

Manufacturing & Gasket Company. Other provisions of the Act governed merger and consolidation. *See* Ill. Rev. Stat. Ch. 32 § § 61-70 (1967). No attempt was made to merge Victor Manufacturing & Gasket Company with Dana. Dana formed the Victor division of Dana Corporation in approximately 1967 (now known as the Victor Reinz Division).

From September 1967 until February 1969, Dana owned the stock of Smith & Kanzler Company, a New Jersey corporation located in Linden, New Jersey. Smith & Kanzler Company manufactured certain asbestos-containing products that had application in the building construction industry. Dana did not incorporate Smith & Kanzler Company but came to own its stock as a result of the dissolution of Victor Manufacturing & Gasket Company in or after September 1967. Victor was at that time the sole shareholder of Smith & Kanzler Company. In February 1969, less than 18 months after acquiring the stock of Smith & Kanzler Company, Dana sold the stock to Philip Carey Corporation (Ohio).

INTERROGATORY NO. 3:

For any predecessor corporation, subsidiary, or other business entity identified in your answer to the preceding interrogatory, state whether you agreed to be, or have been held by any Court to be, legally responsible for the past liabilities, of any nature, of any such corporation or entity. For each Court that has so held, identify the case, the jurisdiction of the Court, and the date of the Order.

ANSWER:

*See* Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Subject to and without waiving objections, Dana rejects any liability for products manufactured by the dissolved company known as Victor Manufacturing & Gasket Company. Dana also denies that it has any liability for any products manufactured or sold by Smith & Kanzler Company or Smith and Kanzler Corporation, or for any acts sought to be attributed to either company. *See In re School Asbestos Litigation*, 1993 U.S. Dist. LEXIS 7984 (E.D. Pa. June 14, 1993) (granting summary judgment to Dana after ten years of litigation, and finding as a matter of law that Dana could not be held vicariously liable for Smith & Kanzler Company or Smith and Kanzler Corporation).

INTERROGATORY NO. 4:

Identify all persons who have testified before the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, any U.S. Congressional committee, sub-committee, governmental hearing, or investigative proceeding on the subject of asbestos and the setting, modification, feasibility, and acceptance of allegedly safe or proper levels of such exposure to asbestos and asbestos-containing products. For each person identified, identify all documents