

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ASBESTOS PERSONAL  
INJURY LITIGATION

Civil Action No. 03-C-9600  
January 2005 Trial Group  
Honorable Ronald E. Wilson

DOLORES L. BURKE,  
Deceased  
Plaintiff,

vs.

Civil Action No. 03-C-3182

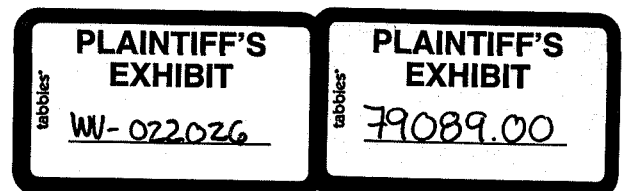
ADIENCE, INC., et al.,  
Defendants.

**HONEYWELL INTERNATIONAL INC.'S, FORMERLY KNOWN AS  
ALLIEDSIGNAL INC., AS SUCCESSOR IN INTEREST TO THE  
BENDIX CORPORATION, ANSWERS TO PLAINTIFF'S FIRST  
SET OF INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS TO ALL ASBESTOS  
PRODUCT MANUFACTURING DEFENDANTS**

Now, comes the defendant, Honeywell International Inc., f/k/a AlliedSignal Inc., as  
successor in interest to The Bendix Corporation (Honeywell) and files the within Answers and  
Objections to Plaintiff's First Set of Interrogatories and Requests for Production of Documents  
To All Asbestos Product Manufacturing Defendants:

**INTRODUCTORY STATEMENT**

On April 1, 1985, The Bendix Corporation was merged into Allied Corporation and  
ceased to exist as a legal entity. On September 30, 1987, Allied Corporation was merged into  
AlliedSignal Inc. and ceased to exist as a legal entity. On December 4, 1999, AlliedSignal Inc.  
merged with Honeywell Inc. and Honeywell Inc. ceased to exist as a legal entity. On December  
4, 1999, AlliedSignal Inc. changed its name to Honeywell International Inc. ("Honeywell").



The Bendix Corporation was incorporated in the State of Delaware and maintained its principal place of business in the State of Michigan. Allied Corporation was incorporated in the State of New York and maintained its principal place of business in the State of New Jersey. AlliedSignal Inc. was incorporated in the State of Delaware and maintained its principal place of business in the State of New Jersey. Honeywell is incorporated in Delaware and maintains its principal place of business in New Jersey.

Honeywell is the successor in interest to AlliedSignal Inc. which, in turn, was the successor in interest to The Bendix Corporation. Honeywell's Friction Materials, LLC is the business unit within Honeywell that continues the "Bendix" line of automotive friction products.

The Interrogatories herein seek information for a period of 70 to 80 years. Individuals who may have had knowledge responsive to some of the Interrogatories are, due to the passage of time, deceased, or have faded memories, or are otherwise no longer available to Honeywell. Consequently, and notwithstanding the best efforts of Honeywell, potentially responsive information may have simply been lost before the time litigation ever commenced. Honeywell has, however, endeavored to obtain and record information from former employees of Honeywell, or its predecessors, if they were available to Honeywell through direct interviews and/or review of relevant deposition or trial testimony. In addition, Honeywell has searched its files for written or otherwise recorded materials that may contain information responsive to these Interrogatories. In that effort, documents in corporate headquarters and manufacturing facilities, to the extent that such documents still exist after the passage of many years, have been gathered and where relevant and responsive are made available for inspection and copying. Understanding that not every document or item of information could possibly be identified and referred to herein, Honeywell asserts that such documents may supplement, expand upon and/or

provide more detailed response to these Interrogatories and therefore are incorporated by reference herein.

The responses to Plaintiff's Interrogatories, therefore, are based upon: (a) information supplied by employees of The Bendix Corporation or documents in the possession of The Bendix Corporation through March 31, 1985; (b) information or documents acquired by or known to employees of the Automotive Sector of Allied Corporation from April 1, 1985, through September 29, 1987; (c) information or documents acquired by or known to employees of the Automotive Sector of AlliedSignal Inc. since September 30, 1987; (d) information or documents acquired by or known to employees of the Automotive Sector within Honeywell which has continued the "Bendix" line of friction automotive products since December 4, 1999; and (e) deposition testimony of Eugene Rogers, a former Bendix employee with knowledge of many of the issues raised by plaintiff's interrogatories.

In these responses, "Honeywell" refers to: (a) The Bendix Corporation prior to April 1, 1985; (b) the Automotive Sector of Allied Corporation from April 1, 1985 to September 29, 1987; (c) the Automotive Sector of AlliedSignal Inc. from September 30, 1987 through December 4, 1997; and (d) the friction materials business of Honeywell from December 4, 1999. Therefore, for purposes of these responses, the defendant responding refers to the Bendix related friction materials products. As the context of particular questions may require, the automotive friction products manufactured by Honeywell and its predecessors will be described by reference to their registered trademark, "Bendix." Questions directed to matters of corporate identity (*e.g.*, state of incorporation, principal place of business, etc.) are answered as they apply to Honeywell.

## **GENERAL OBJECTIONS**

The general objections set forth below are applicable to plaintiffs' Interrogatories in their entirety as well as individual Interrogatories. By this reference, Honeywell incorporates each general objection into its objections to each of the individual Interrogatories.

1. Honeywell generally objects to these Interrogatories on the grounds that they are overly broad, vague, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence at the time of trial.

2. Honeywell generally objects to plaintiffs' Interrogatories insofar as they request information and documents that:

- (i) Seek the disclosure of information protected by the attorney-client and work product privileges or otherwise protected by Rule 26(b)(3) of the West Virginia Rules of Civil Procedure;
- (ii) Seek discovery of facts known and opinions held by an expert witness who has been retained or specially employed by Honeywell in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, or information that is otherwise protected by Rule 26(b)(4)(B) of the West Virginia Rules of Civil Procedure; and
- (iii) Seek material which is otherwise protected from disclosure.

3. Honeywell submits these responses without conceding the relevancy or materiality of the subject matter of any Interrogatory and without prejudice to Honeywell's right to object to further discovery, or to object to the admissibility of the information contained in these responses at the time of trial.

4. Honeywell generally objects to these Interrogatories on the grounds that they assume matters not established by the evidence.

5. Honeywell generally objects to these Interrogatories as Honeywell is unable to determine specifically the information requested in these Interrogatories because of the manner in which they are phrased. Honeywell is unable to determine whether they call for documents or information which are subject to the attorney-client privilege or the work product privilege. Therefore, Honeywell objects to these Interrogatories to the extent that they would call for items which are protected under these two privileges, once they have been more appropriately defined by the plaintiff.

### **INTERROGATORIES**

1) As to any product containing asbestos in any form, has this defendant designed, manufactured, processed, sold, distributed, patented such a product or relabeled such a product which was manufactured, sold or distributed by another company?

**ANSWER:** Honeywell objects to this Interrogatory on the grounds that it is overly broad and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence at trial since, among other things, it is not limited to the relevant time period, geographic area, or to the friction products to which plaintiff claims exposure. Honeywell also objects to this Interrogatory on the grounds that it is misleading to the extent that it incorrectly assumes that Honeywell engaged in each of the listed activities, which it did not.

Without waiving its objections, Honeywell states that it purchased asbestos-containing friction products from Abex, Johns-Manville, Thermoid, Quality Auto-USA Automotive, and Raybestos-Manhattan.

2) If your answer to any part of No. 1 is "Yes", then please provide the following information:

- (a) Trade name of each product (ex: Unibestos, One-Coat, etc.);
- (b) Date each such product was first sold or distributed and last sold or distributed (ex: 1942-1958);
- (c) Date each such product was first sold or distributed and last sold or distributed (ex: 1942-1958) in West Virginia;
- (d) Type of product (ex: pipecovering, mud, gasket material);
- (e) Percentage of asbestos content;
- (f) Type of asbestos used in the product (ex: amosite);
- (g) Supplier of asbestos fiber, and if more than one supplier, please list all suppliers.

**ANSWER:** See response to Interrogatory No. 1.

3) Does Defendant have records that reflect sales of its asbestos or asbestos-containing products to any plants or other locations in West Virginia, Ohio and/or Kentucky including, but not limited to, Weirton Steel, Weirton, West Virginia? If so, please identify each such plant or location and identify the following:

- (a) All such records;
- (b) The names and last known addresses of those people with such knowledge;
- (c) The location of such records;

(d) How the records were organized.

**ANSWER:** Honeywell objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information not reasonably calculated to lead to the discovery of admissible evidence since, among other things, it is not limited to the relevant time, job sites, or friction products relevant to plaintiff's claims. In particular, Honeywell notes that the Interrogatory does not have any time period limitation, and is thus open-ended, and does not have any geographic limitation, given its use of the phrase "plants or other locations in West Virginia, Ohio and/or Kentucky including, but not limited to, Weirton Steel . . .". Thus, the Interrogatory as currently phrased seeks open-ended information, without any time period limitation, and without any job site limitation, other than the boundaries of the states of West Virginia, Ohio and Kentucky. Without waiving these objections, Honeywell states that it maintains sales records for most years from 1939 to the present. Upon plaintiff's identification of the job site to which exposure to Bendix products is claimed, Honeywell will undertake a search for relevant invoices relating to those job sites.

4) Before placing in the market any asbestos-containing products that Defendant manufactured, did Defendant conduct, perform or cause to be performed any studies to determine whether its asbestos-containing products would be hazardous to people? If so, please identify:

- (a) The name of the products tested and the date of each test;
- (b) The name, address, and job classification of each individual who conducted such tests; and
- (c) The results of such tests.

**ANSWER:** Honeywell objects to this Interrogatory and its subparts on the grounds that it is overly broad and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence at the time of trial since, among other things, it is not limited to the relevant time period, geographic

area or to the friction products to which plaintiff claims exposures. Honeywell also objects to this Interrogatory on the grounds that it is misleading in that it assumes that asbestos-containing friction products are hazardous, when the epidemiology, industrial hygiene, and other medical/scientific studies indicate that friction products are not hazardous. Scientific research has consistently demonstrated that time weighted exposures of brake repair workers to asbestos are below prescribed OSHA limits, and epidemiology studies indicate no increased risk in asbestos-related disease for persons who work with asbestos-containing brakes.

Without waiving said objection, from May 1971 to March 1973, The Bendix Corporation, under contract with the Environmental Protection Agency, Office of Air and Water Programs, conducted extensive research into the survivability of asbestos during the braking process. It was found that on average, more than 99.75% of the wear debris resulting from the braking process is made up of materials other than asbestos, showing that virtually all asbestos in the friction materials have been converted. To provide a systematic independent check on that analysis, the EPA Project Officer entered into a separate contract with Battelle Columbus Laboratories to analyze the wear debris. Battelle Laboratories found that, on average, the wear debris resulting from the braking process contained only 00.17% asbestos.

Additionally, Honeywell retained Clayton Group Services and R.J. Lee Group, Inc. to perform certain testing on exposures by automobile mechanics during certain brake maintenance with installation activities, namely blowing out of used brakes, and installation of new brakes, with certain commensurate abrasion activities, such as filing, arc grinding, and sanding. This test was conducted in 2001 and the results were that airborne asbestos concentration from brake changing operations did not exceed the permissible exposure limits as established by OSHA. The results of this testing are published in the scientific peer review literature in *Regulatory Toxicology and Pharmacology*, Volume 38, and the authors are Charles L. Blake, Drew R. Van Orden, Marek Banasik, and Raymond D. Harbison, and the article is entitled, "Airborne Asbestos Concentration From Brake Changing Does Not Exceed Permissible Exposure Limit."

5) Please identify each distributor or wholesaler located or authorized to sell or distribute products within West Virginia, Ohio or Kentucky, including, but not limited to, Weirton Steel, Weirton, West Virginia, of your asbestos-containing products identified in response to Interrogatory Number 2. For each distributor or wholesaler, please state:

- (a) Name and last known address;
- (b) The years of, and the geographical area encompassed by the relationship;
- (c) Whether there was a written distributorship agreement;
- (d) Whether the distributorship was exclusive;
- (e) The extent to which sales to customers in this state were handled through distributors or wholesalers located outside this state.

**ANSWER:** See response to Interrogatory No. 3.

6) Please list the names, titles and current address of each of your past and present sales managers and sales personnel responsible for sale of asbestos product sales to businesses, corporations, and/or entities located in West Virginia.

**ANSWER:** See response to Interrogatory No. 3.

7) Please state whether Defendant ever contacted any customer, installer or user of its asbestos-containing products regarding testing of the asbestos exposure levels created during the installation or use of Defendant's asbestos-containing products. If so, please identify the following:

- (a) Which of Defendant's asbestos-containing products were part of the test;
- (b) The customers, installers or users for which asbestos exposure levels were obtained;
- (c) The dates of such tests; and
- (d) The results of such tests.

**ANSWER:** Asbestos-containing friction products manufactured by Honeywell contain processed chrysotile asbestos fibers that are encapsulated or locked into the product itself. Together with various friction modifiers and fillers, the asbestos fibers are bound together with a resin binder system and then baked at a temperature in excess of 350 degrees. Exposure to or the proper use of Honeywell's friction products does not pose a health hazard. Although Honeywell does not believe that there is any health hazard associated with the proper use of its friction products, since 1973, a warning label has been placed on all cartons and boxes of asbestos-containing friction products shipped to customers. In June 1973 Bendix issued General Bulletin G-73-6 to all rebuilders regarding steps necessary to comply with the OSHA regulations, including a statement that "[c]aution labels or lettering should be affixed to any carton or box that may have its contents reground" in conformity with the OSHA language. In 1977, the Bendix Corporation first mailed to its distributors and rebuilder customers copies of the Friction Materials Standards Institute's (FMSI'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 Sector 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 Sector 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.

Certain OE manufacturers required that bulk shipments of friction materials sent to them in containers or on pallets contain specific warnings, which contained at a minimum, the information suggested by the OSHA language.

Honeywell and its predecessors have taken these steps, and 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 to 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

After Honeywell discontinued the manufacture and sale of asbestos-containing friction products, it continued to label its non-asbestos containing friction materials with cautions concerning dust exposure.

Furthermore, see response to Interrogatory No. 4 and the test results described in that Interrogatory answer.

8) Has Defendant ever issued a recall of any asbestos-containing product or taken any action to take any such products off the market? If so, identify each such product and include:

(a) The date of said recall; and

(b) The name of the company which issued the recall.

**ANSWER:** No.

9) State what action, if any, you have taken at any time to minimize or eliminate any risk of occupational disease or pneumoconiosis to those who were at any time engaged in the manufacture, production or installation of asbestos-containing products.

**ANSWER:** See response to Interrogatory Nos. 4 and 7.

10) Identify all actions taken by you at any time to minimize or eliminate any risk of occupational disease or pneumoconiosis to persons who may be exposed to asbestos from your asbestos-containing products including, but not limited to, those persons who may have been exposed in the home or otherwise via contact with occupationally exposed individuals.

**ANSWER:** See response to Interrogatory Nos. 4 and 7.

11) If you advertised any asbestos-containing products in newspapers, magazines, or other publications at any time, please identify for each such product advertised:

- (a) The name of the publication in which it appeared; and
- (b) The dates during which the advertisement was published.

**ANSWER:** Honeywell objects to this Interrogatory because it seeks irrelevant information and is not calculated to lead to the discovery of relevant, material or admissible evidence. The Interrogatory is overly broad, unlimited in scope and patently burdensome. Without waiving those objections, Honeywell responds that it and its predecessors have furnished customers over the past 60 years with promotional and advertising material relating to automotive friction products, and have published numerous advertisements in trade journals and other periodicals. The burden upon Honeywell in terms of cost and man-hours to respond to this Interrogatory would far outweigh the benefits, if any, that such information would provide to the plaintiff.

12) Please state whether you ever commissioned, relied upon, contracted with and/or permitted any insurance company to investigate the possible hazards or health effects of exposure to asbestos, and if so please state the following:

- (a) The name of the insurance company;
- (b) The nature of each such investigation;
- (c) The results of each such investigation; and
- (d) The name, affiliation and address of each individual involved in each such investigation.

**ANSWER:** See response to Interrogatory No. 4. By way of further answer, no.

13) For each asbestos-containing product for which you have developed a non-asbestos substitute, state:

- (a) The name of the asbestos-containing product and its substitute product;
- (b) The chemical composition of the substitute;
- (c) The date on which the substitute was first sold;
- (d) The date on which the asbestos-containing product was last sold;
- (e) Whether the substitute contained vermiculite; and
- (f) What material was substituted for asbestos.

**ANSWER:** Honeywell's predecessors embarked on a program to develop friction products that did not require asbestos and, after years of research and development, developed where practicable many different friction products that did not contain asbestos and that provided the same level of safety, security and performance to the public.

14) Did you participate in or receive any reports or documents concerning statistical or other studies conducted by Metropolitan Life Insurance Company from 1929 to 1960 on asbestos workers and health or more generally on the health effects on humans or animals from inhalation or ingestion of asbestos? If so, identify:

- (a) This Defendant's participation in each such study;
- (b) The documents received by the Defendant;
- (c) The current location of the documents identified in response to (b).

**ANSWER:** No.

15) Identify all industrial hygiene, safe working practice, air monitoring or dust monitoring programs or other internal controls instituted by Defendant for each location at which Defendant manufactured asbestos-containing products.

**ANSWER:** With respect to claims involving exposures to friction products, plaintiff was neither employed by AlliedSignal or its predecessor, nor present in any of its friction product manufacturing plants at any time. Events occurring in those plants during the mass production of friction materials bear no equivalence to the conditions experienced by an end-user of individual units of finished automotive friction products. Honeywell conducted industrial hygiene and air sampling studies at its friction material manufacturing plants to insure compliance with OSHA.

16) Identify all industrial hygiene, safe working practice, air monitoring or dust monitoring programs or other internal controls instituted by Defendant at each location owned or operated by Defendant and containing asbestos or asbestos-containing materials which were not identified in response to the preceding interrogatory.

**ANSWER:** See response to Interrogatory No. 15.

17) Identify all chemical, industrial, medical or trade associations to which you have belonged since 1936 and the dates of membership in each.

**ANSWER:** Honeywell objects to this Interrogatory because the question is overly broad, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of admissible evidence. Honeywell further objects to the term "participated" in that it is vague and ambiguous. Without waiving those objections, Honeywell states that it and its predecessors have been members of the following organization:

- Friction Material Standards Institute, Inc. (1949 to present)

The Bendix Corporation was also a member of the following organizations:

- Asbestos Information Association of North America (1974 to 1984)
- Brake Lining Manufacturers Association (1939 to 1949)

Honeywell further notes that certain employees may have been members of the Society of Automotive Engineers, various metallurgical societies and other scientific organizations other than those listed above. It would be unduly burdensome, if not impossible, to determine to which societies and organization each individual employee belonged and, therefore, Honeywell objects to providing such information as overly broad and unduly burdensome.

18) For each association identified in the answer to the immediately preceding interrogatory, identify:

- (a) The names of all individuals associated with the answering defendant who have had dealings with each association;
- (b) The nature of their dealings with each such association;
- (c) Each person's last known address;
- (d) Current job and title for each person still employed by Defendant; and
- (e) All documents related to said affiliation.

**ANSWER:** See response to Interrogatory No. 17.

19) Please identify whether or not Defendant ever conducted, participated in or received the results of any tests to determine the nature and extent of airborne asbestos dust or fiber where asbestos-containing products were applied, used or removed. If so, for each test please identify:

- (a) The date, place and nature of the test;
- (b) The asbestos-containing products involved;
- (c) The results of the test, including air sample results and dust counts; and
- (d) Each person who received the results indicated in the answers to (c).

**ANSWER:** See response to Interrogatory No. 4.

20) Please identify whether or not Defendant ever obtained any knowledge of whether asbestos may be hazardous to human health. If so, please identify:

- (a) When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- (b) The manner in which the Defendant first obtained this knowledge;
- (c) What information was disseminated within Defendant's company regarding this knowledge;
- (d) Whether any such information is still maintained by Defendant in any written form;
- (e) The name, address and job classification of the custodian of such information.; and
- (f) When this Defendant first learned of the "Dressen Report"; Dressen, W. C., et al. A Study of Asbestos in-the Asbestos Textile Industry, Public Health Bull. No. 241, Washington, D.C.: U.S. Public Health Service, 1938.

- (g) Which persons (by occupation or otherwise) have been identified that could potentially be at risk including, but not limited to, those in the home of occupationally exposed individuals.

**ANSWER:** To the extent that this Interrogatory requires this defendant to opine about the potential hazards of exposure to asbestos in other forms or applications, it is objected to as seeking irrelevant information and is not calculated to lead to the discovery of relevant, material or admissible evidence. Although certain types of asbestos may, under certain conditions, be hazardous as loose fibers that can become airborne, asbestos-containing friction products manufactured by this defendant contain processed chrysotile asbestos fibers that are encapsulated or locked into the product itself. Together with various friction modifiers and fillers, the asbestos fibers are bound together with a resin-binder system and then baked at a temperature in excess of 350°. Epidemiological and other studies demonstrate that exposure to the proper use of Honeywell's friction products does not pose a health hazard.

21) Have you ever been investigated or cited by OSHA or any other governmental agency for any matter related to asbestos or asbestos exposure? If so, for each investigation and/or citation, please identify the dates, the site and the result.

**ANSWER:** Honeywell objects to this Interrogatory on the grounds that it is not limited to job sites or time periods relevant to these cases nor to friction products. Furthermore, the Interrogatory is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Honeywell objects to the extent the Interrogatory seeks information relating to the manufacture of friction products in that the manufacture of such products is not similar to use of the products by the mechanic. Without waiving its objections, Honeywell states that it has located documents upon reasonably diligent search indicating a citation at the Troy, NY manufacturing facility for an inspection occurring 4/4-5/1980.

22) Has Defendant ever been compelled or requested, because of the presence of asbestos, to institute any industrial hygiene controls, safe working practice or exposure monitoring? If so, please identify the date, place and circumstances of each such compulsion or request and identify all documents relevant thereto.

**ANSWER:** With respect to claims involving exposures to friction products, plaintiff was neither employed by AlliedSignal or its predecessors, nor present in any of its friction product manufacturing plants at any time. Events occurring in those plants during the mass production of friction materials bear no equivalence to the conditions experienced by an end-user of individual units of finished automotive friction products. Honeywell conducted industrial hygiene and air sampling studies at its friction material manufacturing plants to insure compliance with OSHA.

23) Please identify all physicians, medical advisors, industrial hygienists and others (including their names, titles and addresses) employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos dust control or asbestos-related diseases.

**ANSWER:** Honeywell objects to this Interrogatory to the extent that it seeks identification of experts obtained or consulted for purposes of litigation and for operations other than friction products. Without waiving these objections, outside the context of litigation and for friction products, the following individuals were industrial hygienists for the Bendix Division during the periods outlined below:

|                        |                      |
|------------------------|----------------------|
| Stanford K. Christian  | 1974-76              |
| Charles C. Clark       | 1973-74              |
| Sondra Johnson Jenkins | 1980-1986; 1987-1988 |
| Linda Parrish          | 1982-84              |
| Thomas Rancour         | 1980-2003            |
| James Weber            | 1976-1983            |
| Ben Wong               | 1977-78              |

Other industrial hygienists include: Scott Berner, Craig Larson and Judy Trew.

Industrial hygienists are or were assigned to the Automotive Sector, AlliedSignal Inc., Southfield, Michigan. Additional individuals' names may be identified in the documents that are being produced.

Their duties and responsibilities include assisting in complying with OSHA regulations and monitoring and evaluating manufacturing plants and other facilities relative to industrial hygiene matters.

24) Were you notified or named as a defendant in any lawsuit prior to 1975 by any person who claimed to have been injured by asbestos-containing products manufactured by you? If your answer is in the affirmative, provide the date on which each lawsuit was filed against you, the court in which said suit was filed and the name of the plaintiff in each suit.

**ANSWER:** No.

25) Identify whether you are and have been insured for product liability or personal injury liability, including "excess or umbrella" policies, and/or worker's compensation claims, and if so, for each applicable insurance policy please identify,

- (a) The limits of coverage;
- (b) The name of the insurance company;
- (c) Whether this claim has been accepted or whether a letter of intent to deny coverage has been received.

**ANSWER:** Documents responsive to this request located to date will be produced at a mutually convenient time.

26) Identify any agreement Defendant has entered into with any corporation other than a corporation in the insurance business regarding settlement or non-settlement and/or allocation of damages.

**ANSWER:** None.

27) Other than any insurance policies identified in response to any other interrogatories herein, are you now or have you ever been an indemnitee under any contract or agreement providing for your indemnification for any claims or judgments of personal injury or property damage arising after 1965? If the answer to this interrogatory is in the affirmative, please identify:

- (a) The name and address of the indemnitor;
- (b) The contract or agreement under which such indemnity is claimed;
- (c) The nature and terms of the indemnifying agreement; and,
- (d) The identity of all documents related to the subject matter of this interrogatory.

**ANSWER:** No.

28) To the best of your knowledge are you an additional insured, or have you been an additional insured, since 1965, under any liability insurance policy providing liability insurance coverage for the operation or ownership of your business or the acts alleged in Plaintiff's Complaint? If so, please identify the following:

- (a) The identity of any such policies or documents;
- (b) The name and address of the underwriting insurance company;
- (c) The name and address of the insurance agency or broker through whom the insurance coverage was procured;
- (d) The dates of initiation, inspection, renewal and expiration of the policy;
- (e) The nature of coverage provided;
- (f) The liability policy limit or limits; and
- (g) Whether or not, in your opinion, that liability insurance policy provides coverage for the acts alleged in Plaintiffs' Complaint or any judgment which may be entered against Defendant in this lawsuit.

**ANSWER:** No.

29) What warnings or other notice did you provide to employees, business invitees, and/or their family members including employees of outside contractors, about the location and any potential health hazard of asbestos at any location in West Virginia, Ohio and/or Kentucky including, but not limited to, Weirton Steel in Weirton, West Virginia which contained your asbestos-containing products?

**ANSWER:** See response to Interrogatories 3, 4, and 7.

30) Identify whether you have ever undertaken an asbestos abatement program in your facilities. If your answer is in the affirmative, identify the year the abatement began, the year the abatement was finished, the name of the abatement contractor who performed the work, the type of asbestos materials that were abated (i.e., pipecovering, block, gaskets, etc.) and whether any asbestos materials were not abated.

**ANSWER:** Honeywell and its predecessors are manufacturers of automotive friction products and, accordingly, this question concerning asbestos abatement programs is not applicable.

31) If this defendant has not been sued under its correct name, please provide the following corporate information:

- (a) Company's corporate name;
- (b) Address and corporate headquarters;
- (c) Identity of incorporation;
- (d) Date of incorporation; and
- (e) Address of any branch offices operating in West Virginia.

**ANSWER:** Honeywell has no branch offices in West Virginia. As to the remaining subparts of this Interrogatory, see Introductory Statement.

32) If this defendant has not been sued under its correct name, please identify the correct name and provide the information requested in the preceding interrogatory.

**ANSWER:** Not applicable.

33) Has this defendant ever acquired through purchase, reorganization or merger another corporation, company or business which manufactured, sold, processed, distributed or contracted to apply products containing asbestos? If the answer is "Yes", then identify the following concerning such predecessor:

- (a) Full and correct name;
- (b) The principal place of business;
- (c) Identify of incorporation;
- (d) Date of acquisition by defendant; and
- (e) Manner of date of acquisition by defendant.

**ANSWER:** Honeywell objects to this Interrogatory on the grounds that it is overly broad and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence at the time of trial, since it is not limited to the relevant time period, friction products or entities operating in the relevant geographic area. Without waiving said objections, see Introductory Statement. In addition, Honeywell acquired Valeo SA and Certified Brake of Canada.

34) Identify the names and addresses of all lay witnesses whom you presently intend to call to testify at trial, and briefly identify the subject matter of their testimony and what connection each such person has with matters relevant to this lawsuit (e.g., former co-workers of Plaintiff, former plant manager of plant X, etc.). Supplement this list as you ascertain any additional witnesses.

**ANSWER:** Lay witnesses will be identified pursuant to the CMO for this trial group.

35) Please identify all present or past employees of Defendant who have ever testified under oath in connection with any asbestos-related lawsuit or claim.

**ANSWER:** All such persons are well known to counsel for plaintiff, and Honeywell believes that counsel for plaintiff is already in possession of this information and has copies of such transcripts.

36) Please identify each person who was consulted or who provided information to answer these interrogatories. For each such person, indicate the number of the interrogatory and its subpart for which the person provided the information.

**ANSWER:** The information used in answering these Interrogatories was assembled by authorized employees and counsel for Honeywell and was derived primarily from an ongoing review of Honeywell's friction materials' records and information located to date upon a reasonably diligent search. Since some of the information was gathered in a cumulative fashion over a period of many years for the overall purposes of litigation rather than on an individual question-by-question basis for this particular set of Interrogatories, it is not possible to identify by name each person who could be said to have supplied the information used in answering these Interrogatories.

37) Please identify any witness who has testified on behalf of defendant in regard to household exposures to asbestos resulting from occupationally-exposed workers.

**ANSWER:** All such persons are well known to counsel for plaintiff, and Honeywell believes that counsel for plaintiff is already in possession of this information and has copies of such transcripts.

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All documents sent or received by this Defendant to or from consumers, contractors, installers, employees and unions concerning the use of asbestos or any asbestos-containing product.

RESPONSE: See Answers to Interrogatories. Honeywell believes that counsel for plaintiff is already in the possession of all such documents.

2. All records, minutes, and other documents reflecting any meetings of your product safety committee, industrial hygiene committee, or any other safety or health-related committee within the organization of this Defendant, including all subsidiaries, divisions, and predecessor entities, wherein the potential health hazards of asbestos were discussed.

RESPONSE: See Answers to Interrogatories. Honeywell believes that counsel for plaintiff is already in the possession of all such documents.

3. All invoices and other documents relating to the sale and/or installation of your asbestos or asbestos-containing products in West Virginia, including, but not limited to, Weirton Steel, Weirton, West Virginia.

RESPONSE: See Answer to Interrogatory No. 3.

4. All documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the installation of your asbestos-containing products in West Virginia.

RESPONSE: Objection as the Request does not make sense insofar as it applies to automotive friction products, given its reference to "installation" of asbestos-containing products at the subject jobsite(s). Without waiving said objection, see Response to Request for Production No. 3 and Interrogatory No. 3.

5. All documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the maintenance, repair or removal of asbestos-containing products in West Virginia.

RESPONSE: Objection as the Request does not make sense insofar as it pertains to automotive friction products, given its reference to "maintenance, repair, or removal" of asbestos-containing products at the subject jobsite(s). Without waiving said objection, see Response to Request for Production No.3 and Interrogatory No. 3.

6. All documents sent or received by this Defendant or its agents concerning the need for and/or use of respirators, dust masks, etc., when working in the presence of asbestos.

RESPONSE: See Answers to Interrogatories. Honeywell believes that counsel for plaintiff is already in the possession of all such documents.

7. All documents, reports, records, writings, photographs, diagrams, and films which you may introduce into evidence during the trial of this civil action.

RESPONSE: Any such items will be identified pursuant to the timetable set forth in the CMO for this trial group.

8. All exhibits, documents, models, or other physical evidence which you may use as demonstrative aids during the trial of this civil action.

RESPONSE: Any such items will be identified pursuant to the timetable set forth in the CMO for this trial group.

9. All documents used to respond to plaintiffs' interrogatories in this case.

RESPONSE: See answer to Interrogatory No. 36.

10. All documents not produced in response to any of the foregoing in which the hazards of asbestos or asbestos-containing products are discussed.

RESPONSE:       Objection as the Request is overly broad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence at the time of trial, particularly since it is not limited to the relevant time, jobsites, or friction products relevant to plaintiff's claim. Additional objection is made as the Request, when taken literally, would encompass an untold number of documents of a bewildering variety of type, location, subject matter, etc. Without waiving said objection, the documents and scientific literature establishing that automotive friction material products do not result in an increased risk of asbestos related diseases are well known to counsel for plaintiff.

11. All documents relative to air sampling, tests or other procedures conducted by you to determine the amount of asbestos dust released during the handling, fabrication, application, installation, removal or any other activity involving asbestos-containing products.

RESPONSE:       See Response to Request for Production Nos. 1 and 10.

12. All warnings, cautions, notices or other writings relative to the hazards of asbestos that you provided to persons who may have come in contact with your asbestos-containing products, including employees or contractors or other business invitees at any facility in West Virginia, including, but not limited to, Weirton Steel, Weirton, West Virginia.

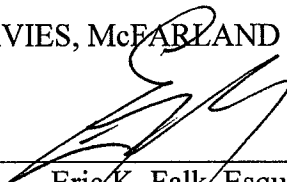
RESPONSE:       See answer to Interrogatory No. 7.

13. All documents in defendants' possession discussing, evidencing knowledge of, or in any way referencing the potential of, occurrence of, or information relevant to household exposures to asbestos resulting from occupationally-exposed workers.

RESPONSE: Any such documents are well known to counsel for plaintiff, and Honeywell believes that counsel is already in possession of such documents.

DAVIES, McFARLAND & CARROLL, P.C.

By



Eric K. Falk, Esquire

ID #5451

Attorney for Defendant,  
Honeywell International Inc., formerly  
known as AlliedSignal Inc., as successor  
in interest to The Bendix Corporation

One Gateway Center, Tenth Floor  
Pittsburgh, PA 15222  
(412) 281-0737

VERIFICATION

I, being an authorized representative of Honeywell International Inc., f/k/a AlliedSignal Inc., as successor in interest to The Bendix Corporation, do hereby verify that the averments of fact set forth in the foregoing Honeywell International Inc.'s, formerly known as AlliedSignal Inc., as successor in interest to The Bendix Corporation, Answers to Plaintiff's First Set of Interrogatories and Requests for Production of Documents to all Asbestos Product Manufacturing Defendants are true and correct based on my knowledge, information and belief.

Joel B. Chaudhry

Date: 11/19/2004

*Elaine A. Pierce*  
*November 19, 2004*

ELAINE A. PIERCE  
A Notary Public of New Jersey  
My Commission Expires June 27, 2008

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ASBESTOS PERSONAL  
INJURY LITIGATION

Master File  
Civil Action No. 03-C-9600

**This document applies to:**

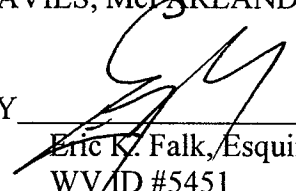
The Honorable Ronald E. Wilson

**Dolores L. Burke, Deceased  
(Kanawha County No. 03-C-3182)**

**NOTICE OF SERVICE**

I, Eric K. Falk, Esquire, hereby certify that Honeywell International Inc.'s, formerly known as AlliedSignal Inc., as successor in interest to The Bendix Corporation, Answers to Plaintiff's First Set of Interrogatories and Requests for Production of Documents To All Asbestos Product Manufacturing Defendants have been served upon counsel for plaintiff, Anne McGinness Kearse, Esquire, Motley Rice, LLC, 28 Bridgeside Boulevard, P.O. Box 1792, Mt. Pleasant, SC 29465 by First Class U.S. Mail, postage prepaid, this 23 day of November, 2004.

DAVIES, McEARLAND & CARROLL, P.C.

BY 

Eric K. Falk, Esquire  
WV ID #5451

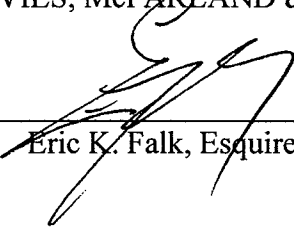
Attorney for defendant,  
Honeywell International Inc., formerly  
known as AlliedSignal Inc., as successor  
in interest to The Bendix Corporation  
One Gateway Center  
Tenth Floor  
Pittsburgh, PA 15222  
(412) 281-0737

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within NOTICE OF SERVICE was served on plaintiffs' counsel by First Class U.S. Mail, postage prepaid, and upon defense counsel via e-mail, this 23 day of November, 2004.

DAVIES, McFARLAND & CARROLL, P.C.

BY

  
Eric K. Falk, Esquire