

FILE NAME: Allied Signal Bendix (ASB)

DATE: 1997

DOC#: ASB001

DOCUMENT DESCRIPTION: Legal - Excerpts - Plaintiff's Responses to Interrogatories

litigation claims exposure, and for that reason, the formulation of a full and accurate answer is not possible. Further, this Interrogatory is vague, ambiguous, overly broad, unduly burdensome, oppressive, irrelevant, time consuming and oppressive, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving said objections, although AlliedSignal does not believe there is any health hazard associated with the proper use of its friction products, since October of 1973, in recognition of OSHA regulations concerning asbestos exposure, a warning label has been placed on all cartons and boxes of asbestos-containing friction products shipped to customers. AlliedSignal and its predecessors have complied with OSHA warning regulations even though it has never been determined that exposure to friction products results in an exposure to asbestos fibers equal to or in excess of OSHA exposure limits for asbestos fibers. From October 1973 until August 1986, the warning label read as follows:

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

From September, 1986 until the present the warning label reads as follows:

DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

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.

RESPONSE:

AlliedSignal objects to this Interrogatory on the grounds that it does not focus on relevant time period or product identified as a product to which the Plaintiff in this litigation claims exposure and for that reason, the formulation of a full and accurate answer is not possible. This Interrogatory is vague, ambiguous, overly broad, unduly burdensome, oppressive, irrelevant, time-consuming and expensive and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving said objections, see response to Interrogatory No. 2, which is fully incorporated herein by reference.

65. Identify any brake service manuals which would have accompanied your friction and/or brake products, or which would have been made available to persons or businesses using or applying your friction and/or brake products during the years 1930 to the present.

RESPONSE:

AlliedSignal objects to this Interrogatory on the grounds that it is overly broad, not limited in time and scope, unduly burdensome, oppressive, vague, ambiguous, and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects that this Interrogatory is beyond the scope of permissible discovery. It is unreasonable to ask AlliedSignal to identify documents regarding every product it ever sold at any time to anyone in the entire world.

Subject to, and without waiving said objections, in 1977, The Bendix Corporation first mailed to its distributors and rebuilder customers copies of the Friction Materials Standards Institute's Brake Lining and Clutch Facing Automotive Data Book which contained a section entitled "Recommended Procedures For Reducing Asbestos Dust During Brake Servicing." Since

1977, subsequent editions of the FMSI data book (also containing a section entitled "Recommended Procedures For Reducing Asbestos Dust During Brake Servicing") have been distributed to customers by The Bendix Corporation and its successors (Allied Corporation's Automotive Section and AlliedSignal Inc.'s Automotive Sector). In March, 1979 The Bendix Corporation, by means of a general bulletin, mailed to its distributors and rebuilder customers a Friction Materials Standards Institute publication (dated October, 1978) entitled "Friction Materials Work Practices Guide." During 1984 and 1985 Allied Corporation's Automotive Section mailed "Product Fact Sheets" to all customers. Beginning July 30, 1986, Allied Corporation's Automotive Sector distributed a Material Safety Data Sheet to all customers. Beginning March 1, 1988 AlliedSignal Inc.'s Automotive Sector distributed a Material Safety Data Sheet to all customers.

66. Identify any guidelines, data, books, instructions, memoranda, manuals, and/or documents that recommend procedures for reducing asbestos dust during brake and/or friction product application, removal, and/or servicing for the years 1930 through the present.

RESPONSE:

AlliedSignal objects to this Interrogatory on the grounds that it is overly broad, not limited in time and scope and unduly burdensome, harassing, vague, ambiguous, and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects that this Interrogatory is beyond the scope of permissible discovery. It is unreasonable to ask AlliedSignal to identify documents regarding every product it ever sold at any time to anyone in the entire world.

Subject to, and without waiving said objections, in 1977, The Bendix Corporation first mailed to its distributors and rebuilder customers copies of the Friction Materials Standards

AlliedSignal further objects to the extent the inquiry seeks the identity of consulting experts whose opinions and expressions have not been reviewed by a testifying expert, in violation of Tex. Rule Civ. Proc. 166b.

Without waiving these objections, AlliedSignal states that it does not have a medical department, but at various times, AlliedSignal and its predecessors have employed or retained physicians from the local community in which its facilities are/were located to perform routine physical examination and to administer medical treatment to its employees as and when necessary.

AlliedSignal has employed the following industrial hygienists:

Stanford K. Christian
Charles C. Clark
Sondra Johnson Jenkins
Linda Parrish
Thomas Rancour
James Weber
Ben Wong

Industrial hygienists are assigned to the Automotive Sector, AlliedSignal Inc., Southfield, Michigan.

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

RESPONSE:

AlliedSignal objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive, harassing, vague, ambiguous and seeks information which is not relevant to the subject matter in this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving its objections, AlliedSignal's predecessors have manufactured and sold both asbestos-containing and asbestos-free friction products. The development of asbestos-free friction products is an ongoing evolutionary process. Without seriously compromising the critical safety function of brakes, it is not yet possible to eliminate asbestos from all friction products for all vehicular applications. This is particularly true for vehicles in the "aftermarket" where braking systems were designed initially with asbestos-containing linings or pads. AlliedSignal and its predecessors have conducted and continue to conduct research and development to design and produce asbestos-free friction products. This has been accomplished by replacing the fiber reinforcement and bulk volume characteristics of processed chrysotile asbestos fiber with chopped steel wool, iron powder, sponge iron particles and natural or manmade fibers. Asbestos-free brake blocks for super heavy-duty drum brakes (e.g., logging and mining trucks) were introduced in 1966. Asbestos-free disc brake pads for severe-service applications (e.g., ambulance, police cars and taxis) were introduced in 1969. Asbestos-free disc brake pads for passenger cars and light trucks were introduced in 1971. Asbestos-free drum brake lining segments for OEM and OES passenger cars and light trucks were introduced in 1983. Asbestos-free brake blocks for heavy vehicles utilizing air brake systems (e.g., semi-trailers) were introduced in 1983. Asbestos-free motorcycle brake pads (including brake pads for all-terrain vehicles, off-road vehicles and touring models) were

introduced in 1987. Asbestos-free drum brake lining segments and disc brake pads for most passenger car and light truck "aftermarket" applications were introduced in 1988. A full line of asbestos-free brake blocks for heavy vehicles was introduced in 1988.

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.

RESPONSE:

AlliedSignal does not contest service in this matter.

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 a 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.

RESPONSE:

Yes.

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?

NO. 95G0712

WELDON BOULDIN, ET AL.	§	IN THE DISTRICT COURT OF
	§	
VS.	§	BRAZORIA COUNTY, TEXAS
	§	
ABEX CORPORATION, ET AL.	§	239TH JUDICIAL DISTRICT

**DEFENDANT ALLIEDSIGNAL INC.'S OBJECTIONS AND RESPONSES TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

TO: Plaintiffs, by and through their attorney of record, George E. Cire, Jr., Taylor & Cire,
3400 One Allen Center, Houston, Texas 77002.

COMES NOW, AlliedSignal Inc. ("AlliedSignal"), one of the Defendants in the above-entitled and numbered cause, and pursuant to Rule 168 of the Texas Rules of Civil Procedure, files this its Objections and Answers to Plaintiffs' First Set of Interrogatories as follows:

GENERAL OBJECTIONS

1. AlliedSignal objects to Plaintiffs' First Set of Interrogatories on the grounds, and to the extent, that they are beyond the scope of permissible discovery. Plaintiffs should be required to focus their First Set of Interrogatories on (1) the places of employment in which Weldon Bouldin worked and at which they believe Weldon Bouldin was exposed to asbestos-containing products, and (2) the relevant dates during which Weldon Bouldin worked at such places. Only then could AlliedSignal attempt to make a reasonable investigation to determine if it sold any asbestos-containing products to such employer at such time when Weldon Bouldin was employed.

2. AlliedSignal objects to Plaintiffs' First Set of Interrogatories pursuant to Rule 168(5) of the Texas Rules of Civil Procedure, which provides that "the number of questions, including subsections in a set of interrogatories, shall be limited so as not to require more than

VERIFICATION

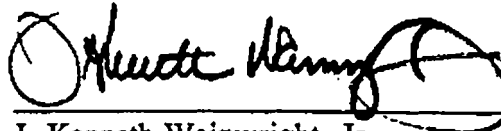
STATE OF MICHIGAN §
 § SS.
COUNTY OF OAKLAND §

J. KENNETH WAINWRIGHT, JR., being first duly sworn, upon his oath at law, deposes and says:

1. I am Associate General Counsel for Defendant AlliedSignal Inc. I am authorized to sign the foregoing evidence supporting AlliedSignal's Answers and Objections to Plaintiff's First Set of Interrogatories.

2. The answers and objections were prepared with the assistance and advice of counsel and other representatives of AlliedSignal Inc. The information contained in the answers and objections was furnished by various employees of and departments within AlliedSignal Inc. and/or has been derived from business records maintained by AlliedSignal Inc.

3. While I do not have personal knowledge of the facts recited in the answers and objections, they are true to the best of my knowledge, information and belief.



J. Kenneth Wainwright, Jr.

Subscribed and sworn to before me this
25th day of February, 1997.



Notary Public
Oakland County, Michigan

My Commission Expires: 4/5-99