

FILE NAME: Chrysler (CHR)

DATE: 1999 Sept 8

DOC#: CHR064

DOCUMENT DESCRIPTION: Chrysler Objections and Responses to
Plaintiff's Interrogatories

TAYLOR & CIRE

LAW OFFICES

ONE ALLEN CENTER

3400 PENTHOUSE

HOUSTON, TEXAS 77002

TELEPHONE (713) 654-7799

FACSIMILE (713) 654-7814

ROBERT G. TAYLOR II, PC
GEORGE E. CIRE, JR.
J. ROBERT DAVIS, JR.
CLETUS P. ERNSTER III

GALVESTON OFFICE

TELEPHONE

(409) 762-8914

FACSIMILE

(409) 762-9042

September 8, 1999

Dr. Barry Castleman
2412 Pickwick Road
Baltimore, MD 21207-6631

Re: Cause No. 95-G-000712; Carolyn Bouldin, et al. v. Abex Corporation, et al.; In
the 239th District Court, Brazoria County, Texas

Dear Dr. Castleman:

Enclosed is copy of DaimlerChrysler Corporation's Third Amended Objections and
Answers to Plaintiffs' First Set of Interrogatories, which I would appreciate you reviewing.
Please give me a call with any comments.

Thank you for your assistance.

Yours truly,



Cletus P. Ernster, III

F:\Reba\Wpdocs\BOULDIN\castleman-ltr.wpd

- 12/6/99 Q. Do they have a policy to phase out
use of A?
- admits - knew of A's in by 1940's (40)
 - knew of Ca from Doll - 1953 (40)
 - mesothelioma from Wagner - 1960 - not yet proven
 - still makes A trailers on light trucks
 - sampling of brake work < 0.25 f/pc (1972-1989) (2607)
 - Service manuals warned of A hazards in 1973, cartons of parts too (23; 23)
 - started investigating substitution in 1980's

interviews - Graham Goble

CAROLYN BOULDIN, Individually	§	IN THE DISTRICT COURT OF
and as Executrix of the Estate of	§	
WELDON T. BOULDIN, Deceased,	§	
ELIZABETH BOULDIN and	§	
GLADYS MAE STOFFEL,	§	
	§	
Plaintiffs,	§	
	§	BRAZORIA COUNTY, TEXAS
vs.	§	
	§	
ABEX CORPORATION, et al.,	§	
	§	
Defendants.	§	239th JUDICIAL DISTRICT

**DEFENDANT DAIMLERCHRYSLER CORPORATION'S
THIRD AMENDED OBJECTIONS AND
ANSWERS TO PLAINTIFFS' FIRST [SIC] SET OF INTERROGATORIES**

TO: Plaintiffs Carolyn Bouldin, Individually and as Executrix of the Estate of Weldon T. Bouldin, Deceased, Elizabeth Bouldin and Gladys Mae Stoffel, by and through their attorneys of record, George E. Cire, Jr., Esq. and Cletus P. Ernster, III, Esq., Taylor & Cire, 3400 One Allen Center, Houston, Texas 77002.

COMES NOW DaimlerChrysler Corporation (formerly known as Chrysler Corporation), one of the Defendants in the above-styled and numbered cause (hereinafter "Chrysler" or "Defendant"), and submits its Second Supplemental Objections and Answers to Plaintiffs' First [sic] Set of Interrogatories. This set of interrogatories is actually the second set served. In the event that any objections are overruled, Defendant Chrysler requests an extension of time within which to respond to each particular request.

I.

OBJECTIONS

Chrysler objects to the title of Plaintiffs' discovery which describes Plaintiffs' "First Set" of Interrogatories because such title is erroneous and misleading. In fact, Plaintiffs served their "First Set of Written Interrogatories to Defendants" on October 2, 1995. Chrysler filed its Objections and Answers to Plaintiffs' First Set of Written Interrogatories on November 14, 1995. Therefore, Plaintiffs' latest discovery to Chrysler actually includes Plaintiffs' second set of interrogatories to this Defendant.

II.

These responses are based upon facts known or believed by Chrysler at the time of answering these interrogatories and requests for production. Much of the information requested dates back many years and is difficult or impossible to reconstruct or retrieve. These discovery responses are made pursuant to a reasonable and due diligent investigation and search for the information requested. Chrysler reserves the right to amend these responses if new or additional information becomes available to it.

Chrysler further objects to the definitions and instructions prepared by Plaintiffs' counsel in that they are overly broad, vague, ambiguous, and are not reasonably limited in scope or time. Plaintiffs' definitions and instructions are overly burdensome, overreaching, and sought merely for purposes of harassment and, as such, Chrysler objects to all those definitions contained within Plaintiffs' discovery to the extent they and Plaintiffs' instructions are inconsistent with the normal and customary usage of words pursuant to the Texas Rules of Civil Procedure. Chrysler further objects to Plaintiffs' definitions and instructions to the extent they seek to expand the duty to object

and seek intrusion into the attorney-client privilege, work product privilege, witness statement privilege, other federal and state law privileges, party communications privilege and consulting expert privilege contained in Texas Rule of Civil Procedure former Rule 166b and current Rule 195, cmt. 1. Materials to be produced will be produced according to the provisions of the Texas Rules of Civil Procedure, and Chrysler objects to Plaintiffs' instructions to the contrary. Chrysler further objects to Plaintiffs' instructions with regard to claimed objections since these instructions are not required by, nor are consistent with, the Texas Rules of Civil Procedure and Chrysler will comply with the Texas Rules of Civil Procedure with regard to its objections and supplementation.

III.

Chrysler objects to Plaintiffs' interrogatories and requests for production as a whole to the extent that there is no definition for the term "asbestos." To Chrysler's knowledge, chrysotile is the only type of asbestos used in the friction products of vehicles manufactured and distributed by Chrysler. Such information using this generic term is otherwise irrelevant, overly broad, vague and ambiguous as well as being outside the scope of permissible discovery and seeking information privileged from discovery under former Rule 166b(3)(a)(b)(c)(d) and (e) and current Rule 192 and the attorney work product and attorney-client privilege. To the extent the responses are made with regard to these interrogatories and requests for production, Chrysler will respond with regard to the term "asbestos" referring to the chrysotile material utilized by Chrysler.

Because "predecessor" and "subsidiary" are not defined or specifically identified, it is unclear about which entities Plaintiffs are inquiring. To provide such information would require a nationwide search unlimited by time, location, or type of information, and is thus over broad and unduly burdensome.

IV.

The objections set forth herein are hereby applied to all responses set forth in each specific interrogatory and request for production as if fully set forth in each particular interrogatory and request for production.

V.

To the extent that discoverable items are produced to Plaintiffs, any production for copying and inspection of such items will be made available at a mutually agreeable time between the parties pursuant to the Texas Rules of Civil Procedure.

VI.

Chrysler objects to the number of Interrogatories contained within the Master Interrogatories set forth herein. Pursuant to former Rule 168 and current Rule 197 of the Texas Rules of Civil Procedure, Plaintiffs' Interrogatories require responses well in excess of the interrogatories provided for under the Texas Rules of Civil Procedure. Discovery is ongoing and Chrysler will supplement as appropriate.

VII.

These answers to interrogatories do not apply to American Motors Corporation and/or American Motors Sales Corporation.

VIII.

Chrysler objects to the number of Interrogatories contained within Plaintiffs' First Set of Interrogatories. Pursuant to former Rule 168 of the Texas Rules of Civil Procedure, Plaintiffs current interrogatories, together with Plaintiffs' interrogatories served on Chrysler in 1995, require responses well in excess of both sets of interrogatories provided for under the former Texas Rules

of Civil Procedure. Under the current rules, only a total of twenty-five (25) interrogatories may be propounded. Chrysler's responses are made according to the number of responses appropriate under the Texas Rules of Civil Procedure.

IX.

Those objections set forth herein are hereby applied to all responses set forth in each specific interrogatory as if fully set forth in each particular interrogatory.

X.

Chrysler understands that Plaintiffs allege injuries due to exposure to asbestos from automotive friction materials. Chrysler's responses to these interrogatories specifically address automotive friction materials.

Respectfully submitted,

JENKENS & GILCHRIST
A Professional Corporation
1445 Ross Avenue, Suite 3200
Dallas, TX 75202
Telephone: (214) 855-4500
Telecopy: (214) 855-4300

By: _____
ROBERT THACKSTON
State Bar No. 00785487

ATTORNEYS FOR DAIMLERCHRYSLER
CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to plaintiffs' attorneys, _____, by certified mail, and to all other counsel of record via regular mail on this _____ day of _____, 1999.

JOE BLIZZARD

Subject to the objections set forth and without waiving same, Chrysler responds as follows:

-
INTERROGATORIES

INTERROGATORY NO. 1: Has this defendant or any of its predecessors or subsidiary companies ever engaged in any of the following:

- (a) Manufacture of products containing asbestos;
- (b) Distribution, supplying or selling of products containing asbestos or raw asbestos;
- (c) Relabeling of products containing asbestos or raw asbestos;
- (d) Assembling of products containing asbestos or raw asbestos;
- (e) Advertising of products containing asbestos or raw asbestos;
- (f) Mined asbestos; or
- (g) Had your asbestos containing products relabeled by another entity?

Answer separately for each sub-part.

ANSWER: Chrysler understands that Plaintiffs allege injuries due to exposure to asbestos from automotive friction materials. Chrysler's response to this interrogatory is limited to those products. Chrysler objects to Interrogatory No. 1 because it is overly broad in that it is not limited to the time frame immediately before and during which Plaintiffs claim Decedent was exposed to Chrysler's products, if any. Further, Chrysler objects to the terms "relabeling" and "relabeled" as they are vague, ambiguous and undefined. Subject to the foregoing objections, and without waiving same:

(a)-(b) Yes.

(c) No.

(d)-(e) Yes.

- (f) No.
- (g) Not to Chrysler's knowledge.

INTERROGATORY NO. 2: State as to each affirmative answer in Interrogatory No. 1 the following:

- (a) The identity of the entities mining, manufacturing, distributing, relabeling, supplying, selling, assembling, marketing, or advertising each of the products.
- (b) Whether the entity named, mined, manufactured, distributed, relabeled, supplied, sold, assembled, marketed, or advertised each of the products.
- (c) The identity of the entity relabeling your raw asbestos or asbestos containing products.
- (d) The trade name, brand name, product number or identifying title, descriptive markings or logo of each of those products or raw asbestos.
- (e) The years each of the named products was mined, sold, manufactured, distributed, relabeled, supplied, advertised or marketed.
- (f) The date (the year if the exact date is unknown) asbestos was removed from the product, if it was removed,
- (g) A description of the physical (chemical) composition of each of the named asbestos containing products, including the fiber type of asbestos (i.e. chrysotile, amosite, crocidolite, etc.) contained in the product,
- (h) A description of the physical appearance of each named product.
- (i) The product type (examples of product type would be asbestos cloth, asbestos packing, asbestos fiber, asbestos linings, asbestos rope, asbestos braided tubing,

asbestos wick, asbestos tape, asbestos thread, automotive, truck, bus, off-highway vehicular, aeronautic, marine products [brake and drum linings, brake pads, brake shoes, brake blocks, clutch materials, transmission components, gasket materials, shock absorbers], commercial and industrial machines or components [brake linings, clutch facings, thermal insulation, transmission components, gaskets].

- (j) A detailed description of the intended uses (including recommended temperature ranges and if the product had special application purposes such as in an acid environment) of each of the named products. (The term "products" is intended to include all substances, products, or materials as to which the answer to Interrogatory No. 1 was affirmative and is expressly not limited to "final product" or the product which reached consumers).
- (k) A description of the physical appearance of its usual container (i.e. bags, boxes, sacks, etc.) and the wording of the label or writing on the container.
- (l) Identify by name and location each plant in which the products listed in your answer to this interrogatory were manufactured and/or assembled;
- (m) if you claim that asbestos dust or fibers would not be released from any product named above by its use, installation, or removal, identify each product about which you make this claim, state the reasons why you make this claim, identify any document which you claim supports your position, and identify all persons with knowledge of facts to support your position.

ANSWER: Chrysler objects to Interrogatory No. 2 for the reason that it seeks information which is outside the scope of permissible discovery under Texas Rules of Civil Procedure 192.3.

Further objecting, this Interrogatory is outside of the scope of permissible discovery under the Texas Rules of Civil Procedure, and is overly broad, vague and unduly burdensome.

Subject to said objection and without waiving same, Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products, and Chrysler's response to this interrogatory is limited to those products. Chrysler objects to this interrogatory to the extent it is over broad, unduly burdensome, seeks information irrelevant to this litigation and seeks information not likely to lead to the discovery of admissible evidence to the extent it seeks information about products other than automotive friction materials.

Chrysler manufactured automobiles and light trucks that have included asbestos containing products including brake linings, clutch plates and transmission bands. Original equipment parts were distributed in new Chrysler, Plymouth, DeSoto and Dodge automobiles. Chrysler currently manufactures and sells some light trucks that utilize asbestos lined brakes.

Chrysler sold and distributed asbestos containing automotive brake and clutch replacement parts under the Mopar, Cycleweld and/or Cyclebond trade names to independent warehouse distributors and authorized dealers.

Brake linings were manufactured at the Trenton Chemical Plant for use in its automobiles beginning in 1959 and ending in 1988. Brake linings made by Chrysler contained 50% chrysotile by weight and the other 50% of the brake lining contained a 50% matrix. Chrysler objects to providing further information regarding the composition of its brake products because such information is a confidential proprietary trade secret. Chrysler stopped using asbestos in the brake linings manufactured at its Trenton Chemical facility in 1988.

Chrysler never mined, milled, manufactured, imported, processed or marketed raw asbestos fiber or insulating materials. No documents have been located reflecting that Chrysler ever sold raw asbestos. Chrysler purchased chrysotile asbestos fiber from Asbestos Corporation, Limited, 830 Mooney Street, Bentford Mines, Quebec, Canada G665 1; Carey Canadian, P.O. Box 190, East Braughton Station PQ Canada G0N1H0; Johns-Manville, P.O. Box 5 108, Ken Caryl Ranch, Denver, Colorado 80217, Lake Asbestos, International Fibers, Union Carbide Materials Division, A.T. Callas, Alma Products and Boehle Chemical, Inc.

For all times pertinent to this litigation, aside from the brake products supplied by Trenton Chemical, Chrysler purchased brake products from suppliers. Chrysler does not have specific information regarding the specific composition of the asbestos containing friction products purchased from outside suppliers. Chrysler is aware that the suppliers have removed asbestos from most of its brake linings except for ones in which performance specifications cannot be reasonably met because a non-asbestos alternative has not been developed that meets performance requirements, such as rear drum brake linings in the Cirrus and Stratus with brake sales code "BRK" from September 1995 through January 1996; rear drum brake linings in the Ram Van/Wagon 3500 from September 1995 through the 1997 Model Year; rear drum brake linings in the Ram Regular Cab, Chassis Cab and Club Cab 3500 Pickup from September 1997 through the 1999 Model year; rear drum brake linings in the Ram Quad Cab Pickup from September 1998 through the 1999 Model Year; and the rear drum brake linings in the Ram Regular Cab, Chassis Cab, Club Cab and Quad Cab 1500 Pickup from September 1999 through the 1999 Model Year.

Chrysler has purchased asbestos-containing brakes from Abex Corp. (American Brake Block), Bendix Corp. (AlliedSignal), Friction Material Division, Raybestos, Raybestos-Manhattan,

Johns-Manville, Nuturn, Delphi, Galfer, Valeo Friction Development Products, Kelsey Hayes, Marshall, Delco-Moraine and Ferodo. Brake parts have been sold by Chrysler under the trade names Mopar, CycleWeld, and CycleBond.

With respect to the physical appearance of Chrysler brake linings, the brake linings were solid tan or gray slate. Chrysler placed indented identification marks on its brake linings. Each brake lining was marked on its edge with a letter designation indicating the name of the manufacturer of the lining, the chemical composition of the lining (indicated by a combination of letters: "FE" or "EE"), followed by numbers indicating the friction level of the lining when normal and when hot, and four digits indicating calendaring for date of manufacture. As a new product, the finished materials are date code and identified by manufacturer. After the product is used, it eventually becomes worn and therefore indistinguishable. The Chrysler logo or emblem was stamped on the brake shoes and brake support plate produced by Chrysler. For identification purposes, color indentation appeared on the lining perpendicular to the friction surface. Chrysler has not located documentation sufficient to allow it to describe markings on parts obtained from outside suppliers. Presently, the light truck brake pads which still contain asbestos are dipped in a green sealer.

With respect to the intended use of the named products, brake linings are one component of a vehicle's brake system intended to safely slow or stop vehicles. In general, chrysotile asbestos was utilized in friction parts because it provided suitable friction, strength, binding, stability, heat resistance and other characteristics required to obtain proper performance of a vehicle's braking system.

Chrysler has sold motor vehicles identified as "Chrysler," "Plymouth," "DeSoto" and "Dodge" with original equipment asbestos-containing automotive transmission and clutch parts.

Chrysler service parts, including transmission and clutch parts, have been sold under the trade name Mopar.

Chrysler has never manufactured asbestos-containing clutches. However, Chrysler did obtain these parts from outside suppliers. At least since 1966, the suppliers of asbestos-containing automotive clutch parts for Chrysler motor vehicles were the following; Luk, Fichtel & Sachs, Borg & Beck Division of Borg Warner, Long Co., Lipe-Rollway, and Spicer Division of Dana Corp. Replacement parts Chrysler obtained from these suppliers were sold under the Mopar brand name through authorized dealerships.

Chrysler did not manufacture asbestos-containing automotive transmission and clutch parts, but obtained these parts from outside suppliers. Chrysler does not have information regarding the specific compositions of the asbestos-containing automotive transmission and clutch parts purchased from outside suppliers. Chrysler has not located documentation sufficient to allow it to describe markings on parts obtained from outside suppliers.

At least since 1966, the suppliers of asbestos-containing automotive clutch parts for Chrysler motor vehicles were the following: Bands for automatic transmissions for cars and trucks: Borg-Warner, Crawfordsville, Indiana. Clutch assemblies for passenger cars: Luk (since circa 1980), Germany. Clutch assemblies for light and medium trucks: Borg & Beck Division of Borg-Warner, Sterling Heights, Michigan, and Elgin, Illinois. Clutch assemblies for medium trucks: Long Co., Wisconsin. Clutch assemblies for heavy duty trucks: Lipe-Rollway, Syracuse, New York, and Spicer Division of Dana Corporation, Auburn, Indiana; Replacement parts (Clutch Disc Assemblies, Clutch Bands and Clutch Disc Sets) from these suppliers were sold under the Mopar brand names through authorized dealerships.

Chrysler manufactured a portion of the brake linings utilized in Chrysler automobiles, from 1959 to 1988 at Trenton Chemical Plant in Michigan. Asbestos was not used in the manufacture of brake linings after 1988 at this facility. All other friction materials sold by Chrysler in its automobiles or as replacement parts were manufactured by the various suppliers previously identified.

Over the years, Chrysler assembled its friction products at its Toledo Machining Plant, Detroit Forge and Axle Plant and Kokomo Transmission Plant. Chrysler's Mopar Division would have packaged replacement friction products at its Warren, Michigan, Marysville, Michigan or Centerline, Michigan facilities.

Chrysler has sold automobiles with friction materials containing asbestos already installed in the vehicles. Vehicles are generally not shipped in packages. Replacement parts sold by Chrysler that contained friction materials containing asbestos were shipped in cardboard cartons of various sizes. Chrysler does not now have available to it all of the information requested for all packaging it used through the years. However, by way of example, according to a service parts processing and packaging specification, dated August 8, 1995, the size of a cardboard container for brake lining shoe and front wheel disc was 5.25" x 1.5" x 7.75". In addition to warnings set forth previously, the packaging would have contained Chrysler's logo which is a five pointed star (known as the "Pentastar"). At times, parts were sold under the trade names of Mopar, CycleWeld, and CycleBond.

Generally brakes and clutches can be installed, removed and replaced without releasing asbestos fibers.

All documents presently available to Chrysler that contain information responsive to this interrogatory will be made available for inspection and copying at a mutually convenient time at the offices of Clark Hill PLC in Detroit, Michigan.

INTERROGATORY NO. 3: If defendant, its subsidiaries, or any predecessors ever designed, manufactured, processed, sold, distributed, assembled, patented, relabeled, or distributed a product containing asbestos in any form, which was manufactured, sold, or distributed by another company, then state the following:

- (a) The trade name of the product;
- (b) The year defendant first designed, manufactured, processed, sold, or distributed such products;
- (c) The year defendant last designed, manufactured, processed, sold, or distributed such products;
- (d) A description of the physical (and chemical) composition of each such product including the type of asbestos contained in each such product (e.g. amosite, chrysotile, crocidolite, etc.) and the quantitative percentage of asbestos in each product,
- (e) A description of the physical appearance of each such product;
- (f) A detailed description of the intended uses (including recommended temperature ranges and if the product had any special application purposes such as in an acid environment) of each such product. (The term "products" is intended to include all substances, products, or materials as to which the answer to this interrogatory was in

the affirmative and is expressly not limited to “final product” or the product which reached consumers);

- (g) The name of the manufacturer, seller or distributor of such product; and
- (h) How such product was packaged.

ANSWER: Chrysler objects to Interrogatory No. 3 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery. Subject to the foregoing objection(s) and without waiving same, Chrysler generally sold new automobiles and replacement parts through authorized dealerships.

Chrysler distributed asbestos containing automotive brake and clutch replacement parts under the Mopar, Cycleweld and/or Cyclebond trade names through authorized, independent warehouse distributors. See also response and objections to Interrogatory No. 2.

All documents presently available to Chrysler that contain information responsive to this interrogatory will be made available for inspection and copying at a mutually convenient time and place.

INTERROGATORY NO. 4: If this defendant has ever had distributors of raw asbestos or asbestos containing products in the State of Texas, then state:

- (a) the name of all such distributors;
- (b) their addresses;
- (c) years each was a designated distributor or distributed your products; and
- (d) the products each distributor sold.

ANSWER: (a)-(d) Chrysler objects to Interrogatory No. 4 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks irrelevant information

which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure 192.3. Subject to said objections and without waiving same, it is not possible for Chrysler to identify every different dealership and distributor that has existed in the State of Texas. Chrysler never engaged in mining raw asbestos. No documents can be located reflecting that Chrysler ever engaged in the sale of raw asbestos. *See also* responses and objections to Interrogatories Nos. 2 and 3.

INTERROGATORY NO. 5: List all other states in which you had a distributor.

ANSWER: See response to Interrogatories Nos. 3 and 4.

INTERROGATORY NO. 6: If this defendant did not have a designated distributor in the State of Texas, then state by what method sale were promoted, encouraged, or consummated and give the name and address of all defendant's sales offices located in Texas.

ANSWER: See response to Interrogatories Nos. 3 and 4.

INTERROGATORY NO. 7: If any of the products listed in Interrogatory 2 above, or Interrogatory 5 above, has been altered in chemical composition since first being marketed, 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; and
- (e) The name of the persons and any committees who authorized the alteration or who designed or formulated the alterations.

ANSWER: Chrysler understands that Plaintiffs alleged exposure to asbestos contained in automotive friction products, and therefore, Chrysler's answer to this interrogatory is limited to those

products. Chrysler objects to this interrogatory to the extent that it is overly broad, burdensome and is not reasonably limited in time or scope. It is further vague, ambiguous, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, the asbestos content of some brakes have changed as scientific knowledge and governmental regulations have developed. Chrysler stopped manufacturing asbestos containing brake linings in 1988. At no time did Chrysler manufacture asbestos containing clutch parts.

Chrysler does not have specific information regarding the specific composition of the asbestos-containing friction products purchased from outside suppliers. Chrysler is aware that its suppliers have removed asbestos from most of its brake linings except for ones in which performance and safety specifications cannot reasonably be met without the use of asbestos. See also response and objections to Interrogatory No. 2.

INTERROGATORY NO. 8: As to this defendant, its divisions, subsidiaries and predecessors in interest, who have ever mined, manufactured, sold, distributed or supplied products containing asbestos or raw asbestos, please state:

- (a) Full and correct name,
- (b) Principal place of business;
- (c) State of incorporation;
- (d) Date of incorporation or date the division was formed; and
- (e) The years the defendant, any subsidiary or predecessor was authorized to transact business in Texas.

ANSWER:

- (a) DaimlerChrysler Corporation.
- (b) Detroit, Michigan.
- (c) Delaware.
- (d) Chrysler Corporation was incorporated under the laws of the State of Delaware on March 9, 1986, as part of a corporate reorganization of the Chrysler group of companies in which Chrysler Motor Corporation (formerly Chrysler Corporation, incorporated in Delaware in 1925) became a wholly owned, indirect subsidiary of Chrysler Corporation (formerly Chrysler Holding Corporation). The corporate reorganization was consummated on June 1, 1986. Effective December 31, 1989, Chrysler Motor Corporation merged into Chrysler Corporation. On November 17, 1998, Chrysler Corporation merged with Daimler Benz A.G. to become DaimlerChrysler.
- (e) Chrysler Motors Corporation has been authorized to do business in the State of Texas since 10/19/56. On 12/12/89 Chrysler Motors Corporation became Chrysler Corporation, which became authorized to do business in Texas on 1/16/90.

INTERROGATORY NO. 9: For each product listed in answers to Interrogatory 2 above or Interrogatory 5 above, please list and describe markings, logos, or other identifying characteristics, whether on the packaging of the product itself or otherwise, which would in any way identify or connect any such product with your company and state whether the markings or logos were on the products or on the packaging or on both.

ANSWER: Chrysler objects to Interrogatory No. 9 for the reason that it is overly broad, vague and is unlimited in reasonable time or scope and therefore is outside the scope of permissible

discovery under the Texas Rules of Civil Procedure. Subject to said objections and without waiving same, Chrysler has sold automobiles with friction materials containing asbestos already installed in the vehicles. Vehicles are generally not shipped in packages.

Replacement parts sold by Chrysler that contained friction materials containing asbestos were shipped in cardboard cartons of various sizes. Chrysler does not now have available to it all of the information requested for all packaging it used through the years. However, by way of example, according to a service parts processing and packaging specification, dated August 8, 1995, the size of a cardboard container for brake lining shoe and front wheel disc was 5.25" x 1.5" x 7.75". In addition to warnings set forth below, the packaging would have contained Chrysler's logo which is a five pointed star (known as the "Pentastar"). At times, parts were sold under the trade names of Mopar, CycleWeld, and CycleBond. See also response to Interrogatory No. 2.

INTERROGATORY NO. 10: If defendant or any of its predecessors or subsidiaries ever placed any warning or caution signs or labels on the products, the products' containers, packaging, invoices, or in its sales literature, please state the following for each warning or caution:

- (a) The dates that your company or your predecessors or subsidiaries, issued orders or instructions directing a warning or caution be placed on your asbestos containing products or containers;
- (b) The dates such warning or caution actually were first placed on your asbestos containing products, containers, packaging, invoices, or sales literature and the dates each warning or caution was changed or modified;
- (c) The dates your asbestos containing products, accompanied by such warning or caution, first reached the contractor or consumer;

- (d) The exact wording of the first warning or caution and the exact wording and dates of each subsequent warning or caution;
- (e) The size and location of each warning or caution printed on your asbestos-containing products, containers, invoices, or sales literature;
- (f) Whether your company, or its predecessors or subsidiaries, dictated the exact size of the printed warning or caution;
- (g) All reasons why your company, or its predecessors or subsidiaries, placed such warning or caution on your asbestos-containing products, containers, packaging, Invoices or sales literature and all reasons for any change or alteration in the warning or caution;
- (h) Identify all persons with knowledge of the reasons for warnings or cautions and the reasons for any changes in the warnings or cautions; and
- (i) If your company or its predecessors or subsidiaries placed such warning on your asbestos-containing products, packaging, invoices, sales literature or containers because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute, state from whom and on what date you received such directive, command, suggestion, legal opinion, or other type of communication and state the contents of the communication.

ANSWER: Chrysler objects to Interrogatory No. 10 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks irrelevant information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure 192.3.

Further objecting, this interrogatory is sought for the purposes of harassment and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing, Chrysler states that automotive brake and clutch parts have been accompanied by cautionary language. The first Chrysler service manual containing such language concerning brake parts was printed in 1973, as follows:

CAUTION: When resurfacing or refacing brake shoes follow manufacturer recommendations for proper use of their equipment. Whatever equipment is used, ensure that proper ventilation is provided to remove asbestos dust, which can be detrimental to health.

The following language first appeared in Chrysler's 1984 service manuals regarding brake service:

CAUTION: When servicing brake assemblies or components, do not create dust by sanding, grinding or by cleaning brake parts with a dry brush or with compressed air. A water dampened cloth should be used. Many brake components contain asbestos fibers which can become airborne if dust is created during service operations. Breathing dust which contains asbestos fibers can cause serious bodily harm.

The following language appeared in Chrysler's 1984 service manual regarding clutch assemblies:

CAUTION: When servicing clutch assemblies or components do NOT create dust by sanding or by cleaning clutch parts with a dry brush or with compressed air. (A water dampened cloth should be used.) The dust is created during service operations. Breathing dust containing "Asbestos Fibers" may cause serious bodily harm.

Such language has generally appeared in service manuals since 1984.

Based upon the best information available, from 1973 to the present, the cartons for Chrysler's asbestos containing replacement parts sold through its Mopar Division contained one of the following:

DANGER

CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

CAUTION
THIS PRODUCT CONTAINS ASBESTOS.
AVOID CREATING DUST.
BREATHING ASBESTOS MAY RESULT IN SERIOUS BODILY HARM.

CAUTION
AVOID CREATING OR
BREATHING DUST.
CONTAINS HAZARDOUS
SUBSTANCES WHICH
MAY CAUSE LUNG INJURY

Caution: Contains asbestos fibers. Avoid
creating dust. Breathing asbestos dust may
cause serious bodily harm.

When servicing this brake lining or any component related to it or located near it, prevent asbestos dust from becoming airborne by vacuuming the assembly with an industrial type vacuum cleaner equipped with a high efficiency filter system and by washing the assembly with an appropriate brake parts washer if necessary. Never remove dust or dirt from this assembly by blowing with compressed air.

INTERROGATORY NO. 11: Identify by date issued, patent number, patent application number, and product name, every patent for asbestos free products held by, issued to, or applied for by you or by any of your employees.

ANSWER: Chrysler objects to Interrogatory No. 11 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks irrelevant information which

is outside the scope of permissible discovery under the Texas Rules of Civil Procedure 192.3, is unduly burdensome, overly broad and is sought only for purposes of harassment. Such information is equally available to Plaintiffs.

INTERROGATORY NO. 12: Has the answering defendant been sued under its correct name and in the correct capacity? If not, please state why it has been sued in the wrong capacity and state the correct legal name of the defendant and provide the following information:

- (a) Principal place of business;
- (b) State of incorporation;
- (c) Date of incorporation or date the division was formed; and
- (d) The years defendant or any subsidiary or predecessor was authorized to transact business in Texas.

ANSWER: See response to Interrogatory No. 8.

INTERROGATORY NO. 13: Considering the contents of asbestos containing products, mined, manufactured, distributed, relabeled, supplied, sold, assembled, marketed, or advertised by you, the method of manufacturing, and the method of application, can your products be generally installed or applied without liberating respirable asbestos fibers? If there is a different answer concerning different products manufactured, sold, distributed, or mined by your company then answer this interrogatory for each product and identify it by exact manufacturer's name and popular name. If there is a difference in your answer depending on the year or years in which particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to as to each year.

ANSWER: Yes, when properly installing, removing or replacing brakes and clutches, they can be installed, removed or replaced without releasing asbestos fibers. See also response to Interrogatory No. 15.

INTERROGATORY NO. 14: Was it a foreseeable use of your asbestos containing products that they may have to be removed, stripped, cut, sawed, ground, or replaced at any time after installation?

ANSWER: Yes, friction products wear out and it is expected that they would be "removed," "replaced," but not "stripped," "cut," "sawed," or "ground" when worn.

INTERROGATORY NO. 15: If, prior to releasing the products listed in Interrogatory 2 and/or Interrogatory 5 above, to the public for sale, Chrysler, its predecessors, or subsidiaries conducted any tests (to include any studies or surveys), paid for any tests, or relied on tests conducted by others on asbestos containing products to determine potential health hazards involved in the use of materials contained therein, please identify the test by the name of the products tested, the name, address, and job classification of each individual who conducted such tests, the results of such tests, the date of such tests.

ANSWER: Chrysler objects to Interrogatory No. 15 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Chrysler further objects to the use of the phrase "potential health hazards" as it is vague, undefined and over broad. Subject to said objections and without waiving same, formulations are developed for each brake design for each car or truck by either Chrysler's suppliers, or for certain models at certain times, by Chrysler. It us

unduly burdensome to provide information as to each and every formulation of the numerous models or vehicles manufactured since the 1920s.

Chrysler understand this interrogatory to pertain to the use and installation of replacement asbestos containing friction products. Except for the brake linings manufactured by Chrysler for the period of time set forth herein, Chrysler purchased the friction products used in its automobiles, including brake linings, from suppliers. Chrysler has no specific information regarding any such tests its suppliers may have performed as they would contain information proprietary to the suppliers.

Based on corporate records and ongoing investigation, Chrysler has determined at the time these responses were prepared that the following air sampling was conducted. Mr. Louis Gendernalik, a member of the Industrial Hygiene Department of Chrysler Corporation, first sampled air levels in 1972 and then again in 1975. The 1972 sampling was done at Chrysler's brake shoe plant testing garage. Two samples of mechanics working on brake drums were taken with a cellulose ester filter. The results were 0.25 fibers per cubic centimeter of air when the mechanic used a brush and 0.0 fibers per cubic centimeter when compressed air was used. In 1975, Mr. Gendernalik took air samples at Dodge Truck. Counts were taken with the use of a cellulose ester filter, and the results were 0.0 fibers per cubic centimeter of air. Although data from same exists, no formal report was prepared.

In 1971, D.P. Glazier, a member of the Industrial Hygiene Department of Chrysler sampled air levels at the Chelsea Proving Grounds while mechanics worked on brakes. The results were less than .1 fiber per cubic centimeter for an eight hour time-weighted average. In 1983, D.N. James, a member of the Industrial Hygiene Department of Chrysler sampled air levels at the Windsor Assembly Plant while two mechanics performed brake replacements on the tractor portion of a

TWA? tractor trailer. The results were less than .1 fiber per cubic centimeter. In 1986, D.N. James performed air sampling at the Chelsea Proving Grounds while mechanics performed brake build-up and inspection operations. The results were less than .1 fiber per cubic centimeter. On two occasions in 1989, G.W. Fischer, a member of the Industrial Hygiene Department of Chrysler, sampled air levels at the Chelsea Proving Grounds in the vehicle test department. The results of both samples were less than .03.

All of the documents presently available to Chrysler that contain information responsive to this interrogatory will be made available for inspection and copying at a mutually convenient time at the offices of Clark Hill PLC in Detroit, Michigan.

INTERROGATORY NO. 16: After releasing the products listed in Interrogatory 2 and Interrogatory 5 above, to the public, if any tests, studies, or surveys (whether conducted by you, financed in whole or in part by you, or conducted by a third party) were conducted on such products to determine potential health hazards involved in the use of materials contained in the products, please state:

- (a) The names of the products tested;
- (b) The name, address and job title of each person who conducted those tests;
- (c) The dates the tests were conducted;
- (d) The location of the test;
- (e) The results of those tests;
- (f) The identity of the entity conducting the tests;

- (g) Identify all writings and documents referring to such tests, studies, or surveys or produce such document.

ANSWER: Chrysler objects to this interrogatory as it is vague, misleading and irrelevant, and it is unclear what Plaintiffs mean by "materials, such as asbestos." Chrysler periodically performed air sampling tests from 1972 through 1989 as set forth in response to Interrogatory No. 15. The results of these air sampling tests showed that the mechanics were not exposed to excessive levels of asbestos dust or an increased risk of disease from asbestos in the proper handling of Chrysler's friction products.

INTERROGATORY NO. 17: If defendant, any predecessor, or any subsidiary has ever had a research department, medical or health department, industrial hygiene department, safety department, or risk management department then state:

- (a) The date each such department was established;
- (b) If each such department has operated continuously since that date;
- (c) The date each such department was disbanded;
- (d) The purpose, duties and responsibilities of each such department;
- (e) The names, current addresses (or if not known the last known address, social security number, and driver's license number) and job titles of each individual who has worked in each such department;
- (f) The names, current addresses (or if not known the last known address, social security number, and driver's license number) and job titles of each head of each department;

- (g) What percentage of gross sales in each year did your company, any predecessor or any subsidiary spend on research concerning the health effects of asbestos and/or silica;
- (h) The total amount spent on research by you concerning the health effects of asbestos a/or silica;
- (i) Names, last known addresses and job titles of any person who conducted studies or made recommendations to your company on the risks or hazards to persons involved with the mining, manufacture, installation, repair, removal or use of asbestos containing products; and
- (j) The identity of any scientific, medical, or industrial hygiene periodicals which this defendant, any of its departments, or any of its employees subscribed to from 1932 to the present.

ANSWER: Chrysler objects to Interrogatory No. 17 as being overly broad, vague, ambiguous and burdensome and is not reasonably limited in scope or time. It is vague and fails to set forth with particularity those items to be identified and is, therefore, outside the scope of permissible discovery. Further objecting, this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Chrysler further objects to this interrogatory on the basis that it is vague and ambiguous as to the term "research department." Subject to said objections and without waiving same: Chrysler historically, and currently, conducts activities that may be considered research, regarding the safety, design and performance of its automobiles and their component parts. These activities have been conducted by and through a variety of departments that have changed in structure and function over the years. Some of these activities would relate to the

performance of friction products. Due to the vagueness of this interrogatory, Chrysler cannot be more specific with this response. Chrysler does not have a research department which deals solely with the health effects of asbestos.

Further answering, Chrysler has had medical departments at a variety of its facilities over the years. Chrysler has no documents or summaries that identify all the individuals that worked for Chrysler throughout its history specifically responsive to this request. Based on available information, Chrysler has been able to identify the following managers and directors of its medical and hygiene areas: Dr. Martin Bruten - deceased (former Medical Director); Dr. Marian Josz - deceased (former Medical Director); Dr. Robert McIntosh - deceased (former Medical Director); Dr. Orlo Robinson (former Medical Director); Dr. Robert Brandt (former Medical Director and Director of Occupational Health & Safety); Dr. Robert Morris (present Lead Physician); J.E. Thomas (present Director of Occupational Health & Safety); Neil McCallum (former Director of Occupational Health & Safety); Gerald Sattelmeir (former Manager of Industrial Hygiene); William Watt (present Manager of Industrial Hygiene).

Chrysler has had and does have books and other written material that relate to asbestos. Chrysler cannot provide the information requested for every book, report, pamphlet or other document it has ever had regarding asbestos. Chrysler has numerous facilities throughout the United States and it is not possible to retrieve and identify every document related to this subject. Chrysler does not have a centralized library or library system that would contain documents responsive to this request. Chrysler was generally aware of and received documents available to the professional community, including its industrial hygiene professionals, regarding asbestos and the potential hazards associated with excessive exposure to asbestos.

INTERROGATORY NO. 18: Please state:

- (a) The year that your company, or any predecessor or subsidiary, was first advised of either threshold limit values (TLV) or maximum allowable concentrations of asbestos dust, silica dust and/or total dust by the American Conference of Governmental Industrial Hygienists or any other organization;
- (b) State the name of the employee or official of the company receiving such advice and attach copies of the instrument communicating such advice;
- (c) Were such threshold limit values or maximum allowable concentrations "TOTAL" dust and not just asbestos dust; and
- (d) Were such threshold limit values or maximum allowable concentrations "total" dust and not just silica dust?

ANSWER: Chrysler objects to Interrogatory No. 18 as being overly broad, burdensome and not reasonably limited in time or scope. Chrysler further objects to Interrogatory No. 18 for the reason that it seeks information outside the scope of permissible discovery. Further objecting, this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, Chrysler understands that the American Conference of Governmental and Industrial Hygienists (ACGIH) defines threshold limit value-time weighted average (TLV-TWA) as the eight hour time weighted average concentration of a substance to which nearly all workers may be repeatedly exposed (day after day) without adverse effect. Chrysler was aware of published threshold limit values, or their equivalent, which would have been published at various times by the ACGIH or by OSHA. Chrysler is unable to state the name of any single employee who received such information.

INTERROGATORY NO. 19: Has your company, or its predecessors or subsidiaries, ever directly advised any contractor or customer to whom you sell your products containing asbestos of threshold limit values (TLV) for exposure to asbestos dust recommended by the American Conference of Governmental Industrial Hygienist?

If so, please state:

- (a) The date or dates that you so advised such contractor;
- (b) The manner in which you advised such contractor;
- (c) The name of each contractor; and
- (d) Identify all persons with knowledge of such communication.

ANSWER: Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products and Chrysler's response to this interrogatory is limited to those products. Chrysler objects to this Interrogatory as being overly broad, unduly burdensome and not reasonably limited in time or scope and seeks information outside the scope of permissible discovery. Chrysler objects to this interrogatory to the extent it argues that Chrysler had a duty to advise any contractor or customer of TLVs recommended by the ACGIH. Plaintiff's employer(s) were in the best position to regulate overall workplace health and safety concerns and advise regarding TLVs. Subject to said objections and without waiving same, Chrysler is not aware of any documents responsive to this Interrogatory.

INTERROGATORY NO. 20: Identify anyone (including, but not limited to, medical doctors, PhD's, industrial hygienists, risk managers, outside consultants, governmental employees and toxicologists) with whom the defendant consulted or who furnished any information to the defendant about respiratory protection, asbestos, asbestos containing products, asbestosis,

mesothelioma, cancer or any respiratory diseases associated with exposure to asbestos or silica dust or fibers and identify any such person who was employed by the defendant to render consultation or advice on these subjects.

ANSWER: Chrysler objects to Interrogatory No. 20 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery and the attorney-client and attorney work product privilege. It seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Further objecting, this interrogatory seeks to review Chrysler's attorney work product and trial preparation, and information privileged from discovery under the consulting expert and party communications privileges. Subject to said objections, and without waiving same, Chrysler will identify those persons with knowledge of relevant facts pursuant to the Court's scheduling order.

INTERROGATORY NO. 21: Has defendant banned or stopped using asbestos containing products in its operations, work places, buildings, vessels, or areas where it employed people in the United States? If so, state the date when the defendant stopped using or banned asbestos containing products, the person or persons authorizing the stoppage or banning, and the reason why the use of such products was discontinued or banned.

ANSWER: Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products and Chrysler's response to this interrogatory is limited to those products. Chrysler objects to this Interrogatory as it is overly broad, vague, ambiguous and overly burdensome. Objecting further, this Interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, see response and objections to Interrogatory No. 2.

INTERROGATORY NO. 22: Has defendant ordered, authorized or acquiesced in the removal of asbestos and/or asbestos containing products in its operations, work places, vessels, automobile friction products, and/or buildings, which it owned or leased? If so, identify all persons with knowledge of such removal, who removed the products, when the products were removed, and the reason the products were removed.

ANSWER: *See* response and objections to Interrogatory No. 21.

INTERROGATORY NO. 23: Has defendant ordered, authorized or acquiesced in the removal of asbestos and/or asbestos containing products in its operations, work places, vessels, automobile friction products, and/or buildings, which it owned or leased? If so identify all persons with knowledge of such removal, who removed the products, when the products were removed , and the reason the products were removed.

ANSWER: Chrysler objects to Interrogatory No. 23 to the extent that it is overly broad, burdensome and is not reasonably limited in time or scope. It is further vague, ambiguous, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, products that do not contain asbestos have different performance characteristics than asbestos containing products and specific products are designed to match those characteristics.

Further, Chrysler is aware that its suppliers of brake linings and other friction products developed products to replace their asbestos-containing products. An asbestos-free product was first available in the market in the late 1970s or early 1980s. Chrysler, with its suppliers, examined alternatives to asbestos lined brakes in the 1980s. This program investigated a wide variety of alternatives to identify those that satisfied the safety and performance requirements of each model

vehicle sold by Chrysler. At all times, Chrysler has complied with government safety and performance regulations in developing its brake specifications. Beginning in the mid-1980s, and continuing to today, Chrysler did sell automobiles that contained brakes without asbestos brake linings when those linings satisfied the applicable performance requirements.

INTERROGATORY NO. 24: Identify all masks, respirators or other respiratory protective devices which you claim were provided to or offered to your employees to protect them from asbestos containing dust and state when each of these devices were first made available.

ANSWER: Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products and Chrysler's response to this interrogatory is limited to those products. Chrysler objects to Interrogatory No. 24 for the reason that it is overly broad, vague and ambiguous and is unlimited in time or scope and seeks information which is outside the scope of permissible discovery under Texas Rule of Civil Procedure 192.3. Further objecting, this Interrogatory is unduly burdensome, overly broad and seeks information not reasonably calculated to lead to the discovery of admissible evidence as it seeks information unrelated to asbestos containing friction products, and because plaintiff does not allege exposure at any facilities owned and/or operated by Chrysler.

INTERROGATORY NO. 25: Did this defendant or its predecessor or subsidiary companies ever have any inspectors, anyone from your company, or employees of another entity whose job it was to go to work sites where your or others' asbestos containing products were being used, installed, or removed to make a dust level count?

If so, please state the following:

(a) The date this procedure started;

- (b) The purpose of such procedure;
- (c) The technique used to make dust sampling or dust counts;
- (d) The person(s) who conducted such dust sampling techniques and identify their employer;
- (e) The results of such dust sampling;
- (f) The location of and the custodian of the records of such sampling; and
- (g) If such sampling or data from such sampling was published, identify the publication where such data appeared or produce the publications.

ANSWER: Chrysler objects to Interrogatory No. 25 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further objecting, Chrysler states this interrogatory is argumentative as it implies that Chrysler was under a duty to inspect work sites or that products sold by Chrysler would expose workers to harmful dust levels. Plaintiff's employers had complete control over the workplace and responsibility for ensuring the safety of its employees. Plaintiff's employers could adequately train, supervise and advise its employees on how to properly handle products used in the workplace, including asbestos-containing products. Subject to said objections and without waiving same, at no time did Chrysler employ anyone with the sole responsibility to go to "work sites" to perform asbestos dust counts. See response and objections to Interrogatory No. 15.

INTERROGATORY NO. 26: If defendant performed or had performed for its benefit any dust level counts, what action based on the results did your company take?

ANSWER: Asbestos content of some brakes have changed as scientific knowledge and governmental regulations have developed. However, no design changes or modifications were made to brake linings or friction products manufactured by Chrysler as a result of tests described in Response to Interrogatory No. 25. With regard to friction products purchased from suppliers, design changes, if any, would have resulted from decisions made by those suppliers.

INTERROGATORY NO. 27: Has your company or any of its predecessors or subsidiaries ever conducted, or caused to be conducted or been involved with any tests, surveys, or studies concerning the effects of the inhalation of asbestos dust or fibers on persons using or being exposed to any of the asbestos materials mined, manufactured, sold or distributed by you, or your predecessor or subsidiary.

If so, then state:

- (a) The date and nature of such test, surveys, or studies, if any;
- (b) The name or names of persons conducting such tests, surveys, or studies and their addresses;
- (c) The purposes of the tests, surveys, or studies;
- (d) To whom such reports were given and the date; and
- (e) If any design changes were made as a result of such tests. If so, then please state:
 - (1) The nature of the changes made;
 - (2) The name, address and job classification of each person in charge of making a change.

ANSWER: Chrysler objects to Interrogatory No. 27 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of

permissible discovery under the Texas Rules of Civil Procedure. Further objecting, this interrogatory is overly burdensome and harassing. Subject to said objection and without waiving same, other than those studies previously identified, no.

INTERROGATORY NO. 28: On what date did this defendant first become aware that exposure or inhalation of asbestos fibers by human beings could cause adverse health consequences, including, but not limited to, pulmonary function impairment, lung cancer and mesothelioma?

ANSWER: Chrysler objects to this Interrogatory as overly broad, unduly burdensome and vague. Chrysler defers to the reasoned judgment and opinions of its medical expert witnesses and the credible medical literature on all such questions of human diseases, their causes, and diagnoses. Subject to the foregoing objections and without waiving same, Chrysler offers the following:

The scientific and medical body of knowledge which relates to the answer to this Interrogatory has undergone continual evolution from the early part of this century until the present day. One common fact which resonates throughout this evolutionary period is that asbestos diseases or conditions of all types are dose-response conditions, meaning the higher the dose of asbestos breathed into the lungs, the greater chance of the development of disease. Another common characteristic of asbestos-related conditions or diseases is the long latency between exposure and the manifestation of the condition or disease. It is impossible to explain or understand the occurrence of asbestos-related conditions or diseases in human beings without a thorough understanding of both dose-response and latency. Again, Chrysler defers to the reasoned judgment and opinions of its medical and scientific expert witnesses on all such questions of human diseases, their causes, and diagnoses.

The specifics of exactly how Chrysler personnel acquired such knowledge or awareness is not reasonably ascertainable, but it is probable that it came from reading government publications or other public documents, reports, studies or journals. Chrysler obtained this level of knowledge based upon what was published or reasonably available at that time.

By keeping abreast of the governmental, medical and scientific bodies of knowledge through the years, Chrysler generally became aware that exposures to high levels of asbestos dust in its pure or almost pure forms in manufacturing factories in England, day-in and day-out for a working lifetime, could cause a condition known as asbestosis. The primary study which signaled the general awareness of asbestosis in American workers was the 1938 study by Dr. Dreessen, U.S. Public Health Bulletin No. 241, which reported some asbestosis in asbestos textile factory workers and concluded that if asbestos dust concentrations in the air breathed are kept below 5 million particles per cubic foot, new cases of asbestosis would not appear.

End product users, such as insulators and/or pipe coverers, were not felt to be at risk of asbestos-related conditions as reported by major studies until the early to mid-1960s. From 1946 until approximately the early 1970s, the American Conference of Governmental Industrial Hygienists published the Threshold Limit Value ("TLV") for exposure to asbestos dust at 5 million particles per cubic foot. This level of exposure was adopted by the United States Department of Labor under the Walsh-Healey Public Contracts Act of 1952. It was not until the mid to later 1970s that there were sufficient studies to illustrate that job site "bystanders" were also at risk for various asbestos-related diseases or conditions.

Chrysler learned that mere exposure to asbestos, without more, does not cause asbestosis. Chrysler has generally learned that inhalation of certain types and quantities of asbestos fibers over

certain periods of time is associated with an increased risk of asbestosis for some people. The specifics of exactly how or when Chrysler personnel acquired such knowledge is not certain, but it is believed to have been by the 1940s.

Chrysler disagrees with the premise of this Interrogatory because whether lung cancer can be caused by the inhalation of asbestos is a complicated medical question that depends on such factors as level of exposure, fiber type, smoking history, individual risk factors and more. Cigarette smoking is far and away the leading cause of lung cancer in the world. Without properly accounting for the role of cigarette smoking in any individual's case, it is impossible to assess the lung cancer risk from other exposures. Such is the case with asbestos. Chrysler believes, through the expertise of its medical and scientific consultants, that the credible governmental, medical and scientific literature to date confirms that lung cancer cannot be attributed to asbestos exposure in the absence of underlying asbestosis. Again, the TLV of 5 million particles per cubic foot of air which was the standard from the 1940s through the 1960s was designed to prevent asbestos disease; therefore, lung cancer was not expected to occur from asbestos exposure if these guidelines were followed. Further, those persons believed to be at risk in the sequence of asbestosis and lung cancer were those in the textile and mining industries, not end product users, until sometime in the mid to late 1960s. Through its expert medical and scientific consultants, Chrysler has become aware of a study by Sir Richard Doll, published in or around 1955 which found an elevated incidence of lung cancer in workers who were certified by the British government with asbestosis. As this study was disseminated and as it became accepted as authoritative, it became known to stand for the proposition that asbestos exposure contributed to cause lung cancer only in cases where individuals

also developed underlying asbestosis. Chrysler likely would have learned of this study at or around the time it was published in the medical literature.

The pleural reactions to asbestos can be divided into pleural plaques, pleural effusion and diffuse pleural thickening. Chrysler believes, through the expertise of its medical and scientific consultants, that pleural plaques do not cause symptoms, such as reduced lung function. The only pleural reaction (excluding mesothelioma), which causes symptoms is, in certain instances, diffuse pleural thickening. It was not until the late 1940s before references in the literature clearly linked asbestos exposure to pleural plaques and pleural thickening. Chrysler would have become aware of the results of these studies at or around the time they were published in the medical literature.

The evidence at the present time suggests to Chrysler that isolated pleural plaques in the absence of asbestosis or diffuse pleural thickening are not associated with clinically detectable restrictive impairment. Pleural reactions as described herein are not believed to be a precursor to any other conditions, such as lung cancer or mesothelioma.

The specifics of how or when Chrysler personnel learned of the link between exposure to certain types of asbestos and mesothelioma is uncertain, but would have probably been at or around the time the Wagner, et al. study was published in the medical literature. The disease mesothelioma was first linked to asbestos exposure in 1960 in a group of case reports published by Dr. J. C. Wagner, et al. This study involved individuals with suspected exposure to a particular fiber-type of asbestos, crocidolite, which was mined and processed in the Northwestern Cape Province of South Africa. The ability of other types of asbestos, such as chrysotile, to cause mesothelioma has been the subject of much debate, and reported associations between mesothelioma and exposures to amosite asbestos did not come until years after Dr. Wagner's study. There is still a credible and

significant school of thought which supports the conclusion that chrysotile asbestos does not cause mesothelioma.

Chrysler is aware, through its medical experts and scientific consultants, that some treatment courses have been successful in "curing" certain individual cases of mesothelioma under the circumstances of those cases. Chrysler is also aware, through its medical experts and scientific consultants, that research is ongoing regarding the efficacy of certain drug, chemical, radiation and surgical treatment courses which may have worked to cure mesothelioma in individual cases and may prove valuable as more than palliative treatments for the disease. Of course, Chrysler defers to the reasoned judgment and opinions of its medical expert witnesses on all such questions of human disease, their causes, diagnosis and treatment.

With regard to the Plaintiffs in this litigation, proper handling of automotive friction materials does not create an increased level of mesothelioma. The air sampling tests performed by Chrysler, as set forth in response to Interrogatory No. 25, showed that mechanics properly using Chrysler's friction products were not exposed to excessive levels of asbestos dust or an increased risk of disease from asbestos.

INTERROGATORY NO. 29: If prior to 1964, defendant, its predecessors or subsidiaries ever manufactured products containing asbestos without warnings or cautions, list the years and state the names of the products.

ANSWER: See response and objections to Interrogatories Nos. 2 and 10.

INTERROGATORY NO. 30: After 1964, if defendant, its predecessors or subsidiaries ever manufactured products containing asbestos without warnings or cautions, list the names of the products and years.

ANSWER: See response and objections to Interrogatories Nos. 2 and 10.

INTERROGATORY NO. 31: State the decade that there first existed manufacturing technology for commercial purposes for combining chemicals and minerals into a high heat friction product as a substitute for asbestos in insulation and/or friction materials.

ANSWER: Chrysler objects to Interrogatory No. 31 to the extent that it is overly broad, burdensome and is not reasonably limited in time or scope. It is further vague, ambiguous, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, products that do not contain asbestos have different performance characteristics than asbestos containing products and specific products are designed to match those characteristics. Therefore, non-asbestos containing products are not true "substitutes."

Further, Chrysler is aware that its suppliers of brake linings and other friction products developed products to replace their asbestos-containing products. An asbestos-free product was first available in the market in the late 1970s or early 1980s. Chrysler, with its suppliers, examined alternatives to asbestos lined brakes in the 1980s. This program investigated a wide variety of alternatives to identify those that satisfied the safety and performance requirements of each model vehicle sold by Chrysler. At all times, Chrysler has complied with government safety and performance regulations in developing its brake specifications. Beginning in the mid-1980s, and continuing to today, Chrysler did sell automobiles that contained brakes without asbestos brake linings when those linings satisfied the applicable performance requirements.

INTERROGATORY NO. 32: Identify any person who was employed by, acted as a lobbyist or representative for, or acted on behalf of this defendant or its predecessors or subsidiaries, and further identify any lobbyist who:

- (a) Testified before any committee of the United States Senate, any committee of the House of Representatives, any agency or department of the United States government, any State agency or department, any committee of a State Legislative body, or other foreign or domestic governmental body concerning asbestos, asbestos containing products, health hazards associated with exposure to asbestos, respiratory protection for exposure to asbestos, environmental controls for the protection from asbestos, or any proposed or pending legislation concerning asbestos, and
- (b) Give the dates of his testimony and identify the entity where the testimony was given.

“Lobbyist” here means someone who is registered as a lobbyist with any governmental entity, conducts activities aimed at influencing public officials and especially members of a legislative body on legislation, promotes or secures the passage of legislation by influencing public officials, and/or attempts to influence or sway (as a public official) towards a desired action.

ANSWER: Chrysler objects to Interrogatory No. 32 to the extent it seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, and information privileged from discovery under the attorney-client, attorney work product privilege and other applicable State and Federal privileges . Further, this interrogatory seeks information in violation of Chrysler’s constitutional right to lobby the government. This information is exempt from discovery under the line of cases known as the “Noerr Pennington doctrine” as expressed in *In re Burlington Northern*, 822 F.2d 518 (5th Cir. 1987). Subject to said objection and without waiving

same, Chrysler will identify those persons with knowledge of relevant facts as required by the Texas Rules of Civil Procedure.

INTERROGATORY NO. 33: Identify (by style, cause number, parties, court or agency, and date filed) the first suit or claim against you or your predecessors or subsidiaries for a claimed asbestos related injury, as well as lawsuits (by style, cause number, parties, court or agency, and date filed) against you or your predecessor or subsidiaries for a claimed asbestos-related injury.

ANSWER: Chrysler objects to Interrogatory No. 33 for the reason that it is overly broad, vague, ambiguous and irrelevant and not reasonably calculated to lead to the discovery of admissible evidence as required by Rule 192.3 of the Texas Rules of Civil Procedure. Further, the information sought is irrelevant and immaterial for the reasons that whether or not claims have been filed has no relevance to the end user of Chrysler's product. This interrogatory is further objectionable as being burdensome, and is sought merely for purposes of harassment. Chrysler does not organize claims by injuries claimed. Therefore, it would be extremely burdensome, onerous and harassing to compel Chrysler to review every single claim ever filed. However, to the extent documents responsive to this interrogatory exist, they will be produced at a mutually agreeable time and place.

INTERROGATORY NO. 34: If defendant has a library or any collection of literature mentioning respirators, respiratory protection, asbestosis, mesothelioma, or asbestos as causing an increased risk of lung or other cancer, identify the location of the library or collection and the name and address of the custodian or persons who are charged with responsibility to maintain the library or collection.

ANSWER: Chrysler objects to Interrogatory No. 34 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure.

Chrysler has had and does have books and other written material that relate to asbestos. Chrysler cannot provide the information requested for every book, report, pamphlet or other document it has ever had regarding asbestos. Chrysler has numerous facilities throughout the United States and it is not possible to retrieve and identify every document related to this subject. Chrysler does not have a centralized library or library system that would contain documents responsive to this request. Chrysler was generally aware of and received documents available to the professional community, including its industrial hygiene professionals, regarding asbestos and the potential hazards associated with excessive exposure to asbestos.

INTERROGATORY NO. 35: Identify all of your (or your predecessors or subsidiaries) employees, officers or directors who have given a deposition or who have testified at trial or at a workers compensation hearing or proceeding involving an asbestos or silica related claim and identify the proceeding by date of testimony, tribunal, cause number, and parties and state whether the proceeding involved asbestos, silica or both.

ANSWER: Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products and Chrysler's response to this interrogatory is limited to those products. Chrysler objects to Interrogatory No. 35 for the reason that it seeks information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure and the attorney-client and attorney work product privilege. Further objecting, this interrogatory seeks to review Chrysler's attorney work product and trial preparation, and constitutes a fishing expedition

outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Subject to said objections and without waiving same, Chrysler can provide the following information:

<u>NAME</u>	<u>CASE</u>	<u>STATE</u>	<u>CASE NO.</u>	<u>DATE</u>
Peter Heckman	Monohan	CA.	CV-086275	3/29/94
James Knoll	Vaughn	MO.	82-1655-C(A)	12/8/83
James Knoll	Horn	WA.	80-2-90935-3	6/15/84
James Knoll	Webb	MI.	85-514-889-NP	6/29/87
James Knoll	Coates	NJ.	L-095651-85	9/14/88
James Knoll	Marcinowski	PA.	88-7410	4/26/91
James Knoll	Grewe	MD.	93167501	3/19/96
Gerald Sattelmeier	Boatnar	MI.	84-410-8520-NP	7/15/86
Gerald Sattelmeier	Coates	NJ.	L-095651-85	5/9/89
Jack Koblin	Coates	NJ.	L-095651-85	6/14/88
Paul Kelly, Jr.	Coates	NJ.	L-095651-85	6/14/88
Paul Kelly, Jr.	Becker	NJ.	L-91267-85	6/15/88

INTERROGATORY NO. 36: State when you, or your predecessor or subsidiary, first installed ventilation systems (whose purpose was in whole or in part dust control) in one of your plants or facilities which produced asbestos containing products, and state:

- (a) The person or committee who authorized or recommended the installation of the equipment;
- (b) Identify by author, date, and subject matter (or produce a legible copy of) all documents and writings which discuss this installation;
- (c) The reasons this equipment was installed.

ANSWER: Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products and Chrysler's response to this interrogatory is limited to those products. Chrysler objects to Interrogatory No. 36 for the reason that it seeks information which is vague, over broad, unduly burdensome and outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further, this interrogatory seeks irrelevant information not like to lead to the discovery of admissible evidence as it requests information that does not relate to friction products, and plaintiff does not allege exposure at any facility owned and/or operated by Chrysler.

INTERROGATORY NO. 37: State when you, or your predecessors or subsidiary, first issued masks or respirators to workers in one of your plants or facilities which produced asbestos containing products, and state:

- (a) The person or committee who authorized or recommended the installation of the equipment;
- (b) Identify by author, date, and subject matter (or produce a legible copy of) all documents and writings which discuss this installation;
- (c) The reasons this equipment was installed.

ANSWER: Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products and Chrysler's response to this interrogatory is limited to those products. Chrysler objects to Interrogatory No. 37 for the reason that it seeks information which is vague, over broad, unduly burdensome and outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further, this interrogatory seeks irrelevant information not like to lead to the discovery of admissible evidence as it requests information that does not relate to friction products, and plaintiff does not allege exposure at any facility owned and/or operated by Chrysler.

INTERROGATORY NO. 38: Name each of your (or your predecessors or subsidiaries) workers compensation and general liability carriers from 1930 to the present and state, the type of coverage, the amount of coverage afforded by each policy, the dates of the policy, the amount of deductible, the amount of deductible paid, and amount of coverage remaining on each policy. This Interrogatory includes all layers of insurance.

ANSWER: Chrysler is presently self-insured and has been self-insured subsequent to 1972. Chrysler was insured by the Hartford Insurance Company from 1926 through 1972. There were separate policies for each year.

INTERROGATORY NO. 39: Who is the person that defendant can identify as the person who had the earliest knowledge among defendant's past or present employees of health danger associated with the inhalation of asbestos dust or fibers?

ANSWER: Chrysler objects to Interrogatory No. 39 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure and the attorney-client and attorney work product privilege. Further objecting, this interrogatory seeks to review Chrysler's attorney's work product and trial preparation, and constitutes a fishing expedition outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Subject to said objections and without waiving same, Chrysler has no information that brake dust, to which Plaintiff was allegedly exposed, was potentially hazardous to health. See response to Interrogatory No. 28.

INTERROGATORY NO. 40: If defendant had a medical examination or medical surveillance program for persons exposed to asbestos dust or fibers, state the date the program was

instituted, the reason the program was instituted, an regulation which required the program to be instituted, and identify the person in charge of the programs.

ANSWER: Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products and Chrysler's response to this interrogatory is limited to those products. Chrysler objects to Interrogatory No. 40 for the reason that it is overly broad, vague and ambiguous and is not reasonably limited in time or scope and seeks information other than automotive friction products. Chrysler objects further to this interrogatory to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence because plaintiff does not allege exposure at any facility owned and/or operated by Chrysler. Subject to said objections, and without waiving same, pursuant to OSHA requirements, Chrysler provides medical screening to its employees who are exposed to asbestos. To the extent documents responsive to this interrogatory exist, they will be produced at a mutually convenient time and place.

INTERROGATORY NO. 41: Does this defendant have any reason to believe that any asbestos containing products designed, fabricated, manufactured, assembled, mined, sold, or distributed by this defendant or its predecessors, successors, affiliates, divisions, or subsidiaries were used, installed, cut, sawed, mixed, scribed, or removed at any of the following locations between 1939 and the present:

- (a) Hardy's Conoco Service, Houston, Texas
- (b) Boulevard Motors, Houston, Texas
- (c) Carpenters Auto Service, Houston, Texas
- (d) Mike Murphy's Paint & Body Works, Houston, Texas
- (e) Dale Bart Automotive, Houston, Texas

- (f) Shernod Automotive Service, Houston, Texas
- (g) Brown's Conoco Service Center, Houston, Texas
- (h) Henke's Texaco, Bellaire, Texas
- (i) Photographic Manufacture Co., Richmond, Texas
- (j) Thermal Engineering Corp., Sante Fe, New Mexico
- (k) Adam's Service Garage, Houston, Texas
- (l) Woodie's Jeep, Inc., Houston, Texas
- (m) Al & Norval Auto Supply, Houston, Texas
- (n) Dunlap Sales, Abilene, Texas
- (o) Southern Airway of Texas, Inc., Mineral Wells, Texas
- (p) Rapid Transit Lines, Inc., Houston, Texas
- (q) Hull Airport, Sugar Land, Texas
- (r) Palmer Motor Company, Houston, Texas
- (s) Houston Vocational Technical High School, Houston, Texas

ANSWER: Chrysler objects to Interrogatory No. 41 for the reason that it is overly broad and is unlimited in scope or in time and seeks irrelevant information which is outside the scope of permissible discovery under Texas Rules of Civil Procedure 192.3.

Subject to the foregoing objection(s) and without waiving same, Chrysler has not been able to locate any specific information or documentation showing that any of its products were used at these sites.

INTERROGATORY NO. 42: Identify all of defendant's asbestos containing products used, installed, cut, mixed, scribed, ground, or removed at the locations listed in Interrogatory No. 41 and

identify the type of product, identify the brand name or other identifying characteristic of the product, and state the percentage of asbestos in each product. When answering this interrogatory, answer for each location.

ANSWER: Chrysler objects to Interrogatory No. 41 for the reason that it is overly broad and is unlimited in scope or in time and seeks irrelevant information which is outside the scope of permissible discovery under Texas Rules of Civil Procedure 192.3.

See responses to Interrogatory Nos. 2 and 41.

INTERROGATORY NO. 43: Does this defendant have any reason to believe that no asbestos containing products designed, fabricated, manufactured, assembled, mined, sold, or distributed by this defendant or its predecessors, successors, affiliates, divisions, or subsidiaries were used, installed, cut, sawed, mixed, scribed, or removed at any of the following locations between 1939 and the present.

- (a) Hardy's Conoco Service, Houston, Texas
- (b) Boulevard Motors, Houston, Texas
- (c) Carpenters Auto Service, Houston, Texas
- (d) Mike Murphy's Paint & Body Works, Houston, Texas
- (e) Dale Bart Automotive, Houston, Texas
- (f) Shernod Automotive Service, Houston, Texas
- (g) Brown's Conoco Service Center, Houston, Texas
- (h) Henke's Texaco, Bellaire, Texas
- (i) Photographic Manufacture Co., Richmond, Texas
- (j) Thermal Engineering Corp., Sante Fe, New Mexico

- (k) Adam's Service Garage, Houston, Texas
- (l) Woodie's Jeep, Inc., Houston, Texas
- (m) Al & Norval Auto Supply, Houston, Texas
- (n) Dunlap Sales, Abilene, Texas
- (o) Southern Airway of Texas, Inc., Mineral Wells, Texas
- (p) Rapid Transit Lines, Inc., Houston, Texas
- (q) Hull Airport, Sugar Land, Texas
- (r) Palmer Motor Company, Houston, Texas
- (s) Houston Vocational Technical High School, Houston, Texas

ANSWER: See response and objections to Interrogatory No. 41.

INTERROGATORY NO. 44: If you have answered the preceding interrogatory to indicate that you have no reason to believe that any of your asbestos containing products were used at any of the above locations, state the following:

- (a) That basis of your belief that your asbestos containing products were not used;
- (b) The identity of all persons with knowledge to support your belief that your asbestos containing products were not used;
- (c) The identity of all documents which support your belief that your asbestos containing products were not used or you may produce such document;
- (d) What you have done to investigate whether your asbestos containing products were used at the above locations; and
- (e) Whether any claims have been made against you for asbestos or silica related injuries by persons who claim exposure at any of the above locations, and if so identify the

claim by stating whether it was a worker's compensation claim, law suit or other, and identify the claim by the identity of the claimant, the date of the claim, the venue of the claim (court or industrial accident board), and the cause number or other identify number.

ANSWER: See response and objections to Interrogatory No. 41.

INTERROGATORY NO. 45: Identify the authors and the name of any manual or publication, prepared by defendant or at the request of defendant, which discusses the subject of respiratory protection and state the date the document was prepared and/or issued, why the document was prepared and issued, and what, if any, governmental rule, regulation or statute required its preparation.

ANSWER: Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products and Chrysler's response to this interrogatory is limited to those products. Chrysler objects to Interrogatory No. 45 for the reason that it seeks information which is vague, over broad, unduly burdensome and outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further, this interrogatory seeks irrelevant information not likely to lead to the discovery of admissible evidence as it requests information that does not relate to friction products, and because plaintiff does not allege he worked at any facility owned and/or operated by Chrysler. Subject to said objections and without waiving same, Chrysler is aware of no documents responsive to this Interrogatory.

INTERROGATORY NO. 46: Identify all experts who have testified on your behalf in any deposition or at trial in a lawsuit or workers' compensation claim involving asbestos. For purposes of this Interrogatory, you are not required to identify experts who testified solely about an individual

claimant's medical condition or damages. However, this Interrogatory specifically inquires about experts in such areas as state of the art, respiratory protection, epidemiological studies, or warnings.

ANSWER: Chrysler objects to Interrogatory No. 46 to the extent it is overly broad, vague and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further objecting, this Interrogatory seeks information privileged from discovery under the attorney-client and attorney work product privilege. Requested information is equally available to Plaintiffs' counsel to the extent it is a public record. Subject to said objections and without waiving same, expert witnesses will be identified pursuant to the Texas Rules of Civil Procedure if properly requested.

INTERROGATORY NO. 47: When did any employee, officer or director with your company first have knowledge, information or an understanding that asbestos would, could or might produce the diseases of:

- (a) Asbestosis;
- (b) Mesothelioma;
- (c) Lung cancer;
- (d) Any other disease; and
- (e) Give the name of the employee, officer or director that you can identify who first had such knowledge, information or understanding and the manner in which he obtained such knowledge, information or understanding.

ANSWER: See response and objections to Interrogatory No. 28.

INTERROGATORY NO. 48: Pursuant to Rule 166(b) of the Texas Rules of Civil Procedure, please provide the name, address and telephone number of each expert who may be called

as a witness and each expert used for consultation in this case who is not expected to be called as a witness but whose work product, analysis, or opinions will form the basis of the opinion of an expert who is expected to testify or whose expert opinion or impressions have been reviewed by a testifying expert, and for each such expert also provide:

- (a) subject matter on which the expert is expected to testify;
- (b) the mental impressions and opinions held by the expert; and
- (c) the facts known to the expert which relate to or form the basis of the mental impressions and opinions held by the expert.

ANSWER: Chrysler objects to Interrogatory No. 48 to the extent it is overly broad, vague and seeks information outside the scope of permissible discovery under former Rule 166b(2)(3) and current Rule 195. Each case involves specific facts and allegations. Therefore, a case-specific designation may be made by Chrysler. Subject to said objections and without waiving same, the following persons may give expert testimony at the time of trial:

John F. Craighead, M.D.
1845 Four Winds Road
Ferrisburgh, Vermont 05456
802/425-3480

Edward Gaensler, M.D.
Boston University Medical Center
80 East Concord Street
Boston, Massachusetts 02118
617/638-4077

Gerald Kerby, M.D.
University of Kansas Medical Center
3901 Rainbow
Kansas City, Kansas 66160-7381
913/588-5000

Dorsett Smith, M.D.
4301 Colby, Suite 201
Everett Washington 92203
206/259-5171

Philip T. Cagle, M.D.
Pathology Department, Room 220-B
Baylor College of Medicine
One Baylor Plaza
Houston, Texas 77030-3411
713/798-3671

Francis W. Weir, Ph.D.
17350 Tomall Parkway
Suite 330, Willowbrook Place III
Houston, Texas 77064
713/893-4003

Graham W. Gibbs, Ph.D.
14-4122 Range Road
265 Spruce Grove
Alberta, Canada T7Y1E7
403/987-2883

John Bass, M.D.
2451 Fillingham Street
Tenth Floor, Suite H
Mobile, Alabama 36617
334/471-7888

Robert M. Ross, M.D.
17030 Nanes, Suite 210
Houston, Texas 77090
281/440-8851

John R. Holcomb, M.D.
4410 Medical Drive, Suite 440
San Antonio, Texas 78229-3755
210/692-9400

Hans Weill, M.D.
Tulane University
School of Medicine
1700 Perdido Street, Second Floor
New Orleans, Louisiana 70112
504/588-5265

Victor L. Roggli, M.D.
Duke University Medical Center
Department of Pathology
Box 3712
Durham, North Carolina 27710
919/286-0411

Drs. Craighead, Gaensler, Reichman, Kerby, Smith, Cagle, Weir, Bass, Ross, Holcomb, Weill and Roggli, if called to testify, are expected to provide testimony concerning the anatomy and function of the respiratory and circulatory systems; examinations conducted and opinions regarding tissue samples of decedents; the symptomatology, disease process and diagnosis of asbestosis and cancer of the respiratory system, peritoneum and peritoneal cavity; the nature and extent of medical and scientific knowledge regarding any association of pulmonary disease with asbestos fiber and the effect of exposure to substances other than asbestos in the development and manifestation of diseases of the respiratory system; the methods of diagnosis and means of establishing the differential diagnosis of asbestos-related diseases with non-asbestos related diseases; the incidence of lung cancer in the general population and those individuals exposed to asbestos; cigarette smoking and its effects on the lungs; the difference between impairment and disability; the effect of asbestosis on disability and life expectancy; the lack of relationship between pleural plaques and development of any cancer; the history, evolution and knowledge of asbestos-related diseases; and the evolution of the medical communities' awareness of the increased risks for an asbestos-related disease in the cases of prolonged exposure.

Drs. Craighead and Roggli, if called to testify, may testify regarding their review of Plaintiff's and/or Decedent's medical records and diagnosis of the physical condition and relationship, if any, between Plaintiff and/or Decedent's exposure to asbestos as well as asbestos exposure through brake or clutch servicing. Drs. Craighead and Roggli may testify in the area of the medical and scientific aspects of exposure to dust as produced by brake or clutch products and the development of asbestos-related disease generally.

Dr. Weir and Dr. Gibbs may testify in the areas of toxicology, industrial hygiene, inhalation toxicology and methodology, mechanisms of pulmonary irritant activity and the extrapolation of data from animals to man.

Gregory D. Foster, M.D.
and/or Custodian of Records
Pulmonary Medicine Consultants, P.A.
375 Municipal Drive, Suite 218
Richardson, Texas 75080
972/680-0666

Scott R. Donaldson, M.D.
and/or Custodian of Records
Pulmonary Medicine Consultants, P.A.
375 Municipal Drive, Suite 218
Richardson, Texas 75080
972/680-0666

Kathryn A. Hale, M.D.
Baylor College of Medicine
Department of Internal Medicine
6550 Fannin, Suite Tower #1236
Houston, Texas 77030
713/790-2076

Robert M. Ross, M.D.
and/or Custodian of Records
17030 Nanes, Suite 214
Houston, Texas 77090
713/440-8851

George Delclos, M.D.
6550 Fannin Street, Suite 2403
Houston, Texas 77030
713/790-6250

David Weill, M.D.
and/or Custodian of Records
Medical City Hospital
Dallas, Texas
972/566-4866

Gail Diane Stockman, M.D., Ph.D.
701 E. Marshall, Suite 4002
Longview, Texas 75601
903/753-0787

Drs. Foster, Donaldson, Ross, Delclos, Hale, Weill and Stockman may testify concerning the examination and diagnosis of the physical condition of Plaintiffs and concerning the overall condition and relationship of that condition, if any, to Plaintiffs' alleged exposure to asbestos. Each doctor may also testify concerning the anatomy and function of the respiratory and circulatory system, the nature of asbestos, the disease process and diagnosis of asbestos and cancer associated with the respiratory system, the nature and extent of medical and scientific knowledge regarding the association of pulmonary disease with asbestos fiber exposure, the effect of exposure to substances other than asbestos on the development or manifestation of obstructive and restrictive conditions and diseases particularly in means of establishing the differential diagnosis of alleged asbestos diseases with other government warnings, smoking and other areas of the state-of-the-art, incidents of lung cancer among individuals with asbestosis compared with non-asbestos exposed workers and with the general population, and cigarette smoking and its effects on the lungs.

Sam H. Cade, Jr., M.D.
Radiology Department
Baylor University Medical Center
3500 Gaston Avenue
Dallas, Texas 75242
214/820-3219

Dr. Cade is a B reader and may testify regarding the radiographs of Plaintiffs.

James Robert Shepherd, III, M.D.
University of Texas Health Center at Tyler
Department of Radiology
Post Office Box 2003
Tyler, Texas 75710-2003
903/877-7108

Dr. Shepherd is a B reader and may testify regarding the radiographs of Plaintiffs.

Robert Lampert, M.D.
Baylor College of Medicine
Department of Internal Medicine/Pulmonary Section
6550 Fannin, Suite 1220
Houston, Texas 77030
713/793-8988

Dr. Lampert may testify regarding his examination of Plaintiffs and/or Decedents.

Dr. Andrew Churg
Department of Pathology
University of British Columbia
2211 Wesbrook Mall
Vancouver, BC V6T 1S6 Canada
604/732-0186

Dr. Churg is Board Certified in Anatomic Pathology by the American Board of Pathology.

Dr. Churg may provide testimony regarding his examination of plaintiffs' medical records and pathology material. Dr. Churg may also testify regarding the biological effects of asbestos and the evidence of the relationship between the inhalation of various forms of asbestos fibers and asbestos-associated disease and the factors that go into evaluating whether there is any medical risk from

asbestos-containing products. Dr. Churg may further testify regarding the physical and chemical changes that brake linings undergo during the braking process. Dr. Churg may further provide testimony based on biostatistics and his review and analysis of the epidemiological data and literature that brake mechanics and others are not at an increased risk to develop asbestos-related diseases as a result of their work on or around brakes and brake linings. Dr. Churg may also provide testimony regarding animal research concerning asbestos-related disease, the biological effects of asbestos and various other dusts, cancer research, the practices and protocols regarding publication of scientific research and the history of research into such matters in the United states and elsewhere including state of the art. Dr. Churg may also be asked to respond to the testimony from plaintiffs' experts regarding the alleged hazards of exposure to friction materials and their alleged propensity to release fibers.

The observations and opinions offered by Dr. Churg in this matter will be based on his review of the materials provided: a continuing review of the available scientific literature relating to the health effects of materials of interest in this matter and Dr. Churg's education and professional experience.

As Chrysler becomes aware of additional facts and the opinions of plaintiffs' experts, this witness may testify regarding his opinions of the additional facts or in response to the opinions of plaintiffs' experts.

Dr. James D. Crapo
4650 South Forest Street
Englewood, Colorado 80110
303/224-0681

Dr. Crapo is the Executive Vice President for Academic Affairs at the National Jewish Medical & Research Center in Colorado. Dr. Crapo may be called to testify with respect to medical condition and causation. Dr. Crapo may also testify with respect to the anatomy and function of the human respiratory system, pulmonary function testing, diseases allegedly associated with exposure to asbestos and the development of related scientific and medical knowledge. Dr. Crapo may further testify regarding the biological effects of asbestos and the evidence of the relationship between the inhalation of various forms of asbestos fibers and asbestos-associated disease and the factors to be considered in evaluating whether there is any medical risk from exposure to various asbestos-containing products. He may also provide testimony regarding animal research concerning asbestos-related disease, the biological effects of asbestos and various other dusts, cancer research, the practices and protocols regarding publication of scientific research and the history of research into such matters in the United States and elsewhere, including state of the art.

Dr. Crapo may further testify regarding radiology as a diagnostic aid in asbestos-associated disease as well as to his review and opinions of the radiographic findings and the correlation of those findings with plaintiff's medical records, work history and other diagnostic studies. Dr. Crapo may further provide testimony based on his review of the medical and scientific literature that brake mechanics and others are not at an increased risk to develop asbestos-related diseases as a result of their work on or around friction products.

Dr. Crapo may also be asked to respond to the testimony of certain plaintiffs' witnesses offered at the time of trial including, but not limited to, any testimony from plaintiffs' experts regarding the alleged hazards of exposure to friction materials and their alleged propensity to release fibers.

The observations and opinions offered by Dr. Crapo in any matter will be based on his review of the materials provided; a continuing review of the available scientific literature relating to the health effects of material of interest in this matter and Dr. Crapo's education and professional experience.

As a Chrysler becomes aware of additional facts and the opinions of plaintiffs' experts, this witness may testify regarding his opinions of the additional facts or in response to the opinions of plaintiff's experts.

William G. Hughson, M.D.
University of California at San Diego
LaJolla, California 92093
619/294-6001

Dr. Hughson is Board Certified in Internal Medicine and Pulmonary Medicine. Dr. Hughson may be called to testify with respect to the anatomy and function of the human respiratory system, pulmonary function testing, diseases allegedly associated with exposure to asbestos and the development of related scientific and medical knowledge. Dr. Hughson may be called to testify with respect to medical condition and causation in these cases. Dr. Hughson may also be asked to respond to the testimony of certain witnesses offered at the time of trial including, but not limited to, testimony from plaintiffs' experts regarding the alleged hazards of exposure to friction materials and their alleged propensity to release fibers.

Dr. Hughson may further provide testimony based on his review of the medical and scientific literature that brake mechanics and others are not at an increased risk to develop asbestos-related diseases as a result of their work on or around brakes and brake linings.

Dr. Hughson may further testify regarding radiology as a diagnostic aid in asbestos-associated disease as well as to his review and opinions of the radiographic findings and the correlation of those findings with plaintiffs' or plaintiffs' decedents' medical records, work history and other diagnostic studies.

The observations and opinions offered by Hughson in this matter will be based on his review of the materials provided; a continuing review of the available scientific literature relating to the health effects of materials of interest in this matter and Dr. Hughson's education and professional experience.

As Chrysler becomes aware of additional facts and the opinions of plaintiffs' experts, this witness may testify regarding his opinions of the additional facts or in response to the opinions of plaintiffs' experts.

Ronald F. Dodson, Ph.D
Chairman, Department of Cell Biology and
Environmental Sciences
University of Texas Health Center at Tyler
Office of Associate Director of Research
P.O. Box 2003
Tyler, Texas 75710

Dr. Dodson is an expert in microscopy relating to pathology. If called, Dr. Dodson will testify regarding: (a) pathology studies, if any, relating to the Plaintiff; (b) matters relating to whether the Plaintiff has a condition or illness caused by asbestos exposure; and (c) matters relating to lung fiber deposition.

Sheldon H. Rabinovitz, Ph.D., C.I.H.
Sandler Occupational Medicine Associates
966 Hungerford Drive, Suite 20
Rockville, Maryland 20850
(301) 217-0092

(P.O. Box 7777, Melville, New York 11747)

Dr. Rabinovitz may be called to testify regarding mechanics' asbestos exposure conditions and health effects and the fact that mechanics are not exposed to levels of asbestos that result in any disease. Dr. Rabinovitz may also testify regarding mechanics' lack of asbestos exposure as evidenced through testing concerning brake and clutch servicing.

Helen Reynolds, Ph.D.
Consulting Economist
4316 Potomac
Dallas, Texas 75205
214/443-0322

Dr. Reynolds is an economic consultant and may testify regarding the economic loss incurred by Plaintiffs, if any.

William H. Krebs, Ph.D.
Assistant Director, Occupational Safety and Health
General Motors Corporation
1014 Bishop Road
Grosse Point, Michigan
303/885-9039

Dr. Krebs has a degree in public health and has had training in epidemiology. He may be called to testify with regard to friction products which contain asbestos, forsterite, release of asbestos fibers during the braking process, testing of brake products, medical and scientific literature which addresses the listed topics, and threshold limit values.

Arnold E. Anderson
Tribo Diagnostic Corporation
P.O. Box 2008
Livonia, Michigan 48151
313/427-6507

Mr. Anderson has expertise in the composition, manufacture, use and wear characteristics of friction materials. He may be asked to testify concerning the following matters: (a) how a brake job is performed and the potential for dust exposure; (b) the science of tribology; (c) the types, characteristics and chemical properties of asbestos used in friction materials and their pathogenic potential; (d) the types, composition and manufacture of friction materials; (e) the history of friction materials, the use of asbestos in friction materials and the availability of substitutes for asbestos; (f) decomposition of asbestos in friction materials during the wear process; (g) the nature of residual materials after wear; and (h) the effects of wear debris in the occupational environment of workers where friction materials are used. If called, he is expected to testify concerning certain other aspects of and bases for these general areas of opinion relating to this cause, or other matters of fact regarding friction materials which because of their technical nature, may contain such opinions.

Graham W. Gibbs
14-51221 Range Road
265 Spruce Grove
Alberta, Canada T7Y1E7
403/987-2883

Graham Gibbs has expertise in the areas of epidemiology, industrial hygiene, and toxicology, both generally and particularly as those areas relate to asbestos exposure and exposure to asbestos-containing friction products. His opinions and the grounds for same include the following matters: (a) the types, characteristics and chemical properties of asbestos and their respective pathogenic potential; (b) the types, composition and manufacture of friction materials; (c) the history of friction materials, the use of asbestos in friction materials, and the lack of availability of suitable substitute materials for such use at relevant times; (d) decomposition of asbestos in friction materials during the wear process; (e) the composition of residual materials after wear does not include significant

asbestos; (f) the effects of wear and the occupational environment of workers in which these products are used; (g) federal laws and regulations governing asbestos exposure; (h) threshold limit values and time-weighted averages; (i) characteristics and epidemiology of asbestos-related diseases, (j) relevant medical and scientific literature on these subjects; (k) the concepts of toxicity and hazard, including discussion of the human body's natural defense system; (l) dose response relationships; (m) potential for asbestos exposure in occupational settings; and (n) types, characteristics, and uses of various types of asbestos. He may also be called to testify concerning certain (i) other details relating to aspects of and bases for these areas of opinions relating to this action; or, (ii) other matters of fact which because of technical nature may contain some opinions.

John W. Kourik, P.E.
1136 Olivaire Lane
St. Louis, Missouri 63132
314/994-7857

Witness Kourik may be called to testify about the braking systems of various vehicles and state of the art information. He may also testify about developments in braking system design, manufacture and testing. He may testify further concerning the mechanics of friction products, braking system repair procedures and consumer expectations of braking systems and vehicle safety. Mr. Kourik may testify about the characteristics of chrysotile asbestos and its use in friction products as well as substitute and replacement materials for asbestos in friction products.

Additionally, Chrysler reserves the right to call as a witness all doctors who have examined Plaintiffs and/or Decedents, reviewed Plaintiffs' and/or Decedent's medical records, and/or have been designated as witnesses by any other parties to this action, as well as the custodians of applicable medical records. Chrysler also reserves the right to use any Affidavit, Deposition, Answer

to Interrogatories or Request for Admissions made by any party to this action whether or not such party is still a party at the time of trial. Chrysler further reserves the right to call any witnesses as may be necessary for rebuttal testimony. To the extent that these witnesses are alive, they may be called live or by deposition.

Additionally, the experts listed above may testify regarding the lack of information regarding ill health effects of chrysotile asbestos used in friction products, state of the art and knowledge in the industry during the relevant time frame.

A copy of each identified individual's curriculum vitae is presently in the possession of Plaintiffs' counsel. If an additional review of such is necessary, same will be available for review at the office of counsel for Chrysler at a mutually convenient time.

INTERROGATORY NO. 49: As to the person(s) answering these interrogatories, state:

- (a) Name;
- (b) Title or position with defendant;
- (c) Business address;
- (d) Length of time employed by defendant; and
- (e) State year by year all other positions, titles or jobs that person has held with defendant.

ANSWER: Chrysler objects to this Interrogatory because it is overly broad and unduly burdensome in that the information contained herein has been gathered by numerous employees, agents, representatives and attorneys for Chrysler over a number of years. It is outside the scope of permissible discovery pursuant to Tex. R. Civ. P. 192.3. Subject to said objections, and without waiving same, the responses to these interrogatories are corporate responses, prepared with the

assistance of counsel and based on a variety of sources, including documents and personal recollections. The person signing these responses on behalf of Chrysler is a person authorized by the corporation to subscribe to the responses on its behalf.

INTERROGATORY NO. 50: If defendant contends that service of process was not proper as to this defendant, state all facts you rely upon to support that defense.

ANSWER: Chrysler does not contend that service of process was not proper.

INTERROGATORY NO. 51: What is the name, address, and the job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed in response to Interrogatory 2 and 5.

ANSWER: Chrysler objects to Interrogatory No. 51 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, and information privileged from discovery under the attorney-client and attorney work product privilege. Further objecting, this interrogatory is overly burdensome and harassing. Subject to said objections and without waiving same, it would be impossible for Chrysler to identify each individual who participated in the design and preparation of the manufacturing specifications for each of its asbestos containing products. However, the following people may have knowledge of facts concerning:

James Knoll, brakes and braking systems; and

Donald Kvarnberg, brakes and braking systems.

INTERROGATORY NO. 52: Do any written memoranda, specifications, blueprints or other written materials of any kind or character relating to the design and preparation of products, listed in response to Interrogatory 2 and Interrogatory 5, now exist?

If so, please:

- (a) List each written material or document;
- (b) Who presently has possession of each such document; and
- (c) Where is it located?

ANSWER: Chrysler objects to Interrogatory No. 52 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further objecting, this interrogatory is overly burdensome and harassing, constitutes a fishing expedition outside the scope of permissible discovery, and seeks intrusion into confidential, proprietary trade secret information. Subject to said objections and without waiving same, to the extent documents responsive to this interrogatory exist, they will be produced at a mutually agreeable time and place.

INTERROGATORY NO. 53: Is your company, as of the date of answering these interrogatories, still manufacturing, selling, or distributing any products containing asbestos? If so, give the brand names of such products and the date first manufactured.

ANSWER: See response and objections to Interrogatory No. 2.

INTERROGATORY NO. 54: Were each of your asbestos containing products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was manufactured or sold?

ANSWER: Chrysler generally expected its automobiles to reach the first and original consumer, the new car owner, without substantial change to any component part thereof. As initially supplied, the brake products are solid, firm and non-friable and as such do not release respirable asbestos fibers. During the braking process, brake products are subject to substantial change because of extreme temperatures, abrasion and shearing forces. The asbestos in an automobile friction product is then transformed into an inert, non-pathogenic mineral, forsterite.

INTERROGATORY NO. 55: If your company contends that plaintiffs misused any of your products then, state how and under what circumstances your product was misused.

ANSWER: Chrysler objects to Interrogatory No. 55 for the reason that it is vague, over broad, ambiguous and is unlimited in scope or in time. Chrysler's discovery into the issue of Plaintiffs' misuse is still continuing and this interrogatory will be supplemented once Chrysler's discovery into this issue is completed.

INTERROGATORY NO. 56: Do any documents, including written Memoranda, specifications, recommendations, notes, blueprints, or other written materials of any kind or character relating to the testing of the products named in response to Interrogatories 2 and 3 now exist?

If your answer is in the affirmative, please:

- (a) List each document; and
- (b) State the name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER: Chrysler objects to Interrogatory No. 56 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of

permissible discovery under the Texas Rules of Civil Procedure. Chrysler further objects to this Interrogatory as it seeks information in violation of the attorney-client and work product privileges. Subject to said objections and without waiving same, see response and objections to Interrogatory No. 15.

INTERROGATORY NO. 57: Do any documents, including written memoranda, specifications, recommendations, notes, blueprints, or other written materials of any kind or character relating to the potential health effects of products listed in answer to Interrogatory 2 and/or Interrogatory 3 now exist?

If your answer is affirmative, please state:

- (a) The name of each product;
- (b) List each document; and
- (c) State the name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER: Chrysler objects to Interrogatory No. 57 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Chrysler further objects to this Interrogatory as it seeks information in violation of the attorney-client and work product privileges.

Chrysler has had and does have books and other written material that relate to asbestos. Chrysler cannot provide the information requested for every book, report, pamphlet or other document it has ever had regarding asbestos. Chrysler has numerous facilities throughout the United States and it is not possible to retrieve and identify every document related to this subject. Chrysler does not have a centralized library or library system that would contain documents responsive to this

request. Chrysler was generally aware of and received documents available to the professional community, including its industrial hygiene professionals, regarding asbestos and the potential hazards associated with excessive exposure to asbestos.

INTERROGATORY NO. 58: Did your company or any predecessors of subsidiary ever recall any products containing asbestos from the market:

If so:

- (a) State all details of such recall, giving the name of the product, the time of recall and any further action taken in connection with the recall; and
- (b) State why such product was recalled.

ANSWER: Chrysler has not recalled any of its products from the market as a result of asbestos-related health concerns.

INTERROGATORY NO. 59: Do you have any photographs or photocopies of the products inquired about above in Interrogatories 2 and 3, or their packages or containers:

If so, please attach exact copies.

ANSWER: Chrysler objects to Interrogatory No. 59 as being overly broad, burdensome and not reasonably limited in time or in scope and is therefore outside the scope of permissible discovery. Subject to the foregoing objections, and without waiving same, Chrysler does not maintain documentary or photographic evidence of all prior products.

INTERROGATORY NO. 60: Pursuant to rule 166(b) of the Texas Rules of Civil Procedure, please identify any potential party to this litigation and/or any persons having knowledge of potentially relevant facts, including, but not limited to, facts concerning liability and/or causation and/or damages.

ANSWER: Persons with knowledge of relevant facts may include:

Carolyn Bouldin
4412 Lafayette
Bellaire, Texas 77401
(713) 665-4731

Teresa and Mark Caronna
38418 Davis
Magnolia, Texas 77355
(713) 356-5616

Elizabeth Bouldin
4405 Lula
Bellaire, Texas 77401
(713) 666-9518

Norville Cochran
6313 Leeder
Bellaire, Texas 77401
(713) 981-0533

Gladys Mae Stoffel
30418 Davis
Magnolia, Texas 77355
(713) 356-5616

Custodian of Records for The Department of Veteran Affairs
Regional Office
8900 Lakes at 610 Drive
Houston, Texas 77054
1-800-827-1000

Dr. Hendle
1905 Holcombe
Houston, Texas 77030
(He treated Weldon at the end and signed the death certificate)

Hospice
(Will supplement with full name and address. These people helped care for Weldon at home just prior to his death)

M.D. Anderson
1515 Holcombe
Houston, Texas 77030
(713) 792-2121

Dates: 1/17/95 - 1/17/95 outpatient (biopsy)
2/1/95 - 2/1/95 outpatient (nerve block for pain)

Dr. Katherine Pisters
1515 Holcombe Blvd.
Houston, Texas 77030
(713) 792-6363

Dates: 12/21/94 - 6/8/95 (treated for mesothelioma)

Dr. Garrett Walsh
1515 Holcombe Blvd.
Houston, Texas 77030

Dates: 12/19/94, 2/1/95, 5/2/95 (surgeon during treatment for mesothelioma)

Dr. Richard Black
1515 Holcombe Blvd.
Houston, Texas 77030

Dates: 12/94 - 6/7/95 (pain doctor during mesothelioma treatment)

Memorial Southwest Hospital
7600 Beechnut
Houston, Texas 77024
(713) 776-5260

Dates: 11/30/94 - 11/30/94 outpatient (EGD)
12/13/94 - 12/13/94 outpatient (biopsy)

Dr. Ronnie Chambers (chiropractor)
9914 Hwy. 90A
Sugarland, Texas 77478

Dates: 12/5/94, 12/6/94, 12/7/94, 12/8/94, 12/9/94, 12/12/94, 2/9/95, 2/13/95,
2/17/95, 4/1/95 (back adjustments)

Dr. A.P. Rughataman, M.D.
7737 Southwest Frwy., Suite 915A
Houston, Texas 77074
(713) 777-6111

Dates: 12/29/94, 11/30/94 (chest pain - endoscopy; ran tests prior to mesothelioma diagnosis)

Dr. Earl Mangin, Jr.
7777 Southwest Frwy., Suite 420
Houston, Texas 77074

Dates: 11/21/94 (had upper GI series 11/23/94 - stress test; ran tests prior to mesothelioma diagnosis)

Dr. Robert McClendon (family doctor)
7500 Beechnut, Suite 160
Houston, Texas 77074
(713) 774-5881

Dates: 11/15/94, 11/21/94 (chest and back pains; ran tests prior to mesothelioma diagnosis)

Fort Bend Imaging
14835 S.W. Freeway
Sugarland, Texas 77478
(x-rays prior to mesothelioma diagnosis)

Dr. Victor Salcedo
7777 Southwest Freeway, Suite 442
Houston, Texas 77074
Dates: Nov. - Dec. 1994 (ran tests prior to mesothelioma diagnosis)

Dr. J.E. Harrington
3400 S. Gessner, Suite 107
Houston, Texas 77063
Dates: Nov. - Dec. 1994 (ran tests prior to mesothelioma diagnosis)

Best Care Clinic (Dr. McCarver - family doctor)
4009 Bellaire Blvd., Suite K
Houston, Texas 77025
(713) 661-0262
Dates: 4/30/94 (shoulder pain); 1/13/93 (sinus problem, hiatal hernia); 10/13/92 (flu shot)

Dr. Floyd F. McSpadden
333 West 20th St.
Houston, Texas 77008
Dates: 9/29/88 (flight physical)

AMI Bellaire Hospital
5314 Dashwood
Bellaire, Texas 77401
(713) 669-4000

(In the early 1980's, Weldon severely cut his finger. Surgery was performed at this hospital)

Paul Kelly
(May be contacted through counsel)

Donald Kvarnberg
(May be contacted through counsel)

Robert Torney
(May be contacted through counsel)

Mr. Kelly, an Aftermarket Sales, Advertising and Distribution employee, would be expected to testify regarding the sale of Chrysler's friction products. Mr. Torney, a packaging engineer, may testify concerning warnings on Chrysler's friction products. Mr. Kvarnberg a brake engineer who may testify regarding brake design, brake specification and brake manufacturing, including but not limited to the composition of asbestos content of brake linings and the availability (or lack thereof) of substitutes for asbestos in friction materials.

George Traylor
5034 County Road 15
Wadley, Alabama 36276

Mr. Traylor, if called to testify, would be expected to testify regarding general practices relating to brake servicing and brake repair.

INTERROGATORY NO. 61: If you maintained a safety department or other department charged with safety responsibility, state when the department was formed and identify each head of the department and the dates the person headed the department.

ANSWER: Chrysler objects to Interrogatory No. 61 to the extent it is overly broad in time and seeks irrelevant information outside the scope of permissible discovery. Subject to said objection and without waiving same, Chrysler has no documents or summaries that identify all the individuals that worked for Chrysler throughout its history specifically responsive to this request.

Based on available information, Chrysler has been able to identify the following managers and directors of its medical and hygiene areas:

Dr. Martin Bruten - deceased (former Medical Director); Dr. Marian Josz - deceased (former Medical Director); Dr. Robert McIntosh - deceased (former Medical Director); Dr. Orlo Robinson (former Medical Director); Dr. Robert Brandt (former Medical Director and Director of Occupational Health & Safety); Dr. Robert Morris (present Lead Physician); J.E. Thomas (present Director of Occupational Health & Safety); Neil McCallum (former Director of Occupational Health & Safety); Gerald Sattelmeir (former Manager of Industrial Hygiene); William Watt (present Manager of Industrial Hygiene).

INTERROGATORY NO. 62: Does defendant maintain a collection of documents on safety, and if so, identify the custodians of such collection.

ANSWER: Chrysler objects to Interrogatory No. 62 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks irrelevant information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including information privileged from discovery under the attorney-client and attorney work product privilege. Further objecting, the term "safety" is overly broad, vague and ambiguous.

Chrysler has had and does have books and other written material that relate to asbestos. Chrysler cannot provide the information requested for every book, report, pamphlet or other document it has ever had regarding asbestos. Chrysler has numerous facilities throughout the United States and it is not possible to retrieve and identify every document related to this subject. Chrysler does not have a centralized library or library system that would contain documents responsive to this request. Chrysler was generally aware of and received documents available to the professional

community, including its industrial hygiene professionals, regarding asbestos and the potential hazards associated with excessive exposure to asbestos.

INTERROGATORY NO. 63: Have you ever conducted and do you now have copies of market studies or other data comparing sales of your asbestos containing products to sales of others?

ANSWER: Chrysler objects to Interrogatory No. 63 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery under Texas Rules of Civil Procedure and the attorney-client and attorney work product privilege. Further objecting, this interrogatory seeks to review Chrysler's attorney's work product and trial preparation, and constitutes a fishing expedition outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further objecting, this interrogatory seeks irrelevant information and is, therefore, unduly burdensome and overly broad. Subject to said objections and without waiving same, Chrysler is aware of no documents that are responsive to this interrogatory.

INTERROGATORY NO. 64: Identify any lines of asbestos containing products you sold or purchased. "Identify" here means to identify the product line, trade names, dates of sale or purchase and the purchaser and seller.

ANSWER: See responses and objections to Interrogatories Nos. 1, 2, 3 and 4.

INTERROGATORY NO. 65: Identify any guidelines, data, books, instructions, memoranda, manuals, and/or documents that recommend procedures for reducing asbestos dust during broke and/or friction product application, removal, and/or servicing for the years 1930 through the present.

ANSWER: Chrysler objects to Interrogatory No. 66 for the reason that it is overly broad, vague and is unlimited in reasonable time or scope and therefore is outside the scope of permissible

discovery under the Texas Rules of Civil Procedure. Subject to said objections and without waiving same, To the extent documents responsive to this interrogatory exist, they will be made available at a mutually agreeable time and place. See response to Interrogatory No. 10.

INTERROGATORY NO. 67: Describe any insurance agreement under which any insurance business may be liable to satisfy part of all of the judgment which may be entered in this action, or to indemnify or reimburse for payments made to satisfy the judgment, stating the name of the person or entity insured, name of the insurer, and the amount of liability coverage.

ANSWER: Chrysler objects to Interrogatory No. 67 to the extent that it is overly broad, vague and ambiguous and seeks irrelevant information that is not limited in time or scope. Further objecting, this interrogatory seeks information not reasonably calculated to lead to the discovery of admissible evidence and is, therefore, outside the scope of permissible discovery. Subject to said objections and without waiving same, see response to Interrogatory No. 38.

INTERROGATORY NO. 68: If you have entered into or reached any type of settlement agreement with any person(whether a party to this lawsuit or not) regarding the incident(s) made the basis of this lawsuit, please identify all parties to said settlement agreement and the terms and conditions of same.

ANSWER: Chrysler has made no settlements in this lawsuit.