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CHRIS N. KOLOS

March 13, 1997

David M. Lipman, Esquire
5901 S.W. 74th Street
Suite 304
Miami, Florida 33143Re: ***Tinker v. Mack Trucks, Inc., et al.***
Ontario County Index No.: 83778

Dear David:

Enclosed please find Mack's Verified Answers to Plaintiff's First Set of Interrogatories as we agreed, Verified Answers to the Second Set of Interrogatories and a Supplemental Response to the Request for Production. These responses, I believe, should address all the issues raised in your motion, and I would request that you withdraw the motion as to Mack Trucks.

I will briefly discuss the items raised in your motion in the order stated therein and indicate to you where the response is provided.

Product Interrogatory (First Set) No. 15 - Response enclosed.

Product Request for Production No. 6 - Supplemental response enclosed.

Product Interrogatory (First Set) No. 12 and Product Interrogatory (Second Set) No. 10 - Mack answered Interrogatory No. 10 in the Second Set back on January 17, 1997. Verified Answers are also enclosed. In light of this answer, Mack Trucks was not required to answer Interrogatory No. 12 of the First Set as per our agreement.

Product Interrogatory (First Set) No. 13 and Product Interrogatory (Second Set) No. 11 - Mack Trucks answered Interrogatory No. 11 of the Second Set back on January 17, 1997. Verified Answers to this Interrogatory are also enclosed. As per our agreement, an answer to Interrogatory No. 13 of the First Set was not required.

Product Interrogatory (Second Set) No. 9 - Please review Mack's Verified Answer to Interrogatory No. 9 of the Second Set. Mack has answered this Interrogatory to the best of its ability.

Product Interrogatory (First Set) No. 11 - See enclosed Answer.

Product Request for Production No. 4 - See Mack's Supplemental Response to Request for Production enclosed herewith.

Product Interrogatory (First Set) No. 14 - See enclosed Answer to the First Set.

Product Interrogatory (First Set) No. 10 - See enclosed Answer.

Product Interrogatory (First Set) No. 9 - As per our agreement, Mack does not have to answer Interrogatory No. 9 of the First Set. The information regarding testing is provided by Mack in Answer to Interrogatory No. 8 of the Second Set.

Product Request for Production Nos. 3, 8 - The response to Request for Production No. 3 relates to Interrogatory 9 of the Plaintiff's First Set of Interrogatories which Mack was not required to answer. Request for Production No. 8 was answered back on January 17, 1997. No documents were provided because there are no documents to produce.

Product Request for Production No. 12 - See Mack's Supplemental Response to Request for Production. There are no documents available to produce.

Product Request for Production No. 7, 11 - It seems like there has been some confusion here as Navistar is discussed in your chart. Mack fully responded to these Requests for Production.

Product Interrogatory (First Set) No. 4 - As per our agreement, Mack Trucks was not required to answer Interrogatory No. 4 of the First Set. Responsive information is provided in Mack's Answer to Interrogatory No. 3 of the Second Set.

Product Interrogatory (First Set) No. 5 - Also, as per our agreement, Mack was not required to answer Interrogatory No. 5 of the First Set. Responsive information was provided in Mack's answer to Interrogatory No. 4 of the Second Set.

Product Interrogatory (First Set) No. 7 - Also, as per our agreement, Mack Trucks was not required to answer Product Interrogatory No. 7 of the First Set. What Mack manufactured is discussed in answer to Interrogatory Nos. 3 and 5 of the Second Set.

Product Interrogatory (First Set) No. 8 - Again, this is one Mack was not required to answer. Responsive information is provided in Mack's Answers to Interrogatory Nos. 4 and 6 of the Second Set.

Product Interrogatory (Second Set) No. 4(B) - You claim a deficiency concerning the years Mack Trucks sold asbestos-containing products. Please review Mack's Verified Answer to this Interrogatory. I believe subparagraph (B) of Interrogatory No. 4 is answered.

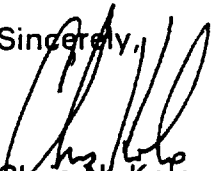
Product Interrogatory (Second Set) No. 5(D) - Since Mack does not contend its trucks were asbestos free for the 1970-1980 time period, subparagraph (D) is not applicable.

Product Interrogatory (Second Set) No. 6 - As for subparagraph (D), I refer you back to the discussion in the immediately preceding paragraph. As for subparagraph (B), Mack answered this Interrogatory to the best of its ability. See Mack's Verified Answer to this Interrogatory.

Product Interrogatory (First Set) No. 6 - As per our agreement, Mack was not required to answer this Interrogatory. Responsive information is provided in response to Interrogatory No. 7 of the Second Set.

Product Interrogatory (Second Set) No. 7 - (7b) - the names of Mack's suppliers were provided; (7c) - if the suppliers used a trade or brand name other than their own manufacturing name, such information is unknown to Mack; (7e) - this Interrogatory is answered to the best of Mack's ability, specific information is not known; (7g) - the specific amount of asbestos in each of the products is unknown as stated; (7h) - this is fully answered.

I would appreciate your review of Mack's discovery responses and your quick response to Mack's request for withdrawal of your Motion to Compel. Thank you for your cooperation.

Sincerely,

Chris N. Kolos

CNK:jo
Enclosures

TINKER DISCOVERY RESPONSES

Defendant: Mack Trucks, Inc.

Type of Defendant: Product/Vehicle & Engine

Type of Discovery: Vehicle & Engine Interrogatories

OBJECTIONS TO RESPONSES TO INTERROGATORIES

Interrogatory # 1:

Defendant's response is incomplete for the following reasons:

1. Defendant does not identify who the person who prepared the Responses to Interrogatories. Additionally, the responses are not verified.

Interrogatory # 2:

1. Plaintiff moves to strike any references to "encapsulated chrysotile asbestos" as non-responsive.

Interrogatory # 3:

No objection.

Interrogatory # 4:

Defendant's response is incomplete for the following reasons:

1. It fails to state the years during which the defendant sold asbestos-containing products.

Plaintiff additionally moves to strike the representation by Mack that the independent dealers who Mack sold component parts to were not "agents or employees of Mack" as a non-responsive legal conclusion.

Interrogatory # 5:

Defendant's response is incomplete for the following reasons:

1. It fails to state whether the defendant ceased selling or distributing asbestos-containing products and, if so, why.

Interrogatory # 6:

Defendant's response is incomplete for the following reasons:

1. It fails to state the amount of asbestos contained in clutches and gaskets.
2. It fails to state whether Mack stopped selling and/or using asbestos-containing component parts and why.

Plaintiff moves to strike any references to "encapsulated chrysotile asbestos" as non-responsive.

Interrogatory # 7:

Defendant's response is incomplete for the following reasons:

1. It fails to state the name of the unrelated business entities which manufactured the component parts.
2. It fails to state the component part's original trade and/or brand name.
3. It fails to state the years during which the relabelling took place.
4. It fails to state the amount of fiber and fiber type of asbestos contained in the component parts.
5. It fails to state whether the rebranded or relabelled parts were ever placed in any of the Defendant's vehicles or engines.

Interrogatory # 8:

No objection.

Interrogatory # 9:

Defendant's response is incomplete for the following reasons:

1. It fails to provide any information whatsoever concerning warnings were on clutch products or gaskets.
2. It fails to state where the warnings on brake products were located and to describe the size and color of the lettering of the warning.
3. It fails to state whether the wording or its presentation has ever been altered, and if so, how and when.

4. It fails to state the years during which clutch products and gaskets contained warnings, or even if they contained warnings.
5. It fails to identify any documents related to the warnings.

Interrogatory # 10:

Defendant's response is incomplete for the following reasons:

1. It fails to state whether any package inserts or informative brochures were placed in containers containing clutch products and gaskets.
2. It fails to state what years specifically such inserts or informative brochures were placed in containers containing brake products.
3. It fails to provide a verbatim statement of the insert.
4. It fails to identify all documents related to the warnings contained on the component parts.

Interrogatory # 11:

Defendant's response is incomplete for the following reasons:

1. It fails to expressly state whether a disposable face mask or respirator was placed in the package containing brake and clutch products.

TINKER DISCOVERY RESPONSES

Defendant: Mack Trucks, Inc.

Type of Defendant: Product/Vehicle & Engine

Type of Discovery: Request for Production

OBJECTIONS TO RESPONSES TO REQUEST FOR PRODUCTION

1. Request #s 1-6:

~~No objection.~~ No response provided

2. Request # 7-11:

Plaintiff objects to Defendant producing "exemplar copies" of documents responsive to these requests if they are located. Defendant is required to produce all documents responsive to Plaintiff's request, not merely those it selects as representative of the documents sought to be discovered.

3. Request #12:

Plaintiff objects to Defendant's response to this request because Defendant has refused to provide any documents concerning training or workshops conducted by the Defendants for their employees regarding the use, handling, or assembly of asbestos-containing component parts.

TINKER DISCOVERY RESPONSES

Defendant: Mack Trucks, Inc.

Type of Defendant: Product/Vehicle & Engine

Type of Discovery: Product Interrogatories

OBJECTIONS TO RESPONSES TO INTERROGATORIES

Mack Trucks, Inc. has not provided any responses to the Product Interrogatories propounded on it.