

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

SANDRA E. MILLER, Executrix of
the Estate of JAMES L. MILLER,
SR., Deceased,

Plaintiff,

vs.

GAF CORPORATION, et al.,

Defendants.

CIVIL ACTION NO. 90-0336

**RESPONSES OF DEFENDANT,
GENERAL MOTORS CORPORATION
TO PLAINTIFF'S INTERROGATORIES
AND REQUEST FOR PRODUCTION**

Counsel of Record for This
Party:

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SCF-EC-4200

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SANDRA E. MILLER, Executrix of the)
Estate of James L. Miller, Sr.,)
Deceased, and SANDRA E. MILLER,)
in her own right,)

Plaintiffs,)

vs.)

GAF CORPORATION, et al.,)
Defendants.)

Civil Action No. 90-336

Honorable Donald E. Ziegler

ASBESTOS CASE

**RESPONSES OF DEFENDANT GENERAL MOTORS CORPORATION
TO PLAINTIFFS' INTERROGATORIES AND REQUEST FOR PRODUCTION**

General Motors Corporation ("GM") makes these responses to plaintiffs' Interrogatories and Production of Documents:

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1. Please identify all sources of information used in answering these Interrogatories, and indicate the number of the interrogatory and sub-part for which each source was used. Attach copies of all non-privileged documents relied upon in answering these Interrogatories.

RESPONSE:

GM objects to this interrogatory because it is overly broad, unduly burdensome and irrelevant.

2. If any of the sources listed in response to Interrogatory #1 are individuals, please list the following for each individual:

- a) Name and address;
- b) relationship to the defendant corporation;
- c) time period of affiliation with this defendant.

RESPONSE:

These interrogatories were answered by General Motors Corporation, P. O. Box 33122, Detroit, Michigan 48232, with the assistance of its attorneys and were verified by its authorized agent.

3. Regarding each document listed as a source in response to Interrogatory #1, please do the following:

- a) list the location of the original document;
- b) list the name and address of each individual who prepared the original document;
- c) attach a photocopy of the document.

RESPONSE:

See response to 1.

4. Please state the following:

- a) the date of incorporation of this defendant;
- b) the state in which this defendant corporation was incorporated;
- c) the address of this defendant's principle place of business.

RESPONSE:

General Motors Corporation was incorporated in Delaware in 1916. Its principal place of business is 3044 West Grand Boulevard, Detroit, Michigan 48202.

5. Please state whether or not Defendant or its predecessor(s) or subsidiaries has ever held a certificate of authority to do business or is otherwise licensed to do business in the commonwealth of Pennsylvania. If the answer is yes, please state the date or dates on which such certificate of authority and/or license was obtained and held and/or the date or dates during which such business was regularly conducted in Pennsylvania.

RESPONSE:

Yes. General Motors Corporation has been authorized to do business in the State of Pennsylvania since December 19, 1941.

6. Describe in detail Defendant's complete corporate or business history, including date of incorporation, any mergers, consolidations, re-incorporations, predecessors, prior names, asset purchases, acquisitions or spin-offs having to do with the manufacture or sale of asbestos-containing products. In addition:
- A. If you have sold any asbestos product line or stock in a company dealing in asbestos-containing products, state the date of the sale, identify the purchaser, and state whether the transaction involved asbestos-containing products; and
 - B. Identify each document related to the history or transaction(s) set forth in answer to this Interrogatory.

RESPONSE:

General Motors Corporation was incorporated in Delaware on October 13, 1916. Its principal place of business is 3044 West Grand Boulevard, Detroit, Michigan 48202. GM has hundreds of facilities located throughout the United States. The immediate predecessor of General Motors Corporation was General Motors Company, incorporated in New Jersey in 1908. GM has numerous subsidiaries.

GM understands that plaintiff's claims involve the allegation that decedent was exposed to asbestos from 1958 to 1961 during brake repair operations. With respect to brake linings, GM acquired the assets of the Bondall Company, 500 Bittner Street, St. Louis, Missouri, in 1939. Bondall designed and manufactured brakelinings and clutch facings. GM also objects to this interrogatory because it is overly broad, burdensome and harassing and it asks for information that is not reasonably calculated to lead to admissible evidence.

7. Please state whether or not Defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity engaged in the manufacturing or sale of asbestos-containing products. If so, please identify each document governing the terms and conditions of any such transaction and/or acquisition, and state as to each acquisition:
- A. The name or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
 - B. The manner by which each such corporation, entity, or interest therein, was acquired (e.g. merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
 - C. The date of each such acquisition;
 - D. The state in which each such acquisition was effected;
 - E. The state law governing each such acquisition if specified by contract;
 - F. Whether Defendant became legally responsible for the past torts of each such corporation or entity;

RESPONSE:

On the basis of Standard Industrial Classification codes used by GM's United States operations, the divisions involved in manufacturing asbestos-containing brake components, and appropriate corporate financial reporting schedules, no General Motors U.S. Division, staff or wholly owned subsidiary has now or has in the past held any interest in an asbestos mine or an entity that sells asbestos fiber. In addition, this defendant has been informed that General Motors of Canada, Ltd. also does not hold any interest in such a mine or entity that sells asbestos fibers. See also response to 6.

8. Please state whether or not Defendant at any time had any subsidiary or affiliated companies engaged in the manufacturing, marketing, use and/or distribution of asbestos-containing products. If so please state:
- A. The names of each such company;
 - B. The years in which it was so engaged; and,
 - C. The nature of its business activities involving asbestos-containing products.

RESPONSE:

See responses to 9 and 10.

9. Please state which of the following are encompassed by Defendant's answers to these Interrogatories:
- A. Organizational units of the Defendant;
 - B. Predecessors of the Defendant;
 - C. Subsidiaries of the Defendant; and,
 - D. Corporations, entities or assets purchased, assumed or in any other manner acquired by the Defendant or any of its predecessors or subsidiaries at any time.

RESPONSE:

GM is informed that plaintiff claims the decedent, James L. Miller, was allegedly exposed to asbestos from brake linings. GM responses to these interrogatories contain information about brake linings for cars and trucks and cover, to the extent information can be obtained, the operations of General Motors Corporation and its wholly owned subsidiaries in the United States.

10. Has Defendant, Defendant's predecessors or any of Defendant's subsidiary companies, at any time, engaged in the manufacture of any asbestos-containing product? If so please state:
- A. The date such activity began;
 - B. The years during which such activity took place;
 - C. The date when such activity was terminated;
 - D. If such activity was terminated, the reasons why; and,
 - E. Identify the organizational unit of Defendant, the predecessor or subsidiary so engaged.

RESPONSE:

GM manufactured asbestos-containing drum and disc brake linings at plants operated by Inland Division (later Delco Products and Delco Chassis divisions) in Dayton, Ohio (1939-1964) and Vandalia, Ohio (1962-present) and Delco Moraine Division (1966-1985) in Dayton, Ohio.

11. Has Defendant, Defendant's predecessors or any of Defendant's subsidiary companies, at any time, engaged in the mining, milling and/or subsequent sale of asbestos fiber? If so, please state:
- A. The date such activity began;
 - B. The years during which such activity took place;
 - C. The date when such activity was terminated;
 - D. If such activity was terminated, the reason why;
 - E. The geographical area into which you claim the asbestos was sold; and,
 - F. Identify the organizational unit of Defendant, the predecessor or subsidiary so engaged.

RESPONSE:

No.

12. Has Defendant, Defendant's predecessors or any of Defendant's subsidiary companies, at any time, engaged in the marketing and/or sale of any asbestos-containing product? If so, please state:
- A. The date such activity began;
 - B. The years during which such activity took place;
 - C. The date when such activity was terminated;
 - D. If such activity was terminated, the reason why; and,

- E. The geographical area into which you claim the asbestos-containing product(s) were sold.

RESPONSE:

Yes.

- A. Asbestos-containing drum brake linings were sold from the 1920's to present and asbestos-containing disc brake linings were sold from 1966 to present.
- B. See A.
- C. Not applicable.
- D. Not applicable.
- E. 50 states and the District of Columbia.
13. For the period 1930 to date, state the addresses and business telephone numbers of each facility, building, mine, mill or location which was used by you as a mining, milling, manufacturing, processing, distribution or marketing facility for asbestos-containing products, state the inclusive dates each such facility was in operation, and further state its function (e.g. manufacturing, warehousing finished products, sales office; etc.).

RESPONSE:

GM has not mined, milled or processed asbestos fiber. GM manufactured asbestos-containing drum and disc brake linings at plants operated by Inland Division (later Delco Products and Delco Chassis Divisions) in Dayton, Ohio (1939-1964) and Vandalia, Ohio (1962-present) and Delco Moraine Division (1966-1985) in Dayton, Ohio. From 1930 to present, GM has had numerous parts packaging and warehousing facilities and it would be extremely burdensome to attempt to identify all of them. GM objects to this interrogatory because it is overly broad and unduly burdensome.

14. Please identify each distributor or wholesaler of your asbestos-containing products since 1930 either located in the Commonwealth of Pennsylvania or authorized to sell into this state. For each distributor or wholesaler, please state:
- A. Their last known addresses;

- B. The years of, and the geographical area encompassed by the relationship;
- C. Whether there was a written distributorship agreement;
- D. Whether the distributorship was exclusive;
- E. Identify the documents pertaining to the distributor or wholesaler relationship;
- F. The extent to which sales to customers in Pennsylvania were handled through distributors or wholesalers as opposed to direct sales by Defendant; and,
- G. The extent to which distributors or wholesalers located; outside of Pennsylvania were permitted to sell into Pennsylvania.

RESPONSE:

GM customarily sells its cars, trucks, and replacement parts to authorized dealers and distributors in Pennsylvania and elsewhere, who then resell them. GM understands that plaintiff claims decedent was allegedly exposed to asbestos from brakes during his employment at Colin's Oldsmobile and Cadillac from 1958 to 1961. Invoices for sales of GM replacement parts for that time period are no longer available. GM also objects because the interrogatory is overly broad and burdensome and it asks for irrelevant information.

- 15. Did this defendant have any sales offices in Pennsylvania. If so, please state as to each such sales office:
 - A. Its address and years of operation;
 - B. Identify all managers from 1930 through the present and the years during which they served; and,
 - C. Identify all sales personnel from 1930 through the present, the years during which they served, and describe each person's sales jurisdiction or responsibility.

RESPONSE:

See answer to 14.

16. If the Answer to the preceding Interrogatory is negative, identify which of your sales personnel were responsible for sales into Pennsylvania from 1930 through the present, during what years, what were their last known employers and addresses, and which are still your employees?

RESPONSE:

See answer to 14.

17. Do any documents, including written memoranda, company specifications, blueprints or other written materials of any kind or character relating to the design, preparations, or chemical composition of the products listed in Answer to Interrogatory No. 14 now exist? If so, please identify each such document.

RESPONSE:

GM drum brake linings contain one or more grades of chrysotile asbestos, generally grades 5, 6 and 7, and the approximate percentage by weight ranged between 50% to 75%. The grade of chrysotile asbestos used in drum brake linings purchased by GM is unknown.

GM disc brake linings contain one or more grades of chrysotile asbestos, generally grades 5, 6 and 7, and the approximate percentage by weight ranged between 30% to 60%. The grade of chrysotile asbestos used in disc brake linings purchased by GM is unknown.

The specific formulations used in the manufacture of brake lining segments and disc pads is valuable, proprietary information that is disclosed only within GM on a need-to-know basis. These formulations are the result of decades of investment of time and money and their disclosure would put GM at a serious competitive disadvantage because domestic and foreign competitors could duplicate GM products without having to undertake the lengthy and expensive laboratory and vehicle testing program undertaken by GM. Competitors could also use this information to improve their products and processing methods without having to compensate GM for its efforts. For these reasons, GM objects to the disclosure of the details of its formulations.

Engineering drawings and other documents exist for at least a part of the sixty or more years that GM has manufactured brake linings. There is no list of these drawings and documents and just compiling a list would be an extensive and extremely burdensome task. Many of the documents are located at the Delco Chassis Division of

GM in Dayton, Ohio. GM objects to this interrogatory because it is overly broad, unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

18. Does a patent exist or did a patent exist for any of the products listed in answer to Interrogatory No. 14? If so, for each such product, please state:

- A. The product name and number of its patent;
- B. The date same was issued; and,
- C. The product name and number of each patent application that is pending.

RESPONSE:

Some patents may exist for the more than sixty year period GM has manufactured brake linings. Those patents are public records available from the Patent Office. GM objects to this interrogatory because it is overly broad, unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

19. Please state the name and address of each business entity from whom the Defendant, Defendant's predecessors or Defendant's subsidiaries have ever bought or received raw asbestos fiber, and as to each such transaction please state the following:

- A. The date of each sale or providing of asbestos fiber, as well as the amount received;
- B. The seller or provider of the asbestos fiber;
- C. The type of asbestos fiber sold or provided (e.g., amosite; chrysolite, or crocidolite);
- D. The use made of each sale or supply of asbestos fiber; and,
- E. Identify all documents relating to the purchase or receipt of raw asbestos fiber.

RESPONSE:

Chrysotile fiber used in the manufacture of drum brake linings was obtained from:

There is no compilation of the information requested for purchases of asbestos fiber from 1939 to present. Most records relating to purchases for the relevant time period are no longer available because of normal record retention policies. GM also objects because the interrogatory is overly broad, unduly burdensome, and asks for irrelevant information.

20. Did Defendant, Defendant's predecessors or Defendant's subsidiaries ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:
- A. The name and address of the manufacturer;
 - B. The product's trade and brand name;
 - C. The organizational unit of Defendant, the predecessor or subsidiary who did so;
 - D. Date(s) beginning, ending and during which the marketing or distributing took place;
 - E. Whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution; and,
 - F. Identify all documents relating to the marketing or distribution.

RESPONSE:

Yes. Brake linings purchased from Johns-Manville, Abex Corporation, Eaton Brake Division, Dana Axle, American Coleman, B.F. Goodrich, Bendix, Dayton Walther, H.K. Porter, Kelsey Hayes, Kelsey Products Division, Rockwell International, Unibond Brake, Wagner Electric, Raybestos Manhattan, Friction Division Products, Ferodo, ITT AMCO, Multibestos, Universal Friction, Akebono, AMCO and Marshall Eclipse were installed on the cars, trucks and buses assembled by GM or sold as replacement parts by GM's car and truck divisions or by AC Delco or GM Parts. Notwithstanding this response, GM objects because the interrogatory is overly broad, vague, ambiguous, unintelligible, burdensome and harassing. It also asks for information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

There is no compilation of the information requested for purchases of asbestos fiber from 1939 to present. Most records relating to purchases for the relevant time period are no longer available because of normal record retention policies. GM also objects because the interrogatory is overly broad, unduly burdensome, and asks for irrelevant information.

20. Did Defendant, Defendant's predecessors or Defendant's subsidiaries ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:
- A. The name and address of the manufacturer;
 - B. The product's trade and brand name;
 - C. The organizational unit of Defendant, the predecessor or subsidiary who did so;
 - D. Date(s) beginning, ending and during which the marketing or distributing took place;
 - E. Whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution; and,
 - F. Identify all documents relating to the marketing or distribution.

RESPONSE:

Yes. Brake linings purchased from Johns-Manville, Abex Corporation, Eaton Brake Division, Dana Axle, American Coleman, B.F. Goodrich, Bendix, Dayton Walther, H.K. Porter, Kelsey Hayes, Kelsey Products Division, Rockwell International, Unibond Brake, Wagner Electric, Raybestos Manhattan, Friction Division Products, Ferodo, ITT AMCO, Multibestos, Universal Friction, Akebono, AMCO and Marshall Eclipse were installed on the cars, trucks and buses assembled by GM or sold as replacement parts by GM's car and truck divisions or by AC Delco or GM Parts. Notwithstanding this response, GM objects because the interrogatory is overly broad, vague, ambiguous, unintelligible, burdensome and harassing. It also asks for information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

21. Did Defendant, Defendant's predecessors or Defendant's subsidiaries ever sell or purchase any asbestos-containing product and rebrand the product, or allow or cause it to be rebranded? If so, please state the following as to each such rebranded product:
- A. The original brand name, trade name and manufacturer of the product;
 - B. Who performed the physical rebranding and where was it accomplished;
 - C. Brand name and trade name after the rebranding;
 - D. User or seller of the product after rebranding;
 - E. Dates beginning, ending and during which the rebranding of the product took place;
 - F. Identify all documents reflecting any terms or conditions incident to the rebranding of a product; and,
 - G. Summarize the financial consideration (including amounts) between the participants in the rebranding agreement.

RESPONSE:

Replacement brake linings packaged and sold by GM, whether made by GM or others, were generally packaged in containers with GM brand names, except for some linings packaged in plain containers with AMC part numbers. GM does not understand what plaintiff means here by "rebranding" and objects to this interrogatory because it is vague, overly broad, and unduly burdensome.

22. Did the Defendant, Defendant's predecessors or Defendant's subsidiaries at any time manufacture any asbestos-containing product which was sold to another manufacturer of asbestos-containing products? If so, please state the following for each such product:
- A. The name and address of the other manufacturer;
 - B. The product's trade name and brand name;
 - C. Dates beginning, ending and during which the sales took place;

- D. Identify all documents relating to the sales; and,
- E. Summarize the financial consideration (including amounts) between the participants in the sale.

RESPONSE:

Yes. Brake linings or assemblies were sold to Wagner, Ford and Bendix from 1960 to 1975. Lining blanks (part numbers 18003125 and 18003131) were sold to Bendix from September, 1977 to December, 1979.

23. Did Defendant, Defendant's predecessors or Defendant's subsidiaries ever enter into any multistate distribution agreement with any manufacturer of asbestos-containing products? If so, please state the following as to each such agreement:
- A. Manufacturer with whom the agreement was entered into;
 - B. Effective dates and periods of the agreement;
 - C. Geographic areas where the product(s) were distributed; and,
 - D. Identify all documents relating to the agreement.

RESPONSE:

GM manufactured and distributed brake linings as replacement parts to GM dealers and AC Delco warehouse distributors. It is unknown what is meant by "multistate distribution agreement" in this context.

24. Did Defendant, Defendant's predecessors or Defendant's subsidiaries ever enter into any licensing agreement with a manufacturer of asbestos-containing products? If so, please state the following as to each such agreement.
- A. Manufacturer with whom the licensing agreement was entered into;
 - B. Description of the central terms and conditions of the agreement;
 - C. Effective dates and period of the licensing agreement;
 - D. Product(s) involved; and,
 - E. Identify all documents relating to the agreement.

RESPONSE:

GM licensed Akebono to use some GM formulations in its manufacture of brake linings.

25. During the years listed below, did this defendant supply any asbestos-containing product in Interrogatory #14 to the following entities:

- a) Allegheny Ludlum Steel Corporation, Pittsburgh, PA (1978 to 1989);
- b) Pittsburgh Metals Purifying Division, Saxonburg, PA 16056. (Treedale Laboratories Division of the Susquehanna Corporation - Formerly American Gypsum) (1961-1978)
- c) Colin's Oldsmobile and Cadillac Dealership, Brackenridge, PA. (1956 to 1961).

RESPONSE:

- a) No.
 - b) No.
 - c) Invoices for the sale of parts for 1956-1961 are no longer in existence.
26. For each subsection of the preceding Interrogatory which this defendant answered affirmatively, please provide the following:
- I. The brand name of each asbestos-containing product this defendant supplied to the entity. If a brand name was not used to designate the product, please provide the name, number, etc. by which this defendant distinguished the product;
 - a) the dates this defendant supplied the product;
 - b) the asbestos content of the product;
 - c) the quantity supplied during each time period listed in (a);

- d) a detailed description of the product, including pictures of the product itself, pictures of the product's packaging, copies of catalogue description of the product and copies of the manufacturer's instructions for the proper installation or application of the product;
- e) attach copies of the documents reflecting the sale, supply or delivery to entity listed;
- f) during the time period when this defendant was supplying the asbestos-containing product, was it also manufacturing, supplying or marketing an asbestos-free variety of the same product to the entity in question;
- g) during the time period in which this defendant was supplying the asbestos -containing product to the entity in question, was it also manufacturing or marketing any asbestos-free variety of the same product in any market area;
- h) what was the first year that an asbestos-free version of the product in question was supplied by this defendant.

RESPONSE:

Not applicable.

27. For all asbestos-containing products supplied or manufactured by this defendant between 1956 and 1989, please provide or answer for each product:
- a) The brand name or other designation;
 - b) the dates of manufacture and/or supply;
 - c) the type of asbestos the product contained;
 - d) the percentage of each type of asbestos the product contained;
 - e) the manufacturer's name;
 - f) the quantity supplied during each time period listed in (a);

- g) a detailed description of the product, including pictures of the product itself, pictures of the product's packaging, copies of catalogue description of the product and copies of the manufacturer's instructions for the proper installation or application of the product;
- h) attach copies of the documents reflecting the sale, supply or delivery to entity listed;
- i) during the time period when this defendant was supplying the asbestos-containing product, was it also manufacturing, supplying or marketing an asbestos-free variety of the same product to the entity in question;
- j) during the time period in which this defendant was supplying the asbestos-containing product to the entity in question, was it also manufacturing or marketing any asbestos-free variety of the same product in any market area;
- k) what was the first year that an asbestos-free version of the product in question was supplied by' this defendant.

RESPONSE:

As to drum brake linings manufactured by GM:

(a)-(b) United Motors (1918-1961), United Delco (1961-1974), AC-Delco (1974-present), Delco Moraine (1942-present), GM Parts (unknown date before 1969-present), Goodwrench (1985), Buick*, Cadillac*, Chevrolet*, GMC Truck*, Oldsmobile*, or Pontiac*. Dates are approximate. Names marked with an asterisk were used, if at all, for an unknown period of time before 1969.

(c)-(d) GM drum brake linings contain one or more grades of chrysotile asbestos, generally grades 5, 6 and 7, and the approximate percentage by weight ranged between 50% to 75%.

(e) GM.

(f) GM objects to this interrogatory because it is overly broad and not reasonably calculated to lead to admissible evidence.

(g) Drum brake lining segments consist of a curved, dense, grayish material. Typical arc lengths range from 90° to 130° and are for drum diameters of 7, 8, 9-1/2, 11, 12 and 12-1/2 inches. GM's recommendations for maintaining and servicing brake linings are contained in numerous service manuals. GM will provide excerpts from a typical service manual about drum brake lining installation.

(h) GM does not know what "entity listed" means in this interrogatory.

(i) GM does not know what is meant by "entity in question" in this interrogatory.

(k) Brake linings that did not contain asbestos were used on GM vehicles before the introduction of asbestos-containing linings in the 1920's, and some drum brake linings from about the 1980s to present, and in special applications, like police cars, at other times.

As to disc brake linings manufactured by GM:

(a)-(b) Delco, GM Parts, Goodwrench, GM & AMC.

(c)-(d) GM disc brake linings contain one or more grades of chrysotile asbestos, generally grades 5, 6 and 7, and the approximate percentage by weight ranged between 30% to 60%.

(e) GM.

(f) GM objects to this interrogatory because it is overly broad and not reasonably calculated to lead to admissible evidence.

(g) Disc brake lining segments consisted of a dense, grayish or tan material. Typical dimensions are height of 57-63 millimeters, width of 125-142 millimeters, and thickness of 11-13 millimeters. GM's recommendations for maintaining and servicing brake linings are contained in numerous service manuals. GM will provide excerpts from a typical service manual about disc brake lining installation.

(h) GM does not know what "entity listed" means in this interrogatory.

(i) GM does not know what is meant by "entity in question" in this interrogatory.

(k) Some disc brake linings that did not contain asbestos were used from the 1980s to present.

See response to No. 20.

28. If this defendant ever placed warning labels on any asbestoscontaining product stating that inhalation of asbestos fibers could be harmful, please identify each product, the date such labels were first placed on the product, the language of the label, the size and color of the label and attach a photocopy of the label.

RESPONSE:

In 1975, GM began placing this caution, with language copied from the OSHA regulation, on packages of replacement brakelinings:

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

The word "CAUTION" was in no smaller than 12 point type. The rest of the words were in no smaller than 10 point type. GM specified the minimum size. Beginning in 1989, GM changed the caution to:

"Danger: Contains asbestos fibers. Avoid creating dust. Cancer and Lung Disease hazard. Do not grind. Do not clean with compressed air. • See Service Manual Instructions **"

Starting in the 1977 model year, GM included this statement in its service manuals:

"Caution: When servicing wheel brake parts, do not create dust by grinding or sanding brake linings or by cleaning wheel brake parts with a dry brush or with compressed air. (A water dampened cloth should be used.) Many wheel brake parts contain asbestos fibers which can become airborne if dust is created during servicing. Breathing dust containing asbestos fibers may cause serious bodily harm."

29. Please list all the current or past trademarks used by this defendant.

RESPONSE:

See answer to 27(a)-(b), as to drum and disc brake linings. GM objects to this interrogatory because it is overly broad and not reasonably calculated to lead to admissible evidence.

30. What was the date of the first worker's compensation claim filed against this defendant for an asbestos-related disease?

RESPONSE:

GM does not have this information and, because its records of worker's compensation claims are located at or near its plants throughout the United States and are not generally arranged by type of disease, GM has no reasonable and practical method to determine that date. GM objects because this interrogatory asks for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The interrogatory is also overly broad, burdensome and harassing.

31. What was the date of the first worker's compensation claim filed against this defendant for Mesothelioma?

RESPONSE:

See answer to 30.

32. What was the date of the first (non-worker's compensation) lawsuit filed against this defendant for an asbestos-related disease?

RESPONSE:

The first lawsuit served on GM claiming an alleged asbestos-related disease from exposure to asbestos from brake linings was in 1977.

33. What was the date of the first (non-worker's compensation) lawsuit filed against this defendant for Mesothelioma?

RESPONSE:

A product liability lawsuit against GM involving mesothelioma allegedly caused by exposure to asbestos from brakelinings was filed in 1981. GM does not have records or information to identify the first case with certainty.

Respectfully submitted,

PIETRAGALLO, BOSICK & GORDON

BY: 

ERIC K. FALK, ESQUIRE
Attorneys for Defendant,
General Motors Corporation.

VERIFICATION

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

Nancy S. Kennedy being first duly sworn, deposes and says that she is authorized pursuant to applicable law and rules to verify the foregoing RESPONSE OF DEFENDANT GENERAL MOTORS CORPORATION TO PLAINTIFFS' INTERROGATORIES AND REQUEST FOR PRODUCTION and that the foregoing are hereby verified on behalf of General Motors Corporation in this litigation.



Nancy S. Kennedy
Authorized Agent

Subscribed and sworn to
before me this 4th day
of November, 1994.



Notary Public

MARY deFREITAS
Notary Public, Oakland County, Mich.
Acting in Wayne County, Mich.
My Commission Expires February 6, 1995

CERTIFICATE OF SERVICE

I, Eric K. Falk, hereby certify that a true and correct copy of the within **RESPONSE TO PLAINTIFF'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS** has been forwarded to plaintiff's counsel and all other counsel of record, by United States First Class Mail, Postage Prepaid on this 29th day of NOVEMBER, 1994.

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