

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT OF FLORIDA, IN
AND FOR DADE COUNTY

GENERAL JURISDICTION DIVISION

CASE NO. 84-27650

EDITH W. BELLIN, as
Administratrix of the
Estate of LOUIS BELLIN,

Plaintiff,

vs.

EAGLE PITCHER INDUSTRIES,
INC., et al.,

Defendants.

NOTICE OF FILING ANSWERS
TO INTERROGATORIES

Fla. Bar #326399

COMES NOW the Defendant, FORD MOTOR COMPANY, by and through
its undersigned counsel, and files its Answers to Interrogatories
served with Plaintiff's Complaint.

I HEREBY CERTIFY that a true and correct copy of the fore-
going was mailed this 14th day of September, 1984 to all
counsel listed on the attached service list.

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PLAINTIFF'S
EXHIBIT
WV-06327

PLAINTIFF'S
EXHIBIT
31662.0

SCF-FORD-3511

BELLIN v. FORD

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EDITH W. BELLIN, as
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Plaintiff,

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FORD MOTOR COMPANY, et al.,

Defendants.

RESPONSE OF FORD MOTOR COMPANY
TO PLAINTIFF'S INTERROGATORIES

The response provided herein have been prepared pursuant to a reasonable and duly diligent investigation and search for the information requested. For many years, Ford has had several hundred thousand employees. Many employees have worked at several of the Ford's facilities. In conducting its business, Ford has each year created many millions of documents that have been kept in numerous locations and have been moved as the organizations changed and as employees changed jobs. Accordingly, Ford does not represent that the responses contained herein provide all of the information requested; rather, these responses reflect information obtained before this date by Ford pursuant to a reasonable and duly diligent search and investigation in those areas where the information is expected to be found. To the extent that the request purports to require more, Ford objects on grounds that include that compliance with the request probably is not feasible and would impose an undue burden or expense.

Further, if additional discovery requests are served upon Ford in this action, Ford will not review the present discovery requests to ascertain whether, subsequent to the serving of this response, new information that might be responsive to the present discovery requests has been obtained. To the extent that the present request purports to impose such obligation, Ford objects on the grounds that the request contravenes the rules and in addition seeks to impose an undue burden and expense. Furthermore, to make responding to these requests feasible, it generally is appropriate to limit their scope to friction products and in particular to brake lining dust.

These comments and objections are incorporated into each Ford Response set forth below as if they were set forth in their entirety as they apply to each response.

INTERROGATORIES

Interrogatory 1: Have you or any of your subsidiaries at any time since 1940 engaged in the manufacture, distribution, sale or purchase of asbestos brakes, brake shoes, brake linings or any other component relative to brakes for automobiles, trucks or other motor vehicles? If the answer is yes, please furnish the following:

a. The trade name(s) of such asbestos brakes, brakes shoes, brake linings or components whether you made them, distributed, bought them or sold them.

b. For the years 1940-1965, the name, address and telephone number of each of the suppliers of asbestos brake shoes, linings, or other components with whom you dealt, and for each, described which components were supplied, and on which model vehicle the components were used.

Response: Ford does not manufacture asbestos-containing products for use in brake linings. It purchases pre-assembled brake linings from its suppliers which are then installed in its vehicles or sold as replacement parts.

(a) Original equipment products are sold under the name of Ford, Lincoln and Mercury. After-market or replacement products are sold under the name of the Ford Motor Company or Ford authorized Remanufacturers.

(b) A chart listing Ford suppliers can be made available.

Interrogatory 2: If during the period of 1940-1965 you did manufacture any asbestos-containing brake components, please give for each the year supplier of the asbestos fibers to you or your subsidiary, including the name, address, and telephone number of each.

Response: Not applicable. Ford has never manufactured any asbestos-containing brake components.

Interrogatory 3: Please describe the packaging for each of the asbestos containing brake components you purchased from others.

Response: Brake lining and clutch facing assemblies are shipped in cartons.

Interrogatory 4: Please describe the packaging for each of the asbestos-containing brake components you sold.

Response: Vehicles are not usually shipped in containers, packages or boxes. After-market brake linings and clutch facings are shipped in cartons to authorized distributors.

Interrogatory 5: Please describe your distribution system for aftermarket or replacement asbestos-containing brake components and specifically identify all distributors, wholesalers, or retailers in New York City (including the five burroughs) to whom you sold asbestos-containing brake components during the years 1940-1965.

Response: Ford sells its replacement parts through thousands of authorized dealers and distributors. Ford objects to the remaining information requested by this Interrogatory as being overly broad and burdensome.

Interrogatory 6: Did you ever manufacture after-market or replacement brake shoes for vehicles other than those manufactured by you? If so, state the years you manufactured such asbestos-containing brake components, the vehicles of other manufacturers for whom such brake components were suitable and the trade name of all such components.

Response: No.

Interrogatory 7: Identify all trademarks and patents which you have possessed since 1940 relating to asbestos-containing brake components.

Response: None.

Interrogatory 8: Do you have in your possession, custody or control any sales brochures, specification sheets, performance data, or other promotional material as well as installation information, data or brochures which would have accompanied or been distributed in connection with the installation, application or use of each of the asbestos-containing brake components you either purchased, manufactured, or sold? If so, state the location of each of these categories of documents and identify the custodian thereof.

Response: Yes. Documents which fall within this category can be made available.

Interrogatory 9: Please provide the name of any expert whom you expect to call as a witness at the trial of this case and for each give:

a. The name and address of each such person:

b. The date of consultation:

c. The subject matter on which the expert is expected to testify.

d. The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds of each opinion of the expert.

Response: Unknown.

Interrogatory 10: Please state the names and addresses of all witnesses the defendant intends to call to testify and give a brief statement of the substance of the testimony of each witness.

Response: Unknown.

Interrogatory 11: For each of the witnesses listed in the preceeding two Interrogatories, state whether or not a written or recorded statement or deposition or testimony has been given by such witness and indicate who has possession of such statement, deposition or testimony.

Response: Not applicable.

Interrogatory 12: Did you provide instructions and/or warnings concerning the potential health hazards of asbestos exposure to either your own employees or third parties whom you expected to use or come in contact with your asbestos-containing brake components? If so, please state:

a. The date(s) you provided such instructions or warnings.

b. The identity of the person or persons who prepared the instructions and/or warnings.

c. To whom the instructions and/or warnings were addressed.

d. The manner in which the instructions were transmitted to your employees and third parties.

e. The precise wording used in instructions and/or warnings, the size and color of such warnings and the location of such warnings.

Response: Yes. On October 24, 1975, Ford Technical Service Bulletin 99 was distributed to all Ford and Lincoln-Mercury dealers. It recommended that a vacuum cleaner be used for cleaning brakes. In January, 1976, a Technical Service Bulletin was issued to the dealers indicating that Ford recommended the use of an industrial vacuum cleaner in brake cleaning operations. The 1977 edition of the Rotunda Catalog and Ford's Shop Manual for Dealerships recommended that brakes not be cleaned with an air hose and that a vacuum cleaner be used for this purpose. This catalog also recommended the use of respirators. In November, 1983, Ford issued Bulletin No. 83-22 on asbestos brake and clutch servicing. Technical Service Bulletins are presently distributed by mail to approximately 29,000 Ford and Lincoln-Mercury dealer technicians. These documents are the result

of corporate activity and are not the work of any single author. These bulletins have not been superceded.

Furthermore, with respect to after-market products sold by Ford, labels were placed on cartons in 1980 which read along such lines as:

"CAUTION: Contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause serious bodily harm. When servicing this brake lining or any component related to it or located near it, prevent asbestos dust from becoming airborne by vacuuming the assembly with an industrial type vacuum cleaner equipped with a high efficiency filter system and by washing the assembly with an appropriate brake parts washer if necessary. Never remove dust or dirt from this assembly by blowing with compressed air."

Interrogatory 13: When did you first hear that exposure to asbestos could be hazardous to health?

Response: Ford does not know when Ford or one of its employees first had knowledge of the potential health hazards associated with asbestos.

Interrogatory 14: Please state the first date on which you first heard that asbestos exposure could cause:

a. Asbestosis

b. Lung cancer

c. Other cancer

d. Mesothelioma

For each, state how you heard about the danger and from whom.

Response: See Response to 13.

Interrogatory 15: Please provide the name of all medical directors and industrial hygiene directors of the company since 1940-1965 and state whether each is alive or deceased.

Response: Ford has employed the following medical directors as part of the Personnel Services Office of the Personnel and Organization staff to monitor the health and safety of its employees. They are located in Dearborn, Michigan. They have been:

Harley Krieger, M.D.: ? to 1954, now deceased;
E. A. Irvin, M.D.: 1954-1970, now deceased; and
Duane L. Block, M.D.: 1970 to present.

About 40 industrial hygienists have been employed at Ford in the last 45 years. Industrial Hygiene at Ford is a central staff function of the Personnel and Organization Staff. In general, all 40 were classified as industrial hygienists with responsibility to perform industrial hygiene field studies only at Ford locations. For the most part, all of the hygienists were or are members of the American

Industrial Hygiene Association and attended its meetings. The names of the 40 are presented as follows in two groups - those presently employed and those who have left Ford. Credentials and dates of employment will be listed where known.

Present Industrial Hygienists

A.R. Amberg, B.S., M.S.
Industrial Hygiene, CIH 1981

D.S. Carruthers, B.S., M.S.
Occupational & Environmental
Health, CIH 1977

D.A. Greschaw, B.S., CIH, SCP, 1956

L. Latorre, B.S., M.S.
Industrial Hygiene, CIH 1969

L.K. Lee, B.S., M.S.
Industrial Hygiene, CIH 1976

H.B. Lick, B.A., M.B.A., M.S.
Occ. & Env. Health, CIH, CSP 1968

S.S. Mingela, B.S., M.S.
Occ. & Env. Health, CIH 1977

C.E. Plaster, B.S. 1950

R.L. Wabeke, Supervisor,
Industrial Hygiene Section, B.S., M.S.
Occ. & Env. Health, CIH 1972

M.D. Kelly, B.S.
T.F. Strow, B.S.

Past Industrial Hygienists

R. Anderson 1960's

L. Parrish 1978-1981

E. Brown 1960's

W. Preston

N. Brush 1972-1977

S. Kojinovitz

W. Delhey 1950's

J. Radcliff, Former Mgr.
1948-1972

H. Dryer 1978-1980

L. Redmond 1950's

D. Eschelbach 1950's

E. Ross 1950's

Past Industrial Hygienists (cont.)

M. Francis 1977-1982	J. Sattlemeier 1960's
A. Frazho 1960's	J. Slosar 1960's
L. Jansen 1960's	F. Snitz 1960's
A. Karpowich 1978-1980	J. Sproat 1977
R. Kerstan 1977	J. Stanko 1973
W. Kronberger	J. Stanko 1973
T. Mooney 1930's	R. Stites 1940's
M. O'Brien 1977-1981	P. Toth, Former Mgr. 1960-1982
D. Padden 1930's	J. Weaver 1980's

Interrogatory 16: Please identify all trade associations of which you have been a member since 1940 and for each, state whether you ever attended any meeting in which the hazards of asbestos exposure were discussed. If so, please state the date, place, and nature of the meeting and the speaker or speakers from whom you learned of the hazards of asbestos.

Response: Ford and its employees have had memberships in the American Society for Testing and Materials, Society of Automotive Engineers and American Industrial Hygiene Association. It is not feasible for Ford to identify all Ford employees who have been or are members of these organizations. Ford also had a membership from January, 1947 through December, 1974 in the Industrial Health Foundation.

Ford is a member of the National Association of Manufacturers, Michigan Manufacturers Association, Motor Vehicle Manufacturers Association and the National Safety Council.

Mr. P.E. Toth and H.L. Northrop, M.D., formerly Associate Medical Director, represented Ford at the NIOSH brake and clutch assembly hazards meetings in 1975 and 1976. Other meetings and seminars were attended by several other industrial hygienists of Ford from 1970 to the present.

The Asbestos Information Association reports that representatives of Ford attended an industry-government conference, held annually by the Association as follows:

Mr. James Stock	September 19-20, 1979
Mr. R.A. Husen	September 16-17, 1981

It is not feasible to identify all Ford employees who may have attended meetings at which asbestos may have been a topic.

Interrogatory 17: Did you provide respirators to your employees or advise the use of respirators to any one in connection with the installation, handling or removal of your asbestos-containing brake components?

Response: Yes, Ford recommended the use of respirators to purchasers or users in its Rotunda's Spring 1976 Catalogue.

Interrogatory 18: Did you receive any comments or complaints concerning asbestos health hazards from any of your employees or others who were exposed to your asbestos-containing products? If so, please state:

(a) The name and address of the person complaining.

(b) The nature of the complaint.

(c) The date the complaint was received by you.

(d) What action if any was taken in response to the complaint.

Response: Ford objects that this Interrogatory as being overly broad and burdensome. Because of the differences in occupational exposures, the information sought would not be relevant to the claims asserted herein.

Interrogatory 19: Did you receive notice of any workmen's compensation claims alleging injury as a result of asbestos exposure? If so, please state:

(a) The name and address of the claimant.

(b) The date you received notice.

(c) The state in which the claim was filed.

(d) The injury alleged in the claim.

(e) The outcome of the claim.

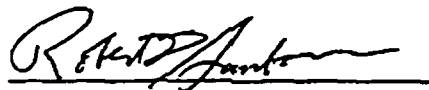
Response: Ford's records do not permit retrieval of this information as injuries alleged are described in terms

such as: lunge, chest, back, silicosis, bronchitis, emphysema, pneumoconiosis, cough, pulmonary system, etc. resulting from exposure to "deleterious substances" and/or "atmospheric pollutants." It is impossible to ascertain from these records whether or not the alleged injury was associated with asbestos exposure. Furthermore, because of differences in occupational exposures, the information sought would not be relevant to the claims asserted herein, and Ford objects to this Interrogatory.

Ford further objects to this interrogatory because it is vague, ambiguous and overbroad and seeks information which is not discoverable under the laws of the State of Florida.

STATE OF)
) SS.
COUNTY OF)

ROBERT D SANBORN, being first duly sworn, deposes and says the he is an authorized agent of Ford Motor Company and that he verifies the foregoing Responses to Plaintiff's Interrogatories for and on behalf of Ford Motor Company, and is duly authorized to do so; that certain of the matters stated herein are not within the personal knowledge of deponent; that the facts stated therein have been assembled by authorized employees and counsel of Ford Motor Company and deponent is informed that the facts stated therein are true.



Subscribed and sworn to before me
this 1st day of September 1984.


Notary Public, _____ County,
State of _____

My Commission Expires: _____
NOTARY PUBLIC
Notary Public: _____
My Commission Expires June 22, 1988

BLC2/d/4