

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION
FILE NO. 85-119-CIV-5

RICHARD C. BELL,

Plaintiff,

v.

BENDIX CORPORATION, et al.,

Defendants.

DEFENDANT ABEX CORPORATION'S
ANSWERS AND OBJECTIONS TO
PLAINTIFF'S FIRST SET OF
INTERROGATORIES

Defendant Abex Corporation, pursuant to F.R.Civ.P. 26 and 33, hereby serves upon Plaintiff the attached Answers and Objections to Plaintiff's First Standard Set of Interrogatories.

This the 1st day of October, 1985.

BAILEY, DIXON, WOOTEN,
McDONALD, FOUNTAIN & WALKER

By: Gary J. Parsons
 Gary J. Parsons
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 Corporation
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

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IN RE: ASBESTOS RELATED LITIGATION :
(FRICTION PRODUCT CASES) :
- - - - - x

ABEX CORPORATION'S RESPONSES
TO PLAINTIFFS' FIRST STANDARD SET OF INTERROGATORIES

INTRODUCTION AND GENERAL OBJECTIONS

Abex Corporation ("Abex"), by and through its attorneys of record, Bailey, Dixon, Wooten, McDonald, Fountain & Walker, specifically objects to the following Interrogatories on the grounds set forth therein: 1(d), 5, 8, 10, 12, 14, 16, 17, 18, 19, 20, 22, 24, 26, 28, 29, 31, 33, 34, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 50, 51, 52, 53, 57, 58, 59, 60, 61, 63, 65, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 98, 99, 101, 102, 115, 116, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, and 129. Abex further incorporates by reference, objections to the following Interrogatories on the grounds set forth in the referenced Interrogatory: 6, 7, 9, 11, 13, 15, 21, 23, 25, 27, 35, 37, 47, 49, 62, 64, 66, 68, 69, 83, 97, 119.

Abex generally objects to these Interrogatories on the grounds that they are unduly burdensome, oppressive and overly broad as to time, scope and location, lack particularity, and are repetitive. The use of the word "any" and "all" is overly broad and is objected to. Objection is also made to the extent these Interrogatories assume the truth of facts not in evidence, and on the grounds that they seek information which is not relevant to the subject matter of the action 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 privileged information, proprietary information or other 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, the attorney work-product privilege, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege.

Abex objects to plaintiff's Definitions and Instructions as set forth in the Interrogatories, and to each and every Interrogatory to which any of such instructions and/or definitions are applicable, upon the ground that plaintiff by such instructions and definitions purports to call upon Abex to respond otherwise than as required by the provisions of the Federal Rules of Civil Procedure and upon the further ground that the Interrogatories are by reason of such definitions and

instructions rendered overly broad, unduly burdensome, oppressive, harassing, shotgun, vexatious and boilerplate in nature, and purport to call for information which is not relevant to the subject matter of the action and not reasonably calculated to lead to the discovery of admissible evidence. Without limiting the generality of the foregoing, Abex objects to plaintiff's definition of "defendant," "you," and "your company" upon the grounds hereinabove stated and responds to the Interrogatories upon the basis that the words "defendant", "you," and "your company" refer to Abex Corporation only. The responses of Abex hereinafter set forth are limited to providing information concerning friction products manufactured by Abex, and only in regard to its U.S. operations. Abex Corporation has never mined asbestos, nor manufactured, distributed or sold thermal insulation products containing asbestos.

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 these responses when and if additional information or documentation has been discovered. 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 these Answers to Interrogatories are inconsistent with any previous

Answers to Interrogatories, these Answers are based on the latest information available and take precedence. This introduction and the general objections are explicitly incorporated into each of the answers set forth herein.

DEFINITIONS

As used in these responses: (i) the term "Lack of Relevance" means that an Interrogatory calls for information which is not relevant to the subject matter of the action and/or which is not reasonably calculated to lead to the discovery of admissible evidence; (ii) the term "Burden" means that it would be unduly burdensome, oppressive, time-consuming and/or expensive to require Abex to compile and furnish the information called for in light of the degree of its relevance and materiality, if any; (iii) the term "Overly Broad" means that such interrogatory is overly broad as to scope time or location; (iv) the term "Lack of Particularity" means that an Interrogatory does not state with reasonable particularity the information to be furnished, is vague and ambiguous, and/or incomprehensible; (v) the term "Improper Assumption" means that an Interrogatory assumes facts which are not true or accurate; (vi) the term "Improper Opinion" means that an Interrogatory improperly calls for an opinion, conclusion, contention or inference; (vii) the term "Privileged" means that an Interrogatory improperly calls for information protected by the

attorney-client privilege and/or the work product doctrine and/or the rule protecting materials prepared in anticipation of and/or in connection with litigation; and (viii) the term "Premature" means that an Interrogatory calls for an opinion or contention that relates to fact or the application of law to fact and should not properly be required to be answered at this time.

1. As to the person answering these interrogatories, state:

- (a) Name;
- (b) Title or position with defendant;
- (c) Business address;
- (d) Residence address;
- (e) Length of time employed by defendant including dates.

ANSWER:

(a)-(c), (e)

Albert H. Casey, Jr.
Corporate Counsel
Abex Corporation
Six Landmark Square
Stamford, Connecticut 06904

Mr. Casey has been employed by Abex Corporation since 1970.

(d) Abex objects to this Interrogatory on the grounds of lack of relevance.

2. State the following concerning this defendant:

- (a) Full and correct name;
- (b) Principal place of business;
- (c) State of incorporation;
- (d) Date of incorporation, and name of corporation;
- (e) Is this defendant authorized to transact business in the State of North Carolina? If so, state the date such authority was first issued and last renewed;
- (f) Does this defendant have an agent, representative or place of business in North Carolina? If so, state the name and address of such agent, representative or place of business.

ANSWER: (a) Abex Corporation.

(b) Six Landmark Square
Stamford, Connecticut 06904.

(c) New York.

(d) The American Brake Shoe and Foundry Company, a Delaware corporation, was incorporated on October 10, 1916. In 1926, The American Brake Shoe and Foundry Company caused to be incorporated a wholly-owned subsidiary called The American Brake Materials Corporation, a New York corporation. In 1933, The American Brake Materials Corporation changed its name to American Brakeblok Corporation. American Brakeblok Corporation continued as a New York corporation.

In 1937, American Brakeblok Corporation merged with The American Brakeshoe and Foundry Company, and was thereafter operated as the American Brakeblok Division of that company.

In 1943, The American Brake Shoe and Foundry Company changed its name to American Brake Shoe Company. In 1966, American Brake Shoe Company changed its name to Abex Corporation.

(e) Abex Corporation has been qualified to do business in the State of North Carolina since August 22, 1974.

(f) Abex Corporation currently maintains a manufacturing facility in Salisbury, North Carolina.

3. Has this defendant been sued under its correct name? If not, state the correct legal name of the defendant and provide the information requested in No. 2 above concerning the defendant as correctly named.

ANSWER: Yes.

4. Has the Defendant, during the period of 1935 through the present, or any portion thereof, ever designed, manufactured, processed, sold, distributed or relabeled brake-linings and clutches or other friction products containing asbestos or asbestos fibers?

ANSWER: Yes.

5. If your answer to any part of No. 4 is in the affirmative, then give the brand and trade name of the product(s), and the year the defendant designed, sold, distributed, processed, manufactured or relabeled such product(s), being specific as to the inclusive dates for each product in each category.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden

2. Overly Broad

Without waiving these objections, Abex states that it has manufactured and sold asbestos-containing brake linings under the following trade names:

- American Brake Materials
- American Brakeblok
- Brakeblok
- Abex
- Esline
- Stopper
- American Eagle
- Crossing Guard
- Super Brakes
- Velvetouch-

Brake lining is an asbestos-based friction product containing organic fillers, chrysotile asbestos, friction enhancers and friction stabilizers, bound by a heat reacting phenolic resin. All brake linings manufactured and sold by Abex contained approximately 25-65 percent chrysotile asbestos only.

Brake linings are used to retard speed in automotive, truck, and off-road vehicles, as well as in industrial machinery.

All brake linings manufactured and sold by Abex are packaged in cardboard boxes according to size. The brand name of the product would appear on the package, as does the company name. In 1972, Abex commenced placing warning labels on all packages of asbestos-containing friction materials manufactured and sold.

6. For each such asbestos-containing friction product manufactured, processed, sold, relabeled and/or distributed by you from the date of initial manufacture etc. to 1982, state:

(a) The asbestos content by weight of each product for each year;

(b) The type of asbestos fiber used in each product, i.e., chrysotile, amosite, crocidolite or admixtures for each year;

(c) The applications to which such product was to be put including;

(d) The intended uses of such product;

(e) The mining or milling concern from which the raw asbestos fiber was obtained.

ANSWER: See Response to Interrogatory No. 5.

7. Please describe in detail the type of packages in which the Defendant has sold asbestos friction products, listing the dates each type of package was used, a physical description thereof, a description of any printed material or trademarks that appeared thereon and a description of any warning labels that appeared thereon.

ANSWER: See Response to Interrogatory No. 5.

8. State whether Defendant manufactured asbestos containing friction products for a company but placed said company's labels, logos or containers on said products, and if so list each company.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

Abex further objects to this Interrogatory on the grounds that it lacks particularity as to what information is being requested.

9. If the answer to the preceding Interrogatory is in the affirmative, state when the Defendant manufactured such products.

ANSWER: See Response to Interrogatory No. 8.

10. Have any of the products listed in Interrogatory 5 above been altered in chemical composition or asbestos type or content since first being marketed?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Relevance

Abex further objects to this Interrogatory to the extent it requires the revelation of proprietary trade information or secrets. Without waiving these objections, Abex states that it does not know with exactitude the specific chemical composition or formulations for each of its friction materials products for all periods of time.

11. If so, please state:

- (a) The trade name of each such product.

- (b) The date each such product was altered.
- (c) The nature of the alteration.
- (d) The reason for the alteration.

ANSWER: See Response to Interrogatory No. 10.

12. Please describe and identify all tests and experiments conducted by you to determine whether or not asbestos fibers contained within your asbestos containing friction products would become air-borne upon their application or use by motor vehicle mechanics.

ANSWER: Abex objects to this Interrogatory on the following grounds:

- 1. Burden
- 2. Overly Broad

Without waiving these objections, Abex states that it is without sufficient knowledge and information as to whether any such tests were ever conducted. Furthermore, as Abex did not have control over jobsites where its products would have been used, no such tests are believed to have been performed.

13. Please state the dates of all tests and experiments described in Interrogatory 12 and the results and conclusions of each test and/or experiment.

ANSWER: See Response to Interrogatory No. 12.

14. Did defendant make any design changes as a result of such tests and/or experiments?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

Without waiving these objections, see Response to Interrogatory No. 12.

15. If so, please state:

- (a) The nature of the change made.
- (b) The name, address, and job classification of each person in charge of making a change.

ANSWER: See Response to Interrogatory No. 12.

16. Has defendant, at any time, published and/or distributed any brochures, sales literature, pamphlets or other written materials (aside from any caution labels on containers) of any kind or character that contain any warnings, cautions, caveats or directions concerning the possibility of injury resulting from the use of the products listed in Interrogatory 5 above?

ANSWER: Abex objects to this Interrogatory on the grounds that it is overly broad. Without waiving this objection, Abex responds as follows: Yes.

17. If so, please state:

- (a) The wording of each such warning, etc.
- (b) A description of each such printed material.

(c) The method used to distribute the warning etc. to persons who are likely to use or be in contact with the products.

(d) The date each such warning, etc. was issued.

(e) The name, address, and job classification of each person who presently has possession of the above described documents.

(f) If you will without a request for production, please attach a copy of such warning, etc.

(g) State whether any industrial psychologists or human factors engineers were consulted prior to utilizing such warnings, cautions, etc.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

Without waiving these objections, Abex states that documents in this regard are on file and can be made available for inspection and copying upon receipt of an appropriate document request.

18. From 1930 until the present, did the asbestos friction products sold, mined, manufactured or distributed by you, contain any warning, caution, caveat or other statement on the product or its packaging.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Overly Broad
2. Lack of Particularity

Without waiving these objections, Abex states that it commenced placing warning labels on all packages of asbestos-containing friction materials in 1972.

19. If the answer to the preceding interrogatory is in the affirmative, please state:

- (a) When did the warning first appear?
- (b) What was the precise wording of the warning when it first appeared?
- (c) Was the warning altered, amended or changed in any manner? If so, how and when?
- (d) Where was the warning located on the product or packaging?
- (e) When did you become aware that warnings were placed on the products distributed by other defendants? State the reason warnings of the other defendants were not placed on your products.
- (f) State the manner in which your product is shipped and the type of container it is shipped in to retailers.
- (g) State whether any industrial psychologists or human factors engineers were consulted prior to utilizing such warnings, cautions, etc.

ANSWER: Abex objects to this Interrogatory on the following grounds:

- 1. Burden
- 2. Overly Broad

Without waiving these objections, Abex states that in 1972, it commenced the placement of warning information on all packages of asbestos-containing friction products.

This warning information stated:

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

In 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 sizable amount of asbestos, it is important that people who handle brake linings and clutch facings understand the nature of the problem and know the precautions to be taken.

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

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

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 property 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 contained 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 DUST

20. When was the first time you received notice that any person, including any of your employees, was claiming an injury as the result of using any asbestos-containing products manufactured and/or sold by your company?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

21. For each such injury described in the preceding interrogatory that you received notice of or a claim for prior to 1972, please list:

- (a) The name and address of each claimant.
- (b) The date of notice of each claim.
- (c) A description of the claim, i.e., workmen's compensation, or a third party liability action.
- (d) The type of injuries allegedly sustained.
- (e) The name and address of each attorney who represents individuals making such claims.
- (f) The style and court number of each claim.
- (g) The resolution of each claim that has been settled or taken to judgment.
- (h) The custodian of the records that relate to the claim.

ANSWER: See Response to Interrogatory No. 20.

22. When was the first time you received notice that any person, including any of your employees, was claiming an injury as the result of using asbestos-containing friction products manufactured and/or sold by your company?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

23. For each such injury described in the preceding interrogatory that you received notice of or a claim for prior to 1972, please list:

- (a) The name and address of each claimant.
- (b) The date of notice of each claim.
- (c) A description of the claim, i.e., workmen's compensation, or a third party liability action.
- (d) The type of injuries allegedly sustained.
- (e) The name and address of each attorney who represents individuals making such claims.
- (f) The style and court number of each claim.
- (g) The resolution of each claim that has been settled or taken to judgment.
- (h) The custodian of the records that relate to the claim.

ANSWER: See Response to Interrogatory No. 22.

24. During the years 1935-1982 did you ever sell raw asbestos fiber or a friction product containing asbestos fibers to any of the co-defendants?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

Without waiving these objections, Abex states that it has never engaged in the sale of raw asbestos fiber. Invoices indicating sales of asbestos-containing friction materials are on file for most periods during the years 1976-present only, and can be made available for inspection and copying upon receipt of an appropriate document request. Such invoices are arranged numerically and chronologically by year, and not by customer, product or state.

25. If so, for each co-defendant, in what years and in what quantities did you make such sales?

ANSWER: See Response to Interrogatory No. 24.

26. Does defendant have policies of insurance that might cover the claims that have been made by plaintiff Richard C. Bell?

ANSWER: Abex objects to this Interrogatory on the grounds of lack of relevance. Without waiving this objection, Abex states that it is currently engaged in litigation with its insurance carriers regarding the nature and scope of coverage.

27. If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, the dates of each such policy and the time periods of coverage.

ANSWER: See Response to Interrogatory No. 26.

28. Did you receive any reports or communications from your workmen's compensation insurance carrier or products liability insurance carrier with regard to the hazards incident to use of asbestos containing products? If so, please state who had possession of said reports, listing for each such report the respective insurance company, its address, and the agent signing such correspondence and attach copies to your answers.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity
4. Lack of Relevance

29. Please state:

(a) From what source or sources, if any, did your company obtain mined asbestos since 1950.

(b) Whether any warnings, cautions, caveats, or directions accompany the material referred to in (a) and nature and extent of said warnings, cautions, caveats or directions accompanying said asbestos.

(c) Approximately what date said warnings, cautions, caveats or directions first appeared on the mined asbestos.

ANSWER: Abex objects to this Interrogatory on the following rounds:

1. Burden
2. Overly Broad

Without waiving these objections, Abex states that it does not possess sufficient knowledge concerning the total amount of raw asbestos purchased or subsequently incorporated into the asbestos-containing friction materials manufactured by it. Abex is generally aware that chrysotile asbestos fiber was purchased from the following companies at various periods during the years 1950-present:

Asbestos Corporation, Ltd.
Thetford Mines
Quebec, Canada

Bell Asbestos Mines, Ltd.
Thetford Mines
Quebec, Canada

Lake Asbestos
Black Lake
Quebec, Canada

Johns-Manville Corp.
Asbestos, Canada

Vermont Asbestos Group, Inc.
Hyde Park, Vermont

30. If you have not manufactured your own asbestos friction products, state:

(a) From what source or sources, if any, did your company obtain asbestos containing products since 1945.

(b) Whether any warnings, cautions, caveats, or direction accompany the material referred to in (a) and the nature and extent of said warnings, cautions, caveats or directions accompanying said asbestos or asbestos materials.

(c) Approximately what date said warnings, cautions, caveats or directions first appeared on the manufactured asbestos or asbestos materials.

ANSWER: See Response to Interrogatory No. 5. Not Applicable.

31. Has the defendant imported asbestos or asbestos materials since 1930?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity
4. Lack of Relevance

Without waiving these objections, Abex states that it is not engaged in the importation of raw asbestos fiber.

32. If the answer to the preceding interrogatory is in the affirmative, state:

(a) From where the asbestos or asbestos materials was imported.

(b) How long the defendant has imported asbestos or asbestos materials.

(c) Whether the defendant has supplied this imported asbestos or asbestos materials to any of the other

defendants since 1945, when these transactions took place and where.

(d) Whether any warnings, cautions, caveats or directions accompanied the materials referred to in (c) and the date these first appeared.

ANSWER: See Response to Interrogatory No. 31. Not Applicable.

33. If the defendant has discontinued mining, milling, distributing, manufacturing and/or selling asbestos products, please state the reason or reasons therefor.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Overly Broad
2. Lack of Particularity

34. Prior to 1972, have any of the other defendants named in the litigation ever furnished the defendant answering these Interrogatories with information as to the state of the medical knowledge regarding the connection between asbestos exposure and contracting of diseases including cancer and asbestosis?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

Without waiving these objections, Abex states that it is not currently aware of the receipt of any such information.

35. If the answer to the preceding interrogatory is in the affirmative, state:

- (a) What information was the defendant furnished with.
- (b) When the defendant was furnished the information.
- (c) By whom was the defendant furnished the information.
- (d) Attach copies of such furnished information.

ANSWER: See Response to Interrogatory No. 34.

36. Prior to 1972, have the defendants interchanged results of research, tests, medical studies or experiments regarding the state of the medical knowledge regarding the connection between asbestos exposure and the contracting of diseases including cancer and asbestosis since 1930?

ANSWER: Abex objects to this Interrogatory on the following grounds:

- 1. Burden
- 2. Overly Broad
- 3. Lack of Particularity

Abex further objects to the use of the word "interchanged", on the grounds that it is vague and undefined.

37. Prior to 1972, if the answer to the preceding Interrogatory is in the affirmative, state:

- (a) When these interchanges took place.
- (b) Who participated in these interchanges.
- (c) Summarize the content of these interchanges of studies.

ANSWER: See Response to Interrogatory No. 36.

38. Please state if the defendant or anybody on behalf of the defendant, including any organization, group, inter-company or industrial organization to which defendant belonged, ever conducted or sponsored or contributed financially to any studies or research to determine if the inhalation of asbestos fibers may be harmful or to determine the relationship, if any, between exposure to asbestos fibers or products and asbestosis and lung cancer? If so, please state:

- (a) By whom the research was conducted, giving complete names and addresses.
- (b) The dates that each such test was conducted.
- (c) The complete results of each test or study.
- (d) The identity of reports of the research department pertaining to the use by the corporation of asbestos in their manufactured insulation products.
- (e) The financial costs to you of such studies or research.
- (f) The recommendation of the study or tests.
- (g) The resulting implementation of the studies or tests by defendant.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

Without waiving these objections, Abex states that to the best of current knowledge, it has never sponsored or contributed to

any such research projects exclusively pertaining to the inhalation of asbestos.

39. Please state the names, if any, and addresses of the defendant's chief medical officers from 1930 until the present time, listing the periods of time each such medical officer was employed by defendant in that capacity.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Relevance

Without waiving these objections, Abex states that it has never employed any personnel in the capacity of a chief medical officer. The following individuals did serve as corporate medical directors during the periods indicated:

1941-1961	Lloyd E. Hamlin, M.D. (deceased)
1961-1976	Charles C. Blackwell, Jr., M.D.
1976-1982	Frederick W. Knoch, M.D. (deceased)
1983 - Present	Dennis G. Egnatz, M.D.

40. Please state to whom in the corporate structure the chief medical officer reports or reported, also giving that person's position or job title with defendant.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Overly Broad

2. Lack of Relevance

Without waiving these objections, Abex states that upon current information and belief, Lloyd E. Hamlin, M.D. reported to the corporate Treasurer. Charles C. Blackwell, Jr., M.D., and Frederick W. Knoch, M.D., reported to the Vice President of Personnel Relations. Dennis G. Egnatz, M.D., reports to the Vice President of Human Resources.

41. Please state the duties and responsibilities of the corporation's chief medical officer and the nature and dates of changes in these duties and responsibilities.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity
4. Lack of Relevance

42. Please state the names and addresses and capacities of all physicians who were employed, retained or otherwise engaged by the defendant at any of its facilities from the years of 1930 until the present time.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Relevance

Without waiving these objections, see Response to Interrogatory No. 39.

43. Please state the names and addresses of all persons employed by defendant from 1930 until the present time who functioned as industrial hygienists. As contemplated by these Interrogatories, an industrial hygienist is one who performs engineering or health studies to identify, and evaluate potential occupational health hazards and suggest methods of dealing with same. Please state:

(a) The facility or office to which they were assigned and the inclusive dates.

(b) Their complete and precise duties and responsibilities.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Relevance

Without waiving these objections, Abex states as follows:

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

Address for above group: 2501 S. Blue Island Avenue, Chicago, Illinois 1941-1956.

1961-1966	J. B. Mahoney
1967-1974	C. H. Borcharding
1967-1970	N. J. Merczak
1969-1970	S. Gotceitas
1970-1971	F. L. Stanley
1971-1975	F. T. Szum
1972-1976	M. D. Gidley
1974-1977	K. J. Krotz
1976-1977	T. Antonson
1976-1977	C. H. Borcharding
1977-	L. G. Wessa
1977-1978	J. B. Mahoney
1978-1980	R. H. Carpenter-Vance
1979-1984	E. L. Miller

Address for above group - 4550 West 26th Street,
Chicago, Illinois from 1956 to 1984.

44. Please state if the defendant's medical officers ever made at any time any recommendation and/or suggestions to the defendant pertaining to the risks or hazards to persons involved in the manufacturing, installation, removal or use of products containing asbestos? If so, state:

- (a) Where were such recommendations and/or suggestions made?
- (b) To whom were such recommendations and/or suggestions made?
- (c) By whom were such recommendations and/or suggestions made?
- (d) The substance of the recommendations and/or suggestions.

ANSWER: Abex objects to this Interrogatory on the following grounds:

- 1. Burden
- 2. Overly Broad
- 3. Lack of Particularity

45. Please state the names of trade association periodicals to which the defendant subscribed from 1928 to the present date. State whether or not the defendant had any knowledge of any articles being printed in industry trade journals, essays, memoranda and other similar sources pertaining to the hazardous potential of asbestos and which of such articles were received by you.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

Without waiving these objections, Abex states that it does not know with certainty each such periodical which may have been received by it. Such documents that do exist are on file and can be made available for inspection and copying upon receipt of an appropriate document request.

46. Please state organizations, groups, inter-company or industrial organizations to which the defendant belongs which conducted studies or researched the relationship, if any, between exposure to asbestos fibers or products and asbestosis and cancer from 1930 to 1982.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

Without waiving these objections, Abex states that it is without sufficient knowledge and information as to the specific research activities of each of the trade organizations of which Abex was a member.

47. In reference to Interrogatory 46, please state:

- (a) The type or nature of the studies.
- (b) When the studies were conducted.
- (c) The complete results of the studies.
- (d) The recommendations of the studies.
- (e) The resulting implementation of the studies by defendant.
- (f) The date when first implemented.

ANSWER: See Response to Interrogatory No. 46.

48. Please state the amounts and dates spent or contributed by the defendant annually from 1936 until the present time for research specifically directed to the relationship, if any, between a motor vehicle mechanic's exposure to asbestos containing insulation products and asbestosis, lung cancer or any other pulmonary disease.

ANSWER: Abex objects to this Interrogatory on the following grounds:

- 1. Burden
- 2. Overly Broad

Without waiving these objections, Abex states that it never conducted any studies in this regard. Any such studies in this regard, if any, which may have been performed by the various

trade associations of which Abex was member, would have been funded out of dues payable by each member company or corporation.

49. Please state the names and addresses of the organizations or groups conducting the studies referred to in answer to Interrogatory 48.

ANSWER: See Response to Interrogatory No. 48.

50. Please state whether the defendant has a department, division or section devoted to scientific and/or medical research during the period from 1936 until the present time. If so, please state when it was first formed.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Overly Broad
2. Improper Assumption

Without waiving these objections, Abex states that it has never established or maintained any such departments devoted exclusively to asbestos-related disease research.

51. Please state the scientific or medical periodicals to which the defendant, its medical department or industrial hygiene division subscribed during the period between 1930 and 1982 specifying the date such subscriptions were begun and terminated.

ANSWER: Abex objects to this Interrogatory on the grounds that it is repetitive. Without waiving this objection, see Response to Interrogatory No. 45.

52. Please state whether any of the distributors of your asbestos containing friction products were provided with any special instructions, oral or written, in regard to utilizing said products in a manner so as to avoid exposing workers to amounts of dust exceeding the MAC or TLV. If so, please state:

- (a) When these instructions were given.
- (b) By whom these instructions were given.
- (c) Were the instructions oral or written.
- (d) The precise content of the instructions.
- (e) If the instructions were written, please attach a copy to the instructions.

ANSWER: Abex objects to this Interrogatory on the grounds that it is overly broad. Without waiving this objection, see Response to Interrogatory No. 19.

53. Please state whether any employee of the defendant has ever made a claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state. If so, please state the date that the defendant first received notice of any claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state and state the total number of claims filed for the years 1930 to 1972.

ANSWER: Abex objects to this Interrogatory on the following grounds:

- 1. Burden
- 2. Overly Broad
- 3. Lack of Relevance

Without waiving these objections, Abex states that it is not aware of any Workers' Compensation claims for asbestosis filed during the years 1930 to 1972.

54. Is the defendant a member of the Asbestos Textile Institute? If so, when did it first become a member and list the years inclusively of membership?

ANSWER: Abex Corporation was never a member of the Asbestos Textile Institute.

55. State whether any representative of the defendant was a member of the Air Hygiene Committee of the ATI or ever attended any meetings of such committee and list the years of such membership and dates of attendance.

ANSWER: Abex Corporation was never a member of the Air Hygiene Committee of the Asbestos Textile Institute.

56. State whether the defendant received copies of transcribed minutes of the various committee meetings, general meetings and Board of Directors meetings of the ATI within one year of each such meeting. If yes, state the years.

ANSWER: Abex Corporation was never a member of the Asbestos Textile Institute or any of its committees. Therefore, no such minutes would have been received.

57. Has the defendant ever been a member of the Industrial Hygiene Foundation or the Industrial Health Foundation and, if so, state the years inclusively of such membership.

ANSWER: Abex objects to this Interrogatory on the grounds that it is overly broad. Without waiving this objection, Abex states that to the best of current knowledge and belief, Abex Corporation was never a member of said Foundations.

Abex is generally aware that one Lloyd Hamlin, a former employee of Abex, was a member of the Industrial Hygiene Foundation.

58. State whether any representative of the defendant was in attendance at the 20th annual meeting of the IHF in November, 1955, in Pittsburgh, Pennsylvania, and, if so, give the name and current address of such attendee.

ANSWER: Abex objects to this Interrogatory on the grounds that it is burdensome. Without waiving this objection, Abex states that it is without sufficient knowledge and information to respond to this Interrogatory. Abex further states that to the best of current knowledge and belief, Abex Corporation was never a member of said Foundation.

59. State whether the defendant received a copy or copies of the Industrial Hygiene Digest published monthly by the IHF and state the approximate date of initial receipt of such publication.

ANSWER: Abex objects to this Interrogatory on the grounds that it is burdensome. Without waiving this objection, Abex states that it is without sufficient knowledge and information to respond to this Interrogatory. Abex further states that to the best of current knowledge and belief, Abex Corporation was never a member of said Foundation.

60. State whether the defendant ever requested officials at the IHF to:

(a) Perform a search of the medical literature to determine whether any scientists or doctors were reporting cases of insulation workers with asbestosis and/or cancer or

discussing the potential hazard incident to use of asbestos containing products.

(b) Perform any studies or research into potential health hazards incident to the use of asbestos containing products.

(c) Review governmental publications of Great Britain toward the end of determining whether any research was being conducted by the British Government into any potential health hazards incident to the use of products containing asbestos.

(d) Review governmental publications of Great Britain to determine whether the Chief Inspector of Factories or any other British Government agency had issued any regulations or published any findings relative to potential health hazards incident to the use of products containing asbestos.

ANSWER: Abex objects to this Interrogatory on the grounds that it is burdensome. Without waiving this objection, Abex states that it is without sufficient knowledge and information to respond to this Interrogatory. Abex further states that to the best of current knowledge and belief, Abex Corporation was never a member of said Foundation.

61. Did the defendant sponsor since 1930 for its employees or distributors any meetings, seminars, conferences, or conventions where the subject of occupational health and exposure to asbestos was discussed?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

4. Lack of Relevance

62. If the answer to Interrogatory 61 is in the affirmative, state:

(a) The date and place of such meeting, seminar, conference, or convention where the subject of occupational health and exposure to asbestos was discussed.

(b) The name of address of the speaker(s) or discussant(s).

ANSWER: See Response to Interrogatory No. 61.

63. Did the defendant ever warn any labor union representing workers of any potential health hazard from use of products containing asbestos?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

Without waiving these objections, Abex states that such warning information would have been reflected in the warning labels placed by Abex on all asbestos-containing friction materials since 1972. Abex further states that since 1964, it has distributed a document entitled, "Recommended Procedure for Reducing Asbestos Dust During Brake Servicing", prepared by the Friction Materials Standards Institute, Inc., as well as a brochure prepared by the Friction Materials Standards Institute, entitled, "Friction Materials Work Practices Guide." Such documents are on file and can be made available for inspection

and copying upon receipt of an appropriate document request. Abex is without sufficient knowledge and information regarding each and every person or labor union who may have received copies of said pamphlet.

64. If the answer to the preceding Interrogatory is in the affirmative, state:

- (a) The Union.
- (b) How said Union was informed.
- (c) The date and place of said information or warning.
- (d) The content and nature of said warning.
- (e) The individual or individuals warned.

ANSWER: See Response to Interrogatory No. 63.

65. Did the defendant at any time give any advice, publication, warning, order, directive, requirement or recommendation, written or oral, including by U. S. Mail, which purported to:

- (a) Advise the plaintiff personally and directly of the possible harmful effects of exposure to, or inhalation of, asbestos or asbestos containing products?
- (b) Advise or recommend to the plaintiff personally and directly as to techniques, methods or equipment which would serve to reduce or guard against such potentially harmful exposure?

ANSWER: Abex objects to this Interrogatory on the following grounds:

- 1. Burden
- 2. Overly Broad

Without waiving these objections, see Response to Interrogatory No. 19.

66. If your answer to any part of the above Interrogatory 65 is in the affirmative, state:

(a) The nature and exact wording of such advice, warning, recommendation, etc.

(b) The complete identity of each source of such advice, warning, recommendation, etc.

(c) The date, time, place, manner and circumstances when such advice, warning, recommendation, etc. was given.

(d) The name, business address and telephone number, job title, residence address and telephone number of each and every witness to the plaintiff's reception of such advice, warning, recommendation, etc.

(e) The name, business address and telephone number, job title, residence address and telephone number of each and every co-worker or similar member of their trade and occupation who also received the same or similar advice, warning, recommendation, etc.

ANSWER: See Response to Interrogatory No. 65

67. State the name of all persons who have acted in the capacity as a medical librarian for the defendant since 1930, and give their current address, telephone number and current position with the company.

ANSWER: Abex Corporation has never employed any personnel in the capacity of a medical librarian.

68. State whether you subscribed to or received copies of the Asbestos Workers magazine and state the years of subscription or receipt of this magazine.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Abex Corporation's Responses to Plaintiffs' First Standard Set of Interrogatories was served, by postage prepaid mail, upon the following:

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New Bern, NC 28560
Attorney for The Celotex Corporation

Richard Tyndall
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Attorney for the Flintkote Company

Victor S. Bryant, Jr.
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Attorney for Nicolet, Inc.

Donald E. Britt, Jr.
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Attorney for Owens-Corning
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Durham, NC 27702
Attorney for Garlock, Inc.

Henry L. Anderson, Jr.
P.O. Box 474
Fayetteville, NC 28302
Attorney for Armstrong Contract &
Supply Co., Inc.

Great American Insurance Co.
P.O. Box 29509
Raleigh, NC 27626
Insurance Carrier for Standard
Insulation Co. of NC, Inc.

ANSWER: See Response to Interrogatory No. 45.

69. Please state whether you subscribed to the Asbestos magazine and list the inclusive dates of your subscription.

ANSWER: See Response to Interrogatory No. 45.

70. Please identify all booklets, manuals, journals and all publications directed from you to customers and users of all asbestos containing friction products and the dates said information was forwarded regarding the use and application of your asbestos containing products.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

Without waiving these objections, Abex states that various product brochures are on file and can be made available for inspection and copying upon receipt of an appropriate document request.

71. State your knowledge as to the manner in which your asbestos-containing brake linings products were removed or used by mechanics since 1940 and also state your knowledge as to whether said mechanics using your brake lining products were exposed to or created dust in the form of asbestos air-borne fibers.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

Without waiving these objections, Abex states that as it does not have control over the ultimate use of its products, or over others' jobsites, Abex is without sufficient knowledge and information to respond to this Interrogatory.

72. Please describe and identify all tests and experiments conducted by you to determine whether or not asbestos fibers contained within your asbestos containing friction products would become airborne upon their being removed or used by mechanics. Please state the date of all tests and experiments and the results and conclusions of each test and/or experiment.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

Without waiving these objections, Abex states that to the best of current knowledge, it never sponsored or contributed to any such research projects exclusively pertaining to the inhalation of asbestos by mechanics. Abex further states that as it did not have control over others' jobsites where its products are used, no testing in this regard would have been performed.

73. At any time prior to 1964 were any tests or studies conducted or sponsored by you to determine the level of dust or fiber concentration incident to:

(a) Removing or installing your friction products containing asbestos;

(b) Tearing down the product during repair and maintenance functions.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

Without waiving these objections, Abex states that as it does not have control over others' jobsites where its products are used, no testing in this regard would have been performed.

74. Please identify all texts, articles, publications, pamphlets, standards and rules upon which you intend to rely at the time of the trial to support your case.

ANSWER: Abex objects to this Interrogatory on the grounds that it is premature. Without waiving this objection, Abex states that it has not yet determined which such items in this regard it intends to rely upon at a trial of this matter, and reserves the right to supplement this response when such a determination has been made.

75. State whether or not you had an opinion in 1960 as to whether or not the concentration of airborne asbestos fibers at sites at which your asbestos containing brake lining products were being applied or removed by mechanics were within the prescribed threshold limit values for 1960 when said application was being performed and state your opinion and the basis for your opinion and list all publications or communications upon which you relied in formulating said opinion.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

Abex further objects to this Interrogatory on the ground that it is vague and lacks particularity as to what information is being requested.

76. State the date and the source from which you received your first notice and awareness of threshold limit values pertaining to the concentration of airborne asbestos fibers.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

Without waiving these objections, Abex states that it is without sufficient knowledge as to when it first became aware of any threshold limit values for asbestos.

77. Describe what action was taken by you prior to 1960 to determine whether mechanics who were removing and applying your asbestos containing friction products were exposed to concentrations below the TLV and state the date and nature of each action taken by you.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden

2. Overly Broad

3. Lack of Particularity

Without waiving these objections, Abex states that it is without sufficient knowledge as to when it first became aware of any threshold limit values for asbestos. Furthermore, as Abex did not have control over others' jobsites where its products were used, no testing in this regard would have been performed.

78. Are you aware of articles authored by W. C. Dresden, in Public Health Bulletin No. 241 of 1938, establishing threshold limit values for airborne asbestos fibers? If so, when did you become aware?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden

2. Overly Broad

Without waiving these objections, Abex states that it is not aware of said articles.

79. Please state whether or not you ever obtained any knowledge concerning the likelihood of asbestos inhalation being hazardous to health, and if so, state when you first become aware of the hazardous potential of asbestos and asbestos containing products. State how the defendant first obtained this knowledge and became so aware of said hazards and from what source this information was obtained.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden

2. Overly Broad

3. Improper Assumption

Without waiving these objections, Abex states that it does not know the exact date that it first became aware of the alleged potential health effects allegedly associated with asbestos.

80. Please state whether or not defendant ever maintained a library or collection of medical information pertaining to effect of asbestos upon human health, including its hazardous effects, and if so, where said library or collection was and is located, who the person was who maintained it, and what bibliography of medical articles, materials, and other reports were a part of said library on said subject, including journals, publications, reports and all memoranda published and received by you since 1930.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden

2. Overly Broad

Without waiving these objections, Abex states that it has never established or maintained any libraries exclusively pertaining to the potential health effects allegedly associated with asbestos.

81.. Please state whether or not any governmental agency has ever written letters of warning to defendant pertaining to the likelihood of injury to persons being exposed to asbestos and asbestos containing products.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

Without waiving these objections, Abex states that it is not aware of any such letters relating to the alleged potential health effects of exposure to asbestos-containing friction materials products.

82. If the answer to the preceding Interrogatory is yes, which agency, when and who possesses a copy of the letter?

ANSWER: See Response to Interrogatory No. 81. Not applicable.

83. Please annex copies of all such correspondence and notices of governmental agencies pertaining to said warnings.

ANSWER: See Response to Interrogatory No. 81. Not applicable.

84. State whether you ever conducted or sponsored any tests relative to the possibility of a relationship between asbestos exposure and cancer, and if so, state when such studies were performed, by whom they were performed and the results of such studies.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

3. Lack of Particularity

Without waiving these objections, Abex states that to the best of current knowledge and belief, Abex never conducted any studies in this regard. Any research or studies performed by the organizations to which Abex belonged were, according to current information and belief, funded out of monies payable by each member company or corporation.

85. Do you subscribe to the United States Public Health Service Bulletin? If your answer is in the affirmative, please state the date when you first so subscribed to the Public Health Service Bulletin.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

Without waiving these objections, Abex states that to the best of current knowledge and belief, it has never maintained a subscription to said publication.

86. Please state the date for each plant when you first notified your employees working in your asbestos product manufacturing plants and factories as to the need to wear and use respirators.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

3. Lack of Relevance

87. Please state the date when you first notified mechanics engaged in the application or removal of your asbestos containing brake lining products as to the need to wear respirators.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Improper Assumption

Without waiving these objections, Abex states that in 1972, it commenced the placement of warning labels on all packages of asbestos-containing friction materials manufactured and sold by it.

88. State whether or not defendant has ever published bulletins, warning its employees concerning the hazards of inhaling asbestos and coming into contact with the products of this defendant containing asbestos. If so, please attach copies of bulletins issued by the defendant to its employees on said subject, stating the date and year that said bulletins were distributed to your employees and the name of the author of said bulletin in the employ of the defendant.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Relevance

Without waiving these objections, see Response to Interrogatory No. 19.

89. State whether any officers, agents, servants or employees of the defendant has ever testified before any governmental body regarding the possible harmful effects of asbestos exposure. If so, state:

- (a) When and where such testimony was given.
- (b) Summary of said testimony.
- (c) If recorded, and if so, attach a copy of the answer to these Interrogatories.

ANSWER: Abex objects to this Interrogatory on the following grounds:

- 1. Burden
- 2. Overly Broad

Without waiving these objections, Abex states that it is not currently aware of any such testimony in this regard.

90. State the names of any expert witness that you intend to rely upon at the trial of this action, and identify the subject matter upon which each said expert will testify, his opinions, and the grounds upon which the opinions are based.

ANSWER: Abex objects to this Interrogatory on the grounds that it is premature. Without waiving these objections, Abex states that it has not yet determined which expert witnesses it intends to call at a trial of this matter, and reserves the right to supplement this Response when such a determination has been made.

91. If written documentation in the form of "scientific data" will be introduced into evidence upon a trial of this cause by the defendant, describe each such document, and include its title, author, and the identity of any publication in which such data was published.

ANSWER: Abex objects to this Interrogatory on the grounds that it is premature. Without waiving these objections, Abex states that it has not yet determined which such "scientific data" it intends to offer into evidence at a trial of this matter, and reserves the right to supplement this Response when such a determination has been made.

92. State the full name, present full address, telephone number of all witnesses who will testify on behalf of the defendant upon a trial of this cause, and identify the subject matter upon which each such witness will testify.

ANSWER: Abex objects to this Interrogatory on the grounds that it is premature. Without waiving these objections, Abex states that it has not yet determined which witnesses it intends to call at a trial of this matter, and reserves the right to supplement this Response when such a determination has been made.

93.. Describe all written documentation which will be offered upon a trial of this cause on behalf of the defendant against plaintiffs.

ANSWER: Abex objects to this Interrogatory on the grounds that it is premature. Without waiving these objections, Abex states that it has not yet determined which written docu-

mentation it intends to offer into evidence at a trial of this matter, and reserves the right to supplement this Response when such a determination has been made.

94. Please state if the defendant intends to assert a defense of contributory negligence. If so, state all facts on which the defendant bases its contention that plaintiffs were contributorily negligent.

ANSWER: Abex objects to this Interrogatory on the grounds that it is premature. Without waiving this objection, Abex states that it has not yet determined whether it will interpose said defense, and reserves the right to supplement this Response when such a determination has been made.

95. Please state if the defendant intends to assert a defense of incurred and/or assumed risk. If so, state all facts on which the defendant bases its contention that plaintiffs incurred and/or assumed the risk.

ANSWER: Abex objects to this Interrogatory on the grounds that it is premature. Without waiving this objection, Abex states that it has not yet determined whether it will interpose said defense, and reserves the right to supplement this Response when such a determination has been made.

96. Please state if the defendant intends to assert that it has not manufactured, sold, distributed, or supplied asbestos materials to North Carolina.

ANSWER: Abex objects to this Interrogatory on the grounds that it is premature. Without waiving this objection,

Abex states that it has not yet determined whether it will interpose said defense, and reserves the right to supplement this Response when such a determination has been made.

97. If the answer to the preceding Interrogatory is in the affirmative, state in detail those witnesses who may be called to testify in reference to said contention.

ANSWER: See Response to Interrogatory No. 96.

98. Please state any product within your knowledge which could be or is being used for the same purpose as asbestos containing brake lining products, and state when it was determined that said materials could be used as a substitute for asbestos brake lining products.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity
4. Lack of Relevance

99. Does your company manufacture or sell brake linings containing Kevlar as a substitute for asbestos? If so, when did your company first manufacture or sell such products?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

4. Improper Assumption

5. Lack of Relevance

Without waiving these objections, Abex states that it currently manufactures a friction material product which contains Kevlar.

100. Prior to answering these Interrogatories, have you made due and diligent search of all books, records and papers of the defendant and due and diligent inquiry of all agent and employees of the defendant with a view to eliciting all information available in this action.

ANSWER: Yes. However, discovery is continuing in this regard.

101. If the answer to the preceding Interrogatory is in the affirmative, state and identify what records of books and papers were searched and state and identify what agents and employees who were questioned.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

Such information is impossible to render for the responses provided herein.

102. State whether defendant owned or possessed an ownership interest in any asbestos mines. If the answer is "yes", please answer Number 103 through 112.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

Without waiving these objections, Abex states that it has never owned any asbestos mines.

103. State whether defendant's mining employees in the course of extracting asbestos from the earth were exposed to dusts other than asbestos dust.

ANSWER: See Response to Interrogatory No. 102. Not Applicable.

104. Relative to asbestos mines owned by defendant, please describe in detail the mining operation; that is, whether defendant's asbestos mines are of the "gravel pit" type -- that is, above ground, where asbestos is mined by surface method; or whether its asbestos mines are "shaft type" requiring tunnels and penetration into the earth to extract asbestos.

ANSWER: See Response to Interrogatory No. 102. Not Applicable.

105. Relative to asbestos mines, please state whether or not on any occasion defendant provided respirators to its asbestos miners.

ANSWER: See Response to Interrogatory No. 102. Not Applicable.

106. If answer to Interrogatory No. 131 is "yes", please state whether respirators were provided to all mine employees.

ANSWER: See Response to Interrogatory No. 102. Not Applicable.

107. If answer to Interrogatory No. 131 is "no", please state to what mine employees respirators were provided, giving job classification.

ANSWER: See Response to Interrogatory No. 102. Not Applicable.

108. Please state the type respirators provided describing in detail from the first such respirator provided through the current date if respirators are still used.

ANSWER: See Response to Interrogatory No. 102. Not Applicable.

109. Please state whether any physical examinations were given to any mine employees prior to their being furnished with respirators of any type.

ANSWER: See Response to Interrogatory No. 102. Not Applicable.

110. Were any studies or tests done at any defendant mines relative to the dangers or hazards of inhalation and/or ingestion of asbestos fibers?

ANSWER: See Response to Interrogatory No. 102. Not Applicable.

111. If answer to Interrogatory No. 136 is "yes", please attach copies of all such studies.

ANSWER: See Response to Interrogatory No. 102. Not Applicable.

112. If any medical examination of any mine employees of defendant were made, did any such medical test reveal that mine employees of defendant were developing asbestosis even though their job was an "outside type job" as contrasted with a job wherein they worked in a confined or limited area?

ANSWER: See Response to Interrogatory No. 102. Not Applicable.

113. State whether defendant belonged to, or was an associate or correspondent of, the Asbestos Research Council of England.

ANSWER: Abex Corporation was never a member of said Council.

114. State whether defendant belonged to, or was an associate or correspondent of, the Asbestos Research Council of England.

ANSWER: Abex Corporation was never a member of said Council.

115. State whether defendant sold or distributed any asbestos products to English firms or corporations for any year from 1948 to 1963.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

3. Lack of Relevance

116. State whether defendant possessed any ownership interest in any firm or corporation involved in the mining, processing or sale of raw asbestos or products containing asbestos which were domiciled, headquartered or doing business in the British Isles for any year from 1948 to 1963.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Relevance

Without waiving these objections, Abex states that to the best of current knowledge and belief, Abex never possessed any such ownership interests.

117. State whether any such firm or corporation possessed any ownership interest in defendant from 1948 to 1963.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Relevance

Without waiving these objections, Abex states that it is not aware of any such ownership interests.

118. State whether the defendant entered into licensing agreements with any British or German concerns which manufactured products containing asbestos.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Relevance

119. If the answer to the preceding question is affirmative, list for the years 1947 to 1964:

(a) The name of each such British or German concern;

(b) The year the agreement was entered into and all years between 1947 and 1964 that it was in effect;

(c) Describe the type products manufactured by such licensees including:

- (i) The per cent composition of asbestos;
- (ii) The use of the products;
- (iii) Whether the products were marketed in the United States.

ANSWER: See Response to Interrogatory 118.

120. State whether the defendant at any time between 1945 and 1970 had an International Division and if yes, state the name of said Division and its years of operation.

ANSWER: Abex objects to this Interrogatory on the grounds of lack of relevance.

121. If your company, or your predecessor ever devised a brake lining product which does not contain asbestos, state what prompted your company to devise such brake lining product not containing asbestos.

ANSWER: Abex objects to this Interrogatory on the grounds of lack of relevance. Plaintiff does not allege injury as a result of exposure to non asbestos-containing brake linings. Without waiving this objection, Abex states that any such products would have been manufactured in response to market demand.

122. Has such brake lining not containing asbestos performed satisfactorily; that is, is such brake lining suitable for the purpose for which it is to be used?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Overly Broad
2. Lack of Particularity
3. Lack of Relevance

123. Give the trade names of your brake lining products which do not contain asbestos, and state fully what such insulation contains.

ANSWER: Abex objects to this Interrogatory on the grounds that it lacks particularity and is unintelligible.

124. State the decade that there first existed, for commercially feasible purposes, manufacturing technology to combine chemicals and non-asbestos minerals into a brake lining product that was a substitute for asbestos containing brake lining products.

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden

2. Lack of Relevance

Without waiving these objections, Abex states that it is without sufficient knowledge and information to respond to this Interrogatory.

125. To your company's knowledge, in what decade was fiberglass first commercially available?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden

2. Lack of Relevance

Without waiving these objections, Abex states that it is without sufficient knowledge and information to respond to this Interrogatory.

126. Prior to 1971, did your company or its predecessor contend that there was no satisfactory substitute for brake lining products containing some asbestos?

ANSWER: Abex objects to this Interrogatory on the grounds of lack of relevance.

127. Did each of your asbestos containing friction products generally reach motor vehicle mechanics without substantial change in the condition in which it was sold?

ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad

Without waiving these objections, Abex states that it is without sufficient knowledge and information to respond to this Interrogatory. Abex further states that it does not have control over the ultimate uses of any of its products.

128. If your answer to Interrogatory No. 155 is "No" with respect to any product, explain in what way the defendant claims its products were altered or substantially changed after sale or distribution and before reaching the mechanics.

ANSWER: Abex objects to this Interrogatory on the grounds that it lacks particularity as to what information is being requested. Without waiving this objection, Abex states that it has not been provided with an Interrogatory No. 155.

129. Do you admit that motor vehicle mechanics were foreseeable users of defendant's asbestos-containing friction products?

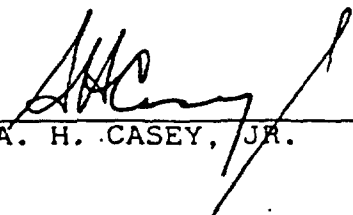
ANSWER: Abex objects to this Interrogatory on the following grounds:

1. Burden
2. Overly Broad
3. Lack of Particularity

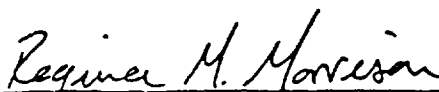
STATE OF CONNECTICUT)
)SS.:
COUNTY OF FAIRFIELD)

VERIFICATION

A. H. CASEY, JR., being first duly sworn according to law, deposes and says that he is Corporate Counsel for Abex Corporation, a Defendant in this action; that he is authorized to execute this verification on behalf of Abex Corporation; and that the information contained in the Answers to the foregoing Interrogatories is true to the best of his knowledge and belief.


A. H. CASEY, JR.

SWORN TO BEFORE me and subscribed in my presence
this 25th day of September 1985.


Notary Public

My Commission Expires:
March 31, 1989

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Abex Corporation's Responses to Plaintiffs' First Standard Set of Interrogatories was served, by postage prepaid mail, upon the following:

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