

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GUNTHER J. DOLIBOIS, et ux.,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	NO. 80-3550
	:	
RAYMARK INDUSTRIES, INC.,	:	JUDGE THOMAS A. WISEMAN, JR.
	:	
Defendants	:	
Third-Party Plaintiffs,	:	
	:	
vs.	:	
	:	
GENERAL MOTORS CORPORATION,	:	
BORG-WARNER CORPORATION, and	:	
WAGNER ELECTRIC CORPORATION,	:	
	:	
Third-Party Defendants.	:	

SUPPLEMENTAL INTERROGATORY ANSWERS BY
DEFENDANT RAYMARK INDUSTRIES, INC.

The following Supplemental Responses are provided by defendant, Raymark Industries, Inc., ("Raymark"). On June 28, 1982, Raymark merged with and acquired the assets of Raybestos-Manhattan, Inc., ("Raybestos"). For the parties convenience, the designation "Raymark" will be used throughout the responses with respect to matters occurring both before and after the merger of Raybestos into Raymark.

Q.1. State the "trade name" and "technical name" or "designation" of each and every asbestos containing brake lining product manufactured and/or distributed by the defendant during the past fifty years and as to each product listed state the following:

(a) the dates the product was manufactured or distributed.

(b) the percentage and type (amosite, chrysotile, crocidolite, etc.) of asbestos contained in each product.

A.1.(a)-(b) Raymark objects to this Interrogatory because it is overly broad in that it seeks information which is neither relevant nor reasonably calculated to lead to the the discovery of admissible evidence and it is unduly burdensome and oppressive. Without waiving the foregoing objections and subject thereto, Raymark states that while specific compounds are frequently changed over the years, Raymark tradenames have have remained relatively constant in the replacement market. The following is a list of tradenames for Raymark brake lining products located as of January 1, 1983:

PG	Raymold (RP, RP, RTP)
PGP	Wiremold (WM, WMP, WMS, WMPSC)
PGPX	Dynamold (DMS, DMPSC)
PGR	Balanced Brake Set (BB)
PGRX	Balanced Extra Performance (BXP)
PGTP	BT
PGTWC	Red Demon
PGBUS	Timber King

Disc Brake Tradenames*

PG
Raymold
EL
PGP
RP
RR
Red Demon

*Raymark introduced disc brake materials in 1962 for foreign cars and in 1965 for domestic cars.

the same manner in which they were discovered. Upon reasonable notice, counsel may review any non-privileged documents at the document depository in Morristown, New Jersey.

Q.3. If the answer to Interrogatory number 2 is yes, state the folloiwng:

- (a) the dates of sale;
- (b) the type of brake linings or brake pads sold;
- (c) the type of vehicles those brake pads or brake linings were designed to fit.

A.3(a)-(c) See response to Interrogatory No. 2.

Q.4. Did defendant sell brake linings or brake pads to manufacturer of the United States Army vehicles during World War II?

A.4. Raymark objects to this Interrogatory because it is overly broad in that it seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and it is vague and ambiguous in that it fails to provide sufficient information for Raymark to identify any potential customer or location, and it is unduly burdensome and oppressive. In addition, see response to Interrogatory No. 2.

Q.5. If the answer to Interrogatory number 4 is yes, state the following:

- (a) names of manufacturers of the vehicles the asbestos brake linings or pads were sold to;
- (b) the dates of the sales;
- (c) the type of brake linings sold;

(d) the type of asbestos used in the brake linings or pads (amosite, chrysotile or crocidolite);

(e) the percentage of asbestos used in the brake linings.

A.5.(a)-(e). See response to Interrogatory No. 4.

Q.6. Did defendant perform any tests on its asbestos brake linings to determine the amount of asbestos fibers released from its brake linings during the handling, cutting, installation, or removal.

A.6. Yes.

Q.7. If the answer to Interrogatory number 6 is yes, state the following:

- (a) the date such tests were conducted;
- (b) the type tests conducted;
- (c) the results of the tests;

A.7(a)-(c). In or about 1973 Raymark received information suggesting the possibility of excessive concentrations of asbestos fibers in brake service operations. This possibility was first raised by Continental Baking Co. whose garages were examined by Liberty Mutual Insurance Company. In response to the questions raised by Continental Bakery, Raymark conducted dust surveys at numerous customer locations, including Continental Baking Co., to monitor various aspects of brake service operation. The studies were supervised by John H. Marsh, Director of Environmental and Government Affairs. The following customer locations were studied:

<u>Date</u>	<u>Location</u>	<u>Operation</u>
3/13/73	Champion Auto Safety 99 Whalley Avenue New Haven, Conn.	Grinding brake shoes Grinding of eight brake shoes and complete relining of a 1972 Dodge Polara. Removal of wheels and complete teardown of front disc brakes and an inspection only of rear shoe brakes of a 1969 Chevrolet wagon.
3/14/73	Therriault's Texaco 406 Huntington Turnpike Bridgeport, Conn.	Disassembly of four brake shoes on 1969 Chevrolet Nova; backing plates brushed and then blown with clean air.
3/15/73	Continental Bakery Garage Wells Street Bridgeport, Conn.	Replacement of primary shoes of front wheels of a Ford van; backing plates cleaned with a fiber brush and the star adjusters wire brushed on a bench machine.
3/15/73	Continental Baking Co. Garage Norristown, Penn.	Removal of two front truck wheels and remove dust from around the drums and lining with a dry cloth.
3/16/73	Ideal Tire 29 North Avenue Bridgeport, Conn.	Cleaning of brakes and turning of drums and rotars; disassembly of calipers; rebuilding of calipers, rear brake cylinders and reassembly; rear brake linings hand sanded only.
3/16/73	Brangaccio Auto Sales 81 Boston Ave. Bridgeport, Conn.	Brakes were completely disassembled, cleaned, drum turned, new lining ground and reassembled one wheel at a time; on a 1970 Malibu backing plates were brushed and the linings were turned on an Ammco grinder.

3/19/73	Continental Bakery Garage Bridgeport Ave. Milford, Conn.	Complete relining of the front axle of a Ford van; backing plates and shoes were cleaned with an air hose; lining was not ground and wheel cylinders and drums were not touched.
3/19/73	Center Auto 1860 Stratford Ave. Stratford, Conn.	Grinding of brake shoes with Ammco grinder.
2/30/73	Keating Ford 1055 Stratford Ave. Stratford, Conn.	Relining of a 1971 Ford Galaxie 500; including removal of all wheels, removal of rear drums, removal of front calipers, removal of rear shoes; cleaning of the backing plates with brush; rebuilding rear wheel cylinders; turning rear drums and rebuilding calipers.
5/23/73	All Brake Drive 55 West Ogden Cicero, Illinois	Cutting brake lining; countersink drilling; riveting and grinding brake lining
5/23/73	Auto Clutch and Parts 3125 Fullerton Ave. Chicago, Illinois	Loading automatic grinder and stacking finished product.
3/26/73	Manheim Motors Manheim, Penn.	Arch grinding brake shoes with Ammco grinder.
3/26/73	Automotive Sales Lancaster, Penn.	Arch grinding brakes with Ammco grinder.
3/27/73	Ray Goff & Son 164 Briarfield Dr. Stratford, Conn.	Relining two half bands; length was first cut with a hand saw and then a piece was cut to width by a table saw; burrs were removed with a bench grinder and the lining was drilled and counter-bored.
3/27/73	Prutzman Gulf Station Millersville, Penn.	Arch grinding brakes shoes with Ammco grinder.
3/27/73	Bob Terry's Garage Bareville, Penn.	Drum turning operation only
3/27/73	Zartman Dodge Lititz, Penn.	Arch grinding brake shoes with Ammco grinder

The dust survey results revealed that, with regard to removal of old brake lining material, there was minimal asbestos dust exposure, well within accepted exposure limits. In fact, some operations registered no sign of asbestos dust or fiber. With regard to application of new brake lining materials, Raymark observed certain instances where, for short time periods, asbestos dust exceeded recommended exposure levels during certain brake service operations. In these instances, excessive dust levels were due to poor housekeeping procedures or failure to maintain proper local exhaust ventilation or vacuum systems.

Despite the dust survey results, which indicated that Raymark friction products when used for their intended purpose and in accordance with recommended work practices did not exceed permissible exposure limits, in or about 1974 Raymark began cautioning its customers against creating dust when using Raymark friction products, and advised customers that breathing asbestos dust may cause serious bodily harm.

Q.8. Does defendant know that asbestos is a potentially harmful substance capable of producing damage to people who inhale asbestos fibers?

A.8. Raymark objects to this Interrogatory because it is overly broad in that it seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, it is vague and ambiguous in that it fails to specify the conditions of exposure, types of application, or time periods, it is argumentative and it calls for a speculative response.

Q.9. If the answer to Interrogatory number 8 is yes, state when defendant first learned the potential dangers of asbestos. How did defendant learn?

A.9. See response to Interrogatory No. 8.

Q.10. Has defendant ever placed any caution labels on any of its asbestos containing brake linings warning the user or consumer that inhalation of asbestos fibers was or could be harmful to health?

A.10. Yes.

Q.11. If the answer to Interrogatory number 10 is yes, state the following:

- (a) the date such labels were first placed;
- (b) the exact language of the label.

A.11(a)-(b). In or about 1974 Raymark began placing caution labels on its friction products which states: CAUTION. CONTAINS ASBESTOS FIBERS. AVOID CREATING DUST. BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM.

The cautions were placed on products by means of ink, stencil, pressure sensitive adhesive labels, preprinted adhesive tape, preprinted packaging or wrapping material, or printed paper tags. These warnings are in regular use at each Raymark shipping location that handles asbestos-containing products.

In addition to caution labels on packages, printed work practice instructions have been included in all shipments of asbestos-containing friction materials since approximately mid-1975. These instructions read as follows:

IMPORTANT

Do NOT Breathe Dust

Do NOT Use Air Hose for Cleaning

Do NOT Machine Without Dust Collection Equipment

DO use Vacuum or Wet Cleaning Methods

DO Dispose of Dust in Sealed Container

DO Wear Mask if Unable to Avoid Dust

For Further Information Contact:

Environmental Affairs Department
Raybestos-Manhattan, Inc.
100 Oakview Drive
Trumbull, Connecticut 06611

The work practice instructions were authorized by John H. Marsh, Corporate Director of Environmental Affairs, Raybestos-Manhattan, Inc., 100 Oakview Drive, Trumbull, Connecticut 06611.

In 1975 Raymark distributed bulletins apprising friction product customers of the need for precautions against reported airborne asbestos dust hazards. These bulletins reviewed recommended procedures for brake and clutch relining as well as high volume or continuous processing operations such as cutting, grinding, drilling and turning of asbestos friction materials. Raymark has also provided information concerning recommended work practices and information on monitoring services and protective equipment, among other things, to its customers and other interested parties.

In addition, Raymark has distributed booklets such as, "Recommended Work Practices - Fabrication and Use of Asbestos Friction Materials" published by the Asbestos Information

Association, "Friction Materials Work Practice Guide," published by the Friction Materials Standards Institute, "Asbestos and Brake Linings," published by the Asbestos Information Association and "What You Should Know About Asbestos & Health," the corporate employee handbook. These booklets were distributed to customers upon request.

Q.12. If any changes have been made in the label since it first appeared, state the changes and the dates.

A.12. See response to Interrogatory number 11.

Q.13. Did defendant ever provide any cautionary instructions on any of its asbestos containing brake linings, advising the user as to any safe method in the handling, installation, or removal of brake linings so as to avoid breathing asbestos fibers?

A.13. See response to Interrogatory no. 11.

Q.14. If the answer to Interrogatory number 13 is yes, state the following:

- (a) the date such instructions were given;
- (b) the products manufactured or distributed by defendant upon which instructions were given;
- (c) the exact language of the instructions (in the event later instructions were provided set forth the exact language and dates.)

A.14(a)-(c). See response to Interrogatory no. 11.

Q. 15. Is defendant aware that people whose job it is or was to remove and install asbestos brake linings have developed asbestosis, lung cancer, mesothelioma, cancer of the larynx?

A.15. Raymark does not believe that a person whose only asbestos exposure has been to its asbestos-containing friction materials on an intermittent basis suffers an increased risk of asbestos-related health problems. Raymark's belief is based upon the following facts:

- (1) The levels of such exposure are well below permissible exposure limits;
- (2) Raymark's friction products contain only chrysotile fiber; and
- (3) The medical literature is devoid of any significant evidence of asbestos-related illness in those who use or are exposed to friction products.

Q.16. If the answer to Interrogatory number 15 is yes, state the following:

(a) when defendant first learned that people working with asbestos containing brake shoes were developing asbestosis, lung cancer, mesothelioma, cancer of the larynx?

(b) How did defendant learn this (describe in detail.)

A.16(a)-(b). See response to Interrogatory no. 15.

Q.17. Did defendant at any time manufacture, sell or distribute asbestos containing brake linings or pads used on the following:

- (a) Studebaker automobiles;
- (b) Studebaker trucks;
- (c) Mercedes Benz automobiles;
- (d) Triumph automobiles;
- (e) Volvo automobiles;
- (f) Ford Motor Company automobiles;
- (g) Renault automobiles;

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- (h) Willys vehicles;
 - (i) Willys Jeep vehicles;
 - (j) Dodge trucks;

A.17. Raymark objects to this Interrogatory because it is overly broad in that it seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, it is vague and ambiguous in that it fails to identify the particular model and year of manufacture for the vehicles identified, and it is unduly burdensome and oppressive.

Q.18. If the answer to Interrogatory no. 17(a) through (j) is yes, state the following:

- (a) the dates of the sales;
- (b) the percentage of asbestos in the brake linings or pads;
- (c) the types of asbestos in the brake linings or pads (amosite, chrysotile, crocidolite).

A.18(a)-(c). See response to Interrogatory no. 17.

Q.19. Have any lawsuits been filed against any of these defendants, by any person(s) claiming injury and damages as a result of their exposure to asbestos-containing brake shoes or pads manufactured by any of these defendants. If the answer to this interrogatory is yes, state the following:

- (a) the style(s) of the case(s);
- (b) the court in which each proceeding was filed;
- (c) the docket number(s);
- (d) the date of the suit(s) or proceeding(s) was filed;
- (e) the disposition of the case(s) or proceeding(s);

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A.19(a)-(e). Raymark objects to this Interrogatory because it is overly broad in that it seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and it is unduly burdensome and oppressive.

Q.20. For the person answering these interrogatories, state all other persons consulted to provide answers to these interrogatories, and describe in detail all documents used or consulted to provide answers to these interrogatories.

A.20. Either William S. Simpson, Vice-Chairman of the Board, or Craig R. Smith, President, Industrial Division of Raymark Industries, Inc., 100 Oakview Drive, Trumbull, Connecticut 06611, has signed these responses solely for the purpose of satisfying any verification requirement. These responses have been assembled by authorized corporate employees and counsel for Raymark Industries, Inc., based upon a review of thousands of corporate documents and information obtained from discussions with Raymark employees. It is not possible to correlate specific responses and sources of information.

Respectfully submitted this 4TH day of March, 1983.

RAYMARK INDUSTRIES, INC.

By:


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VERIFICATION

STATE OF CONNECTICUT)

SS.:

COUNTY OF FAIRFIELD)

WILLIAM S. SIMPSON, being duly sworn, according to law, upon his oath, deposes and says: I am Vice-Chairman of Raymark Industries, Inc. and am authorized to make this verification on its behalf; I have read the foregoing document and know its contents; the facts stated in the foregoing supplemental answers to Interrogatories propounded upon Raymark Industries, Inc., are not within my personal knowledge; the facts stated therein have been assembled by authorized employees of Raymark Industries, Inc. and I am informed and believe and, based upon such information and belief, declare that the facts stated therein are true.

William S. Simpson
WILLIAM S. SIMPSON

Sworn and subscribed to
before me this ^{4th} day
of March, 1982.

Mary Ross
NOTARY PUBLIC
My Commission Expires April 1, 1983

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this pleading has been served upon counsel for all parties at interest in this case by delivering a true and exact copy of said pleading to the offices of said counsel or by placing a true and exact copy of said pleading in the United States Mail, addressed to said counsel at his office, with sufficient postage thereupon to carry the same to its destination.

This the 11TH day of March,
1983.

EGERTON, McAFEE, ARMISTEAD &
DAVIS, P.C.

By:

Dwight E. Tarwater
DWIGHT E. TARWATER