, reseller, or wholesaler of goods in the State of Colorado between 1946 and 1986, containing asbestos or vermiculite manufactured, distributed and/or sold by you.

RESPONSE: Defendant objects to this Interrogatory on the basis that it is vague, overly broad and unduly burdensome.

4. Tangible items containing information about the type, identity, brand, description and quantity of goods containing asbestos or vermiculite to any entity identified by you in **RESPONSE** to paragraph number 3, above.

RESPONSE: Defendant objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objection, Defendant states as follows: This Defendant and its predecessors have furnished customers over the past 50 years with promotional and advertising material relating to automotive friction products, and have published numerous advertisements in trade journals and other periodicals. The burden on Honeywell in terms of cost and manhours to respond to this Interrogatory would far outweigh the benefits, if any, that such information would provide to the plaintiff. While Defendant objects to what is apparently a Request for Production that has been termed an Interrogatory, in the spirit of cooperation, examples of promotional literature have been annexed as Attachment No. 1.

5. Please provide a chart, listing or similar description of all goods containing asbestos or vermiculite that were manufactured, sold or distributed by you between 1946 and 1986, including:

- a. A description of the physical characteristics of the goods, the composition of the goods including the type and percentage of asbestos and/or vermiculite in the goods and the color or appearance of the goods.

RESPONSE:

Defendant objects to this Interrogatory because the composition of its friction products is a trade secret and, therefore, proprietary information. Without waiving this or any other objection, Defendant states that over the years, motor vehicle manufacturers have made changes in vehicle design (weight, chassis length, engine performance, etc.) and in brake performance criteria (noise, durability and stopping distance limits) which required modifications in product formulations to meet the changed criteria. As a result, the percentage of processed chrysotile asbestos fiber in asbestos-containing brake linings and disc brake pads varies depending upon the composition of a particular item but, on average, is approximately 50% (by weight). The percentage of processed chrysotile asbestos fiber in asbestos-containing brake blocks varied depending upon the composition of a particular item but, on average, was approximately 35% (by weight). The percentage of processed chrysotile asbestos fiber in asbestos-containing clutch facings was 44% (by weight). Brake linings and disc brake pads also contain a resin binder system and various friction modifiers and fillers which encapsulate the processed chrysotile asbestos fibers. Asbestos-containing clutch facings (manufactured between 1975 and 1978) and asbestos-containing brake blocks (manufactured between 1948 and 1988) also contained a resin binder system and various friction modifiers and fillers which encapsulated the processed chrysotile asbestos fibers.

The color of automotive friction products that contain processed chrysotile asbestos fiber varies from tan to light gray, depending on the composition of individual items.

The dimensions of arcuate brake lining segments vary from 5" to 19" in diameter; 1-1/2" to 7" in width; 3/16" to 1/2" in thickness; and 57 degrees to 125 degrees in length.

The dimensions of disc brake pads vary from 2" to 8.7" in length; 2" to 3" in width; and 1/4" to 1/2" in thickness.

The dimensions of brake blocks varied from 12 1/4" to 20" in diameter; 4" to 10" in width; and 3/4" to 7/8" in thickness.

The dimensions of clutch facings were 10.4" or 11" outside diameter, 6.5" inside diameter and .135" in thickness.

- b. The brand or trade name of each of the goods.

RESPONSE: Brake Linings:

"Bendix"	1939 to present
"Marshall"	1939 to present
"Bulls-eye"	1939 to 1948
"SL"	1939 to 1971
"WM"	1939 to 1971
"Eclipse"	1939 to 1987
"Master"	1945 to 1987
"EDF"	1946 to 1987
"FK"	1955 to 1987
"Friction King"	1960 to 1987

Disc brake pads:

"Bendix"	1963 to present
"Friction King II"	1979 to 1987 (asbestos-free wearing surface)

Brake blocks:

"Bendix"	1948 to 1988
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Clutch facings:

"Bendix"	1975 to 1978 (sold only to the Chicago, Illinois plant of Borg and Beck)
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- c. The dates each of the goods was first manufactured, distributed and/or sold by you.

RESPONSE: See subsection (b) above.

- d. A description of the compositions and appearance of the packaging for each of the goods, and the volume or weight of the packaging when containing goods as offered for sale.

RESPONSE: The products are packaged and distributed in chipboard or corrugated cardboard cartons or boxes. Since October 1973 all boxes have been imprinted with a version of the labels described in answer to Interrogatory No. 2(e).

- e. The manner, if any, in which the goods would foreseeably be prepared for application and use.

RESPONSE: Defendant objects to this Interrogatory on the basis that it is vague, overly broad and unduly burdensome.

6. Please state the name of any domestic and/or foreign organizations, association, foundation, academy, and/or institute, to which you belonged at any time between 1930 and 1999, and the dates that you were a member of such organization.

RESPONSE: Defendant objects to this interrogatory on the basis that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant states as follows: Honeywell and its predecessors have been members of the following organization:

- Friction Materials Standards Institute, Inc.
(1949 to present)

The Bendix Corporation was also a member of the following organizations:

- Asbestos Information Association of North America
(1974 to 1984)
- Brake Lining Manufacturers Association
(1939 to 1949)

7. If you ever provided masks or respirators to people who were working with or around asbestos and/or vermiculite containing goods manufactured, distributed or sold by you please state the following:

RESPONSE: Defendant objects to this interrogatory on the basis that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

- a. When and where such masks or respirators were first provided?

RESPONSE: Defendant objects to this Interrogatory on the basis that it is vague, overly broad and unduly burdensome.

- b. The existing circumstances or conditions that caused or contributed to your decision to provide masks or respirators.

RESPONSE: Defendant objects to this Interrogatory on the basis that it is vague, overly broad and unduly burdensome.

- c. The brand name and/or manufacturer of the masks or respirators.

RESPONSE: Defendant objects to this Interrogatory on the basis that it is vague, overly broad and unduly burdensome.

- d. A general description of the appearance of the masks or respirators.

RESPONSE: Defendant objects to this Interrogatory on the basis that it is vague, overly broad and unduly burdensome.

8. Please provide the names of people who on your behalf or at your request or with your permission gave testimony or presentations to any governmental body or agency with regard to the proposed regulation to control of goods containing asbestos and/or vermiculite.

RESPONSE: Defendant objects to this interrogatory on the basis that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this or any other objection, Defendant states as follows: Honeywell is unaware of any such testimony.

9. Please provide the name, job title, and last known address of all people employed by you whose job duties included managing or supervising the sales distribution and sales organization on a local, regional or national level, for asbestos and/or vermiculite containing goods manufactured, distributed, sold or installed by you.

RESPONSE: Defendant objects to this interrogatory on the basis that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

10. Please provide the name, job title, and last known address of all people employed by you whose job duties included managing or supervising on a local, regional or national level, the installation or application asbestos and/or vermiculite containing goods installed by you.

RESPONSE: Defendant objects to this interrogatory on the basis that it is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible

evidence, vague, ambiguous and unintelligible. Without waiving this or any other objection, Defendant states as follows: This interrogatory appears to relate to installation of building materials. Given that this Defendant manufactures automotive friction products, this interrogatory appears to be inapplicable.

11. TIME DATE AND PLACE FOR TANGIBLE ITEM PRODUCT: On or before forty-five days following the date of service any items to be produced pursuant to the discovery requests herein should be produced to the offices of counsel for Plaintiff:

Trine & Metcalf, P.C.
1435 Arapahoe Ave.
Boulder, CO 80302

RESPONSE: This is not an interrogatory or a specific request for production of documents and therefore no response is required. Defendant will take this opportunity to object to the intermingling of requests for production of documents within a discovery pleading labeled Plaintiff's Amended First Set of Interrogatories. In the spirit of cooperation, Defendant has attempted to respond to both the interrogatories and requests for production, doing so as required respectively by C.R.C.P. 33 and C.R.C.P. 34.

DATED this 12th day of March 2001.

AS TO OBJECTIONS:

ROTHGERBER JOHNSON & LYONS LLP

*A duly executed signature is on file in the
offices of Rothgerber Johnson & Lyons, LLP*

Michael D. Plachy, No. 22014
Michelle A. Pinkowski, No. 24737
One Tabor Center, Suite 3000
1200 Seventeenth Street
Denver, Colorado 80202
Attorneys for Honeywell International, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true a correct copy of the foregoing **DEFENDANT HONEYWELL INTERNATIONAL, INC.'S RESPONSES TO PLAINTIFFS' AMENDED FIRST SET OF INTERROGATORIES** was served as indicated below by e-filing via JusticeLink or by placing the same in the United States mail, postage prepaid, addressed to the following on this 12th day of March:

J. Conard Metcalf, Esq.
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Davis Graham & Stubbs LLP
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U.S. Mail

*A duly executed signature is on file in the
offices of Rothgerber Johnson & Lyons, LLP*

VERIFICATION

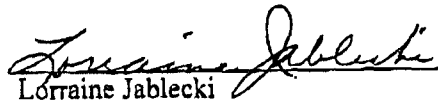
STATE OF NEW JERSEY)
)SS.
COUNTY OF MORRIS)

Lorraine Jablecki, being first duly sworn, upon her oath at law, deposes and says:

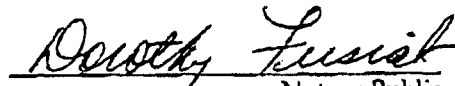
1. I am a Legal Research Assistant employed by Honeywell International, Inc., formerly known as AlliedSignal Inc., successor to Bendix Corporation. I am authorized to sign the foregoing Discovery Responses on behalf of Honeywell International, Inc.

2. The responses were prepared with the assistance and advice of counsel and other representatives of Honeywell International, Inc. The information contained in the responses was furnished by various employees of and departments within Honeywell International, Inc. and/or has been derived from business records maintained by Honeywell International, Inc.

3. While I do not have personal knowledge of the facts recited in the responses, they are true to the best of my knowledge, information and belief.


Lorraine Jablecki

Subscribed and sworn to before me this
12th day of March, 2001.


_____, Notary Public
Morris County, New Jersey
My Commission Expires:

DOROTHY FUSIAK
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 9/29/2003