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IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

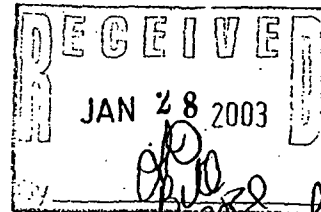
IN RE: ALL ASBESTOS LITIGATION
FILED BY THE SIMMONS FIRM, LLC

Plaintiffs,

v.

A.W. CHESTERTON, *et al.*,

Defendants.



**DEFENDANT LUK-AFTERMARKET SERVICE, INC.'S OBJECTIONS AND
ANSWERS TO PLAINTIFFS' MASTER INTERROGATORIES**

Pursuant to the Illinois Rules of Civil Procedure, Defendant LuK-Aftermarket Service, Inc. (formerly known as "AS, Automotive Systems, Inc.," sued herein as "LuK Automotive Systems" and referred to hereafter as "LuK AS"), by and through its attorneys, Roberts, Perryman, Bomkamp & Meives, P.C., makes the following objections and responses to Plaintiffs' Interrogatories.

PRELIMINARY STATEMENT

This is the first time that LuK AS has been sued in the Madison County asbestos litigation and the first time that LuK AS has been required to respond to such voluminous discovery requests in any asbestos litigation. These responses are based upon facts known or believed by LuK AS to be true at the time that LuK AS responds to these Interrogatories. Most of the Plaintiffs' Interrogatories relate to a period of time many years ago, making it difficult or impossible to search for, reconstruct, or retrieve any responsive information. The responses of LuK AS are made pursuant to a reasonable and diligent investigation for the information requested. LuK AS reserves the right to amend these responses if new or additional information

SCF-ALLF-10905

becomes available to it. Additionally, these responses are given without prejudice to LuK AS's right to rely at trial on subsequently discovered information or information inadvertently omitted from these answers as a result of mistake, error, or oversight.

LuK AS objects to Plaintiffs' Interrogatories to the extent that they would require LuK AS to incur undue burden and expense in order to respond, are overly broad, seek irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence, or otherwise seek information that is beyond the scope of the Illinois Rules of Civil Procedure and/or the Standing Case Management Order for Madison County, Illinois. LuK AS objects to Plaintiffs' Interrogatories to the extent that they purport to seek information protected by the attorney-client privilege, the work product doctrine, or some other privilege. LuK AS further objects to Plaintiffs' Interrogatories because the time period to which they relate is often unlimited.

LuK AS 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. In addition, the definitions and instructions are overly burdensome, overreaching and sought merely for the purpose of harassment. LuK AS objects to those definitions contained within these Interrogatories to the extent that they are inconsistent with the normal and customary usage of words pursuant to the Rules of Civil Procedure. LuK AS will produce responsive materials according to the provisions of the Illinois Rules of Civil Procedure and LuK AS objects to Plaintiffs' instructions to the contrary.

LuK AS specifically objects to the definition of "predecessor" or "predecessor entity or company" that is contained in these Interrogatories, as that definition is overly broad, unduly burdensome, and outside the scope of permissible discovery. To attempt to locate the requested

information about all of the predecessors of LuK AS would require an unreasonable search, unlimited by time, location or type of information. To the extent that this was Plaintiffs' intention, LuK AS objects that such undertaking is overly broad, unduly burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. The information provided in these responses for entities other than LuK AS is based upon LuK AS's best knowledge at the present time. The fact that LuK AS provides any information in these Interrogatories about any of its "predecessors," as defined in Plaintiffs' Interrogatories, does not mean that LuK AS is legally responsible for these entities.

The information supplied in these answers is not based solely upon the knowledge of the executing party, but includes the knowledge of the party's agents, representatives, and attorneys, unless privileged. The word usage and sentence structure is that of the attorneys who in fact prepared these answers, and the language does not purport to be the exact language of the executing party.

This Preliminary Statement and objections contained herein are incorporated in each and every response below. Subject to this Preliminary Statement, LuK AS responds to Plaintiffs' Interrogatories as follows:

INTERROGATORY NO. 1:

Identify the person answering these interrogatories on behalf of Defendant.

ANSWER:

The responses to these Interrogatories were prepared with the assistance of counsel and based upon a variety of sources, including documents and personal recollections. These responses are based upon a reasonable inquiry of all available sources of information. LuK AS received assistance in responding to these Interrogatories from its counsel and from employees

INTERROGATORY NO. 62:

If your answer to Interrogatory No. 61 is "Yes," with respect to each such study:

- (a) Identify the product involved;
- (b) Identify the person(s) and/or entity(ies) conducting said study;
- (c) State the date said study began and the date on which it was completed;
- (d) Identify any and all persons, including, but not limited to, directors, officers, agents or employees of Defendant, who participated in the decision to have said study conducted;
- (e) Describe the nature of said study;
- (f) Describe the nature of any action to eliminate or minimize inhalation of asbestos dust or asbestos fibers undertaken as a result of said study;
- (g) Identify any and all documents referring to, relating to or reflecting said study or the results thereof; and,
- (h) Identify any and all persons receiving a copy of any document referring to, relating to or reflecting the results or conclusions of said study.

ANSWER:

Without waiving any of its objections, LuK AS states that this Interrogatory is not applicable to it by virtue of its response to Interrogatory No. 61.

INTERROGATORY NO. 63:

Did Defendant, any related company, or any predecessor at any time, give to persons, who would be applying and/or removing any of the products listed in response to Interrogatory Nos. 19 and 42, any instructions or guidelines concerning precautions, warnings, procedures, and/or methods to use, in order to safely apply or remove such products? If so, describe such instructions, state to whom they were given, state the dates they were given, and describe the manner in which they were given.

ANSWER:

LuK AS objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, harassing, unlimited in scope, and seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence. LuK AS further objects to this Interrogatory on the grounds that it improperly implies that LuK products may have presented a health hazard, that individuals were exposed to asbestos from LuK products or that asbestos-related warnings with respect to LuK products were necessary. This Interrogatory is also objectionable to the extent that it seeks information regarding any "predecessor" because

such term, in the context of this Interrogatory, is overly broad, unduly burdensome, and seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of its objections, LuK AS responds to this Interrogatory as to LuK AS and LuK, Inc., its 100% direct parent, as follows:

LuK AS states that this Interrogatory is not applicable to it because it never manufactured, sold, or distributed any asbestos-containing products. LuK AS is aware that certain clutch installation manuals prepared by non-LuK entities included a warning that stated: "CAUTION: When servicing clutch assembly or components, do not create dust by sanding or cleaning clutch parts with dry brush or compressed air." Additionally, for a limited period of time and for limited applications, LuK, Inc. placed a warning on the packaging for asbestos-containing OEM service parts. The warning was found on a small white label on the top of the packaging. This warning was requested by one of LuK, Inc.'s customers. The warning stated: "WARNING. Clutch Disk --- May contain asbestos, a carcinogen. Avoid creating dust. Inhalation may cause lung damage. See MSDS. LuK, Inc., Box 944E, Wooster, Ohio 44961." The language of this particular warning was not altered during the period of time it appeared on the packaging.

INTERROGATORY NO. 64:

Did Defendant, any predecessor or any related company, at any time, place any warning signs or labels on the containers in which any of the products listed in response to Interrogatory Nos. 19 and 42 were packaged?

ANSWER:

Without waiving any of its objections, LuK AS incorporates herein by reference its objections and response to Interrogatory No. 63.

ANSWER:

LuK AS reserves the right to claim any applicable privilege that applies to responsive documents.

Respectfully submitted,

ROBERTS, PERRYMAN BOMKAMP & MEIVES, P.C.

BY 

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Of Counsel:

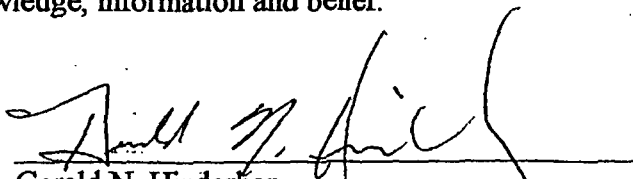
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VERIFICATION BY CERTIFICATION

State of Ohio)
)
County of Medina)

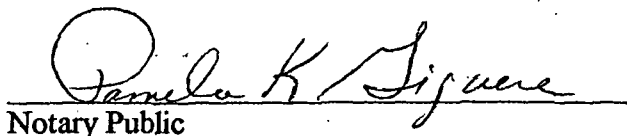
ss:

Gerald N. Hinderhan certifies under penalties as provided by law that he is designated by LuK-Aftermarket Service, Inc. (formerly known as "AS, Automotive Systems, Inc." and sued herein as "LuK Automotive Systems") for the purpose of executing the foregoing Answers to Plaintiffs' Master Interrogatories and further certifies that he has read the foregoing Answers and knows the contents thereof although he may not have personal knowledge of all of the facts set forth therein; that said Answers were prepared with the assistance and advice of counsel; that the Answers set forth therein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily limited by the information still in existence and thus far discovered in the course of the preparation of these Answers; and that, subject to the limitations as set forth herein, said Answers are true to the best of his knowledge, information and belief.



Gerald N. Hinderhan
President of LuK-Aftermarket Service, Inc.
(formerly known as "AS, Automotive Systems,
Inc." and sued herein as "LuK Automotive
Systems")

Sworn to and subscribed before me this 10th day of January, 2003.


Notary Public

My commission expires _____

PAMELA K GIGUERE,
Notary Public, State of Ohio
Recorded in Medina County
My Comm. Expires Feb. 10, 2003

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above and foregoing was mailed to counsel of record,
via U.S. Mail, postage prepaid, this 21st day of January, 2003, to:

Nate Mudd
Ted N. Gianaris
The Simmons Firm, LLC
301 Evans Avenue
P.O. Box 559
Wood River, IL 62095

A handwritten signature in black ink, appearing to be "Nate Mudd", is written over a horizontal line.