

IN RE: ALL ASBESTOS-RELATED § IN THE DISTRICT COURT OF
 PERSONAL INJURY OR §
 DEATH CASES FILED OR TO § DALLAS COUNTY, TEXAS
 BE FILED IN DALLAS §
 COUNTY, TEXAS § 68TH JUDICIAL DISTRICT

PLAINTIFF'S EXHIBIT

CHR-355

**DEFENDANT DAIMLERCHRYSLER CORPORATION'S THIRD
 AMENDED ANSWERS AND RESPONSES TO PLAINTIFFS'
 MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION**

TO: Plaintiffs, by and through their attorney of record, Russell W. Budd, Esq., Baron & Budd,
 The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219

COMES NOW DaimlerChrysler Corporation formerly known as Chrysler Corporation, one of the Defendants in the above-styled and numbered cause (hereinafter "Chrysler" or "Defendant"), and submits its Second Amended Responses and Objections to Plaintiffs' Master Interrogatories and Requests for Production. Chrysler filed a Motion for Protective Order on August 1, 1996, which was supported by the affidavit of Alfred Shames (dated June 12, 1996), and which is hereby incorporated by reference for all purposes as if it was herein restated.

I.

OBJECTIONS

These responses are based upon facts known or believed by Chrysler at the time of answering these interrogatories and requests for production. Much of the information requested dates back many years and is difficult or impossible to reconstruct or retrieve. These discovery responses are made pursuant to a reasonable and due diligent investigation and search for the information requested. Chrysler reserves the right to amend these responses if new or additional information becomes available to it.

Chrysler further 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. Plaintiffs' definitions and instructions are overly burdensome, overreaching, and sought merely for purposes of harassment and, as such, Chrysler objects to all those definitions contained within Plaintiffs' discovery to the extent they and Plaintiffs' instructions are inconsistent with the normal and customary usage of words pursuant to the Texas Rules of Civil Procedure. Chrysler further objects to Plaintiffs' definitions and instructions to the extent they seek to expand the duty to object and seek intrusion into the attorney-client privilege, work product privilege, witness statement privilege, other federal and state law privileges, party communications privilege and consulting expert privilege contained in Texas Rule of Civil Procedure former Rule 166b and current Rule 195, cmt. 1. Materials to be produced will be produced according to the provisions of the Texas Rules of Civil Procedure, and Chrysler objects to Plaintiffs' instructions to the contrary. Chrysler further objects to Plaintiffs' instructions with regard to claimed objections since these instructions are not required by, nor are consistent with, the Texas Rules of Civil Procedure and Chrysler will comply with the Texas Rules of Civil Procedure with regard to its objections and supplementation.

II.

Chrysler objects to Plaintiffs' interrogatories and requests for production as a whole to the extent that there is no definition for the term "asbestos." To Chrysler's knowledge, chrysotile is the only type of asbestos used in the friction products of vehicles manufactured and distributed by Chrysler. Such information using this generic term is otherwise irrelevant, overly broad, vague and ambiguous as well as being outside the scope of permissible discovery and seeking information privileged from discovery under former Rule 166b(3)(a)(b)(c)(d) and (e) and current Rule 192 and

the attorney work product and attorney-client privilege. To the extent the responses are made with regard to these interrogatories and requests for production, Chrysler will respond with regard to the term "asbestos" referring to the chrysotile material utilized by Chrysler.

Because "predecessor" and "subsidiary" are not defined or specifically identified, it is unclear about which entities Plaintiffs are inquiring. To provide such information would require a nationwide search unlimited by time, location, or type of information, and is thus over broad and unduly burdensome.

III.

The objections set forth herein are hereby applied to all responses set forth in each specific interrogatory and request for production as if fully set forth in each particular interrogatory and request for production.

IV.

To the extent that discoverable items are produced to Plaintiffs, any production for copying and inspection of such items will be made available at a mutually agreeable time between the parties pursuant to the Texas Rules of Civil Procedure.

V.

Chrysler objects to the number of Interrogatories contained within the Master Interrogatories set forth herein. Pursuant to former Rule 168 and current Rule 197 of the Texas Rules of Civil Procedure, Plaintiffs' Interrogatories require responses well in excess of the interrogatories provided for under the Texas Rules of Civil Procedure. Discovery is ongoing and Chrysler will supplement as appropriate.

VI.

These answers to interrogatories do not apply to American Motors Corporation and/or American Motors Sales Corporation.

VII.

Chrysler understands that Plaintiffs allege injuries due to exposure to asbestos from automotive friction materials. Chrysler's responses to these interrogatories specifically address automotive friction materials.

Subject to the objections set forth and without waiving same, Chrysler responds as follows:

VIII.

INTERROGATORY ANSWERS

INTERROGATORY NO. 1: State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

ANSWER: Chrysler objects to this Interrogatory because it is overly broad and unduly burdensome in that the information contained herein has been gathered by numerous employees, agents, representatives and attorneys for Chrysler over a number of years. It is outside the scope of permissible discovery pursuant to Tex. R. Civ. P. 192.3. Subject to said objections, and without waiving same, the responses to these interrogatories are corporate responses, prepared with the assistance of counsel and based on a variety of sources, including documents and personal recollections. The person signing these responses on behalf of Chrysler is a person authorized by the corporation to subscribe to the responses on its behalf.

INTERROGATORY NO. 2: State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

ANSWER: Yes. DaimlerChrysler Corporation, 1000 Chrysler Drive, Auburn Hills, Michigan. C.T. Corporation, 350 North St. Paul Street, Dallas, Texas. Chrysler is incorporated in Delaware and does have a certificate of authority to do business in Texas.

INTERROGATORY NO. 3: Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Dallas County asbestos litigation.

ANSWER: Chrysler has never engaged in the mining of raw asbestos. Chrysler has no record of any sale of asbestos to any entity at any time.

INTERROGATORY NO. 4: Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

ANSWER: Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products and Chrysler's response to this interrogatory is limited to those products. Chrysler objects to this interrogatory to the extent it seeks information about products other than automotive friction materials, and is over broad, unduly burdensome, seeks information irrelevant to this litigation and seeks information not likely to lead to the discovery of admissible evidence.

Chrysler manufactured automobiles and light trucks that have included asbestos-containing products including brake linings, clutch plates and transmission bands. Original equipment parts were distributed in new Chrysler, Plymouth, DeSoto and Dodge automobiles. Chrysler currently

manufactures and sells some light trucks that utilize asbestos-lined brakes due to the absence of alternative materials that meet performance criteria.

Chrysler sold and distributed asbestos-containing automotive brake and clutch replacement parts under the Mopar, Cycleweld and/or Cyclebond trade names to independent warehouse distributors and authorized dealers.

INTERROGATORY NO. 5: Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

ANSWER: See Response to Interrogatory No. 4.

INTERROGATORY NO. 6: If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

- A. As to each product, state whether such product was mined, manufactured, marketed, and/or sold.
- B. The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.
- C. The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- F. The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons there for.
- G. The date asbestos was removed from such products, if ever, and the reasons therefor.
- H. A description of the physical appearance of each of the named products.
- I. A detailed description of the intended uses of the named products.

J. Identify the last year that you sold each asbestos-containing product.

ANSWER: Chrysler understands that Plaintiffs allege they were exposed to asbestos from automotive friction products, and Chrysler's response to this interrogatory is limited to those products. Chrysler objects to this interrogatory to the extent it is over broad, unduly burdensome, seeks information irrelevant to this litigation and seeks information not likely to lead to the discovery of admissible evidence to the extent it seeks information about products other than automotive friction materials.

Chrysler manufactured automobiles and light trucks that have included asbestos-containing products including brake linings, clutch plates and transmission bands. Original equipment parts were distributed in new Chrysler, Plymouth, DeSoto and Dodge automobiles. Chrysler currently manufactures and sells some light trucks that utilize asbestos lined brakes.

Chrysler sold and distributed asbestos-containing automotive brake and clutch replacement parts under the Mopar, Cycleweld and/or Cyclebond trade names to independent warehouse distributors and authorized dealers.

Brake linings were manufactured at the Trenton Chemical Plant for use in its automobiles beginning in 1959 and ending in 1988. Brake linings made by Chrysler contained 50% chrysotile by weight and the other 50% of the brake lining contained a 50% matrix. Chrysler objects to providing further information regarding the composition of its brake products because such information is a confidential proprietary trade secret. Chrysler stopped using asbestos in the brake linings manufactured at its Trenton Chemical facility in 1988.

Chrysler never mined, milled, manufactured, imported, processed or marketed raw asbestos fiber or insulating materials. No documents have been located reflecting that Chrysler ever sold raw

asbestos. Chrysler purchased chrysotile asbestos fiber from Asbestos Corporation, Limited, 830 Mooney Street, Bentford Mines, Quebec, Canada G6G5 1; Carey Canadian, P.O. Box 190, East Broughton Station PQ Canada G0N1H0; Johns-Manville, P.O. Box 5108, Ken Caryl Ranch, Denver, Colorado 80217, Lake Asbestos, International Fibers, Union Carbide Materials Division, A.T. Callas, Alma Products and Boehle Chemical, Inc.

For all times pertinent to this litigation, aside from the brake products supplied by Trenton Chemical, Chrysler purchased brake products from suppliers. Chrysler does not have specific information regarding the specific composition of the asbestos-containing friction products purchased from outside suppliers. Chrysler is aware that the suppliers have removed asbestos from most of its brake linings except for ones in which performance specifications cannot be reasonably met because a non-asbestos alternative has not been developed that meets performance requirements, such as rear drum brake linings in the Cirrus and Stratus with brake sales code "BRK" from September 1995 through January 1996; rear drum brake linings in the Ram Van/Wagon 3500 from September 1995 through the 1997 Model Year; rear drum brake linings in the Ram Regular Cab, Chassis Cab and Club Cab 3500 Pickup from September 1997 through the 1999 Model Year; rear drum brake linings in the Ram Quad Cab Pickup from September 1998 through the 1999 Model Year; and the rear drum brake linings in the Ram Regular Cab, Chassis Cab, Club Cab and Quad Cab 1500 Pickup from September 1999 through the 1999 Model Year.

Chrysler has purchased asbestos-containing brakes from Apex Corp. (American Brake Block), Bendix Corp. (AlliedSignal), Friction Material Division, Raybestos, Raybestos-Manhattan, Johns-Manville, Nuturn, Delphi, Galfer, Valeo Friction Development Products, Kelsey Hayes,

Marshall, Delco-Moraine and Ferodo. Brake parts have been sold by Chrysler under the trade names Mopar, CycleWeld, and CycleBond.

With respect to the physical appearance of Chrysler brake linings, the brake linings were solid tan or gray slate. Chrysler placed indented identification marks on its brake linings. Each brake lining was marked on its edge with a letter designation indicating the name of the manufacturer of the lining, the chemical composition of the lining (indicated by a combination of letters: "FE" or "EE"), followed by numbers indicating the friction level of the lining when normal and when hot, and four digits indicating calendaring for date of manufacture. As a new product, the finished materials are date coded and identified by manufacturer. After the product is used, it eventually becomes worn and therefore indistinguishable. The Chrysler logo or emblem was stamped on the brake shoes and brake support plate produced by Chrysler. For identification purposes, color indentation appeared on the lining perpendicular to the friction surface. Chrysler has not located documentation sufficient to allow it to describe markings on parts obtained from outside suppliers. Presently, the light truck brake pads which still contain asbestos are dipped in a green sealer.

With respect to the intended uses of the named products, brake linings are one component of a vehicle's brake system intended to safely slow or stop vehicles. In general, chrysotile asbestos was utilized in friction parts because it provided suitable friction, strength, binding, stability, heat resistance and other characteristics required to obtain proper performance of a vehicle's braking system.

Chrysler has sold motor vehicles identified as "Chrysler," "Plymouth," "DeSoto" and "Dodge" with original equipment asbestos-containing automotive transmission and clutch parts.

Chrysler service parts, including transmission and clutch parts, have been sold under the trade name Mopar.

Chrysler has never manufactured asbestos-containing clutches. However, Chrysler did obtain these parts from outside suppliers. At least since 1966, the suppliers of asbestos-containing automotive clutch parts for Chrysler motor vehicles were the following: Luk, Fichtel & Sachs, Borg & Beck Division of Borg Warner, Long Co., Lipe-Rollway, and Spicer Division of Dana Corp. Replacement parts Chrysler obtained from these suppliers were sold under the Mopar brand name through authorized dealerships.

Chrysler did not manufacture asbestos-containing automotive transmission and clutch parts, but obtained these parts from outside suppliers. Chrysler does not have information regarding the specific compositions of the asbestos-containing automotive transmission and clutch parts purchased from outside suppliers. Chrysler has not located documentation sufficient to allow it to describe markings on parts obtained from outside suppliers.

At least since 1966, the suppliers of asbestos-containing automotive clutch parts for Chrysler motor vehicles were the following: Bands for automatic transmissions for cars and trucks: Borg-Warner, Crawfordsville, Indiana. Clutch assemblies for passenger cars: Luk (since circa 1980), Germany. Clutch assemblies for light and medium trucks: Borg & Beck Division of Borg-Warner, Sterling Heights, Michigan, and Elgin, Illinois. Clutch assemblies for medium trucks: Long Co., Wisconsin. Clutch assemblies for heavy duty trucks: Lipe-Rollway, Syracuse, New York, and Spicer Division of Dana Corporation, Auburn, Indiana. Replacement parts (Clutch Disc Assemblies, Clutch Bands and Clutch Disc Sets) from these suppliers were sold under the Mopar brand names through authorized dealerships.

All documents presently available to Chrysler that contain information responsive to this interrogatory will be made available for inspection and copying at a mutually convenient time at the offices of Clark Hill, P.L.C. in Detroit, Michigan.

INTERROGATORY NO. 7: Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

ANSWER: Chrysler objects to Interrogatory No. 7 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further objecting, this interrogatory is overly burdensome. Subject to said objections and without waiving same, performance based specifications are developed for each brake design or each car or truck. It is unduly burdensome and harassing to provide information as to each and every formulation of the numerous models of vehicles manufactured since the 1920s. Because this interrogatory is so overly broad, no specific search can be conducted in response to same without great expense and thus, it has not been determined if responsive documents exist which may be withheld pursuant to the attorney work product, attorney-client, and/or consulting expert privileges.

Further answering, all documents presently available to Chrysler that contain information responsive to this interrogatory will be made available for inspection and copying at a mutually

convenient time at the offices of Clark Hill, P.L.C. in Detroit, Michigan. See documents produced in response to Interrogatory No. 6.

INTERROGATORY NO. 8: Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the date of each test.
- B. The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- C. The results of the tests.

ANSWER: Chrysler objects to Interrogatory No. 8 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Chrysler further objects to the use of the phrase "potential health hazards" as it is vague, undefined and over broad. Subject to said objections and without waiving same, formulations are developed for each brake design for each car or truck by either Chrysler's suppliers, or for certain models at certain times, by Chrysler. It is unduly burdensome to provide information as to each and every formulation of the numerous models or vehicles manufactured since the 1920s.

Chrysler understands this interrogatory to pertain to the use and installation of replacement asbestos-containing friction products identified in its answers to Interrogatories Nos. 3-6. Except for the brake linings manufactured by Chrysler for the period of time set forth therein, Chrysler purchased the friction products used in its automobiles, including brake linings, from suppliers.

Chrysler has no specific information regarding any such tests its suppliers may have performed as they would contain information proprietary to the suppliers.

Based on corporate records and ongoing investigation, Chrysler has determined at the time these responses were prepared that the following air sampling was conducted. Mr. Louis Gendernalik, a member of the Industrial Hygiene Department of Chrysler Corporation, first sampled air levels in 1972 and then again in 1975. The 1972 sampling was done at Chrysler's brake shoe plant testing garage. Two samples of mechanics working on brake drums were taken with a cellulose ester filter. The results were 0.25 fibers per cubic centimeter of air when the mechanic used a brush and 0.0 fibers per cubic centimeter when compressed air was used. In 1975, Mr. Gendernalik took air samples at Dodge Truck. Counts were taken with the use of a cellulose ester filter, and the results were 0.0 fibers per cubic centimeter of air. Although data from same exists, no formal report was prepared.

In 1971, D.P. Glazier, a member of the Industrial Hygiene Department of Chrysler sampled air levels at the Chelsea Proving Grounds while mechanics worked on brakes. The results were less than .1 fiber per cubic centimeter for an eight hour time-weighted average. In 1983, D.N. James, a member of the Industrial Hygiene Department of Chrysler sampled air levels at the Windsor Assembly Plant while two mechanics performed brake replacements on the tractor portion of a tractor trailer. The results were less than .1 fiber per cubic centimeter. In 1986, D.N. James performed air sampling at the Chelsea Proving Grounds while mechanics performed brake build-up and inspection operations. The results were less than .1 fiber per cubic centimeter. On two different occasions in 1989, G.W. Fischer, a member of the Industrial Hygiene Department of Chrysler,

sampled air levels at the Chelsea Proving Grounds in the vehicle test department. The results of both samples were less than .03.

All of the documents presently available to Chrysler that contain information responsive to this interrogatory will be made available for inspection and copying at a mutually convenient time at the offices of Clark Hill, P.L.C. in Detroit, Michigan.

INTERROGATORY NO. 9: Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER: See Responses to Interrogatories Nos. 7 and 8.

INTERROGATORY NO. 10: Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- A. The trade names of the products changed.
- B. The nature of the changes made and the date of such changes or modifications.
- C. The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

ANSWER: Asbestos content of some brakes have changed as scientific knowledge and governmental regulations have developed. However, no design changes or modifications were made to brake linings or friction products manufactured by Chrysler as a result of tests described in

Response to Interrogatory No. 8. With regard to friction products purchased from suppliers, design changes, if any, would have resulted from decisions made by those suppliers.

INTERROGATORY NO. 11: After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the "answer is affirmative," state:

- A. The names of the products tested and the dates of such tests.
- B. The name, address, and job title of each person who conducted those tests.
- C. The results of those tests.
- D. Whether, as a result of the tests, any products were removed from the market.
- E. The names of all products removed from the market as a result of these tests.

ANSWER: Chrysler objects to this interrogatory as it is vague, misleading and irrelevant, and it is unclear what Plaintiffs mean by "materials, such as asbestos." Chrysler periodically performed air sampling tests from 1972 through 1989 as set forth in response to Interrogatory No. 8. The results of these air sampling tests showed that the mechanics were not exposed to excessive levels of asbestos dust or an increased risk of disease from asbestos in the proper handling of Chrysler's friction products.

INTERROGATORY NO. 12: Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- A. The name of each product.
- B. A description of each document and how it relates to each product.

- C. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER: Chrysler objects to Interrogatory No. 12 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Chrysler further objects to the use of the phrase "potential health hazard" as it is vague, over broad and undefined and seeks irrelevant information to the extent it seeks information relating to conditions Plaintiffs do not allege. Subject to said objections and without waiving same, with regard to any documents responsive to this interrogatory, see Chrysler's answer to Interrogatory No. 7.

INTERROGATORY NO. 13: Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 8 or 11? If the answer is affirmative, state:

- A. The names of the products changed or modified.
- B. The name, address, and job title of each person responsible for having made a change or modification.
- C. The nature of the hazard or defect which resulted in such change or modification.

ANSWER: No design changes or modifications were made to brake linings or friction products manufactured by Chrysler as a result of tests described in Response to Interrogatory No. 8. With regard to friction products purchased from suppliers, design changes, if any, would have resulted from decisions made by those suppliers. The results of these air sampling tests showed that the mechanics were not exposed to excessive levels of asbestos dust or an increased risk of disease from asbestos in the proper handling of Chrysler's friction products.

INTERROGATORY NO. 14: Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6. If so, state:

- A. The names of each relevant product.
- B. The exact wording of each warning statement on each printed material.
- C. A description of the printed material other than the warning statement.
- D. The method used to distribute the warning to persons likely to use the product.
- E. The date each warning was first issued, distributed, or placed on packaging.
- F. The name, address, and job title of each person responsible for having drafted or issued the warning.
- G. The current location of any such printed material and the custodian thereof.
- H. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER: Chrysler objects to Interrogatory No. 14 as being overly broad, ambiguous, unduly burdensome, and not reasonably limited in scope or in time. Furthermore, Interrogatory No. 14 is vague and fails to set forth with reasonable particularity those items to be produced as required under Rule 196.1(b) and is therefore outside the scope of permissible discovery. Further objecting, this interrogatory is sought for the purposes of harassment and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing, Chrysler states that automotive brake and clutch parts have been accompanied by cautionary language. The first Chrysler service manual containing such language concerning brake parts was printed in 1973, as follows:

CAUTION: When resurfacing or refacing brake shoes follow manufacturer recommendations for proper use of their equipment. Whatever equipment is used, ensure that proper ventilation is provided to remove asbestos dust, which can be detrimental to health.

The following language first appeared in Chrysler's 1984 service manuals regarding brake service:

CAUTION: When servicing brake assemblies or components, do not create dust by sanding, grinding or by cleaning brake parts with a dry brush or with compressed air. A water dampened cloth should be used. Many brake components contain asbestos fibers which can become airborne if dust is created during service operations. Breathing dust which contains asbestos fibers can cause serious bodily harm.

The following language appeared in Chrysler's 1984 service manual regarding clutch assemblies:

CAUTION: When servicing clutch assemblies or components do NOT create dust by sanding or by cleaning clutch parts with a dry brush or with compressed air. (A water dampened cloth should be used.) The dust is created during service operations. Breathing dust containing "Asbestos Fibers" may cause serious bodily harm.

Such language has generally appeared in service manuals since 1984.

Based upon the best information available, from 1973 to the present, the cartons for Chrysler's asbestos-containing replacement parts sold through its Mopar Division contained one of the following:

DANGER

CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

CAUTION

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THIS PRODUCT CONTAINS ASBESTOS.
AVOID CREATING DUST.
BREATHING ASBESTOS MAY RESULT IN SERIOUS BODILY HARM.

CAUTION

AVOID CREATING OR
BREATHING DUST.

CONTAINS HAZARDOUS
SUBSTANCES WHICH
MAY CAUSE LUNG INJURY

Caution: Contains asbestos fibers. Avoid
creating dust. Breathing asbestos dust may
cause serious bodily harm.

When servicing this brake lining or any component related to it or located near it, prevent asbestos dust from becoming airborne by vacuuming the assembly with an industrial type vacuum cleaner equipped with a high efficiency filter system and by washing the assembly with an appropriate brake parts washer if necessary. Never remove dust or dirt from this assembly by blowing with compressed air.

INTERROGATORY NO. 15: Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Dallas County, Texas, is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- A. The name and address of each claimant.
- B. The date of notice of each claim.
- C. A description of the claim.
- D. The type of injuries allegedly sustained.

- E. The name and address of each attorney who represents each individual making a claim.
- F. The style and court number of each claim.
- G. The disposition of each claim that has been settled or taken to judgment.

ANSWER: Chrysler objects to Interrogatory No. 15 to the extent it is overly broad, vague and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Chrysler further objects to this interrogatory as it is unduly burdensome and the answer to this interrogatory would require a physical review of virtually every writing retained by Chrysler which would be impossible. Further objecting, this interrogatory seeks to review Chrysler's attorneys' work product and trial preparation outside the scope of permissible discovery under the Texas Rules of Procedure. Subject to the foregoing objection(s) and without waiving same, Chrysler has found no record of a product liability lawsuit or claim before 1970 alleging injury from exposure to asbestos.

INTERROGATORY NO. 16. Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

ANSWER: Chrysler objects to Interrogatory No. 16 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery. Subject to the foregoing objection(s) and without waiving same, Chrysler generally sold new automobiles and replacement parts through authorized dealerships.

Chrysler distributed asbestos-containing automotive brake and clutch replacement parts under the Mopar, Cycleweld and/or Cyclebond trade names through authorized, independent warehouse distributors.

All documents presently available to Chrysler that contain information responsive to this interrogatory will be made available for inspection and copying at a mutually convenient time at the offices of Clark Hill, P.L.C. in Detroit, Michigan.

INTERROGATORY NO. 17. Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Texas and Virginia? If so, state:

- A. The name and address of each such distributor or sales representatives.
- B. The years in which such company or person distributed, marketed, or sold your products.
- C. What products were distributed, marketed, or sold and in what years.

ANSWER: See answer and objections to Interrogatory No. 16. It is not possible for Chrysler to identify every different dealership and distributor that has existed in the states of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Texas and Virginia since 1925.

INTERROGATORY NO. 18: List each employee (including only physicians and/or hygienists who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER: Chrysler objects to Interrogatory No. 18 to the extent it is unreasonably broad in time and seeks irrelevant information outside the scope of permissible discovery. Further objecting, the

term "medical advisory capacity" is overly broad, vague and ambiguous. Subject to said objection and without waiving same, Chrysler has no documents or summaries that identify all the individuals that worked for Chrysler throughout its history specifically responsive to this request. Based on available information, Chrysler has been able to identify the following managers and directors of its medical and hygiene areas: Dr. Martin Bruten - deceased (former Medical Director); Dr. Marian Jozs - deceased (former Medical Director); Dr. Robert McIntosh - deceased (former Medical Director); Dr. Orlo Robinson (former Medical Director); Dr. Robert Brandt (former Medical Director and Director of Occupational Health & Safety); Dr. Robert Morris (present Lead Physician); J.E. Thomas (present Director of Occupational Health & Safety); Neil McCannum (former Director of Occupational Health & Safety); Gerald Sattelmeyer (former Manager of Industrial Hygiene); William Watt (present Manager of Industrial Hygiene).

INTERROGATORY NO. 19: Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- A. The name of each such publication.
- B. The date of publication and the names of the author and publisher (if any).
- C. The date received by Defendant, if known.
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER: Chrysler objects to Interrogatory No. 19 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure.

Chrysler has had and does have books and other written material that relate to asbestos. Chrysler cannot provide the information requested for every book, report, pamphlet or other document it has ever had regarding asbestos. Chrysler has numerous facilities throughout the United States and it is not possible to retrieve and identify every document related to this subject. Chrysler does not have a centralized library or library system that would contain documents responsive to this request. Chrysler was generally aware of and received documents available to the professional community, including its industrial hygiene professionals, regarding asbestos and the potential hazards associated with excessive exposure to asbestos.

INTERROGATORY NO. 20: Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state

- A. The name and address of each such association or organization.
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- D. Whether any of those publications are still in your possession, and if so:
 - 1. A description of the publications, including the date.
 - 2. The current location of such publications
 - 3. The custodian of such publications.
 - 4. The method or manner in which such publications are maintained.

ANSWER: Chrysler objects to Interrogatory No. 20 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Chrysler further objects to this interrogatory as it is unduly burdensome and oppressive, because the answer to this interrogatory would require a physical review of virtually every writing ever received by any employee of the Chrysler which would be impossible to do. Further objecting, this interrogatory seeks to review Chrysler's attorney's work product and trial preparation and is outside the scope of permissible discovery under the Texas Rules of Civil Procedure.

Without waiving these objections, Chrysler or its employees, or both, have throughout the years had memberships in a variety of organizations and at a variety of times. It would be impossible to identify each organization or group. However, the following is a list of some of the organizations or groups responsive to this request: the American Industrial Hygienists Association (AIHS); the Friction Material Standard Institute; the Industrial Hygiene Foundation; the American Academy of Industrial Hygienists; the Michigan Industrial Hygiene Society; National Safety Council; the Motor Vehicles Manufacturers Association; the Battery Council International; the Society of Automotive Engineers; the Engineering Society of Detroit; the Adhesive and Sealant Council; American Society for Testing Materials; American College of Toxicology; Michigan section of the Society of Toxicology; Board of Certified Safety Professionals; and the American Chemical Society. Generally, Chrysler or its employees may have received documents disseminated from these groups and organizations.

INTERROGATORY NO. 21: Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

ANSWER: Chrysler objects to Interrogatory No. 21 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further objecting, this interrogatory seeks irrelevant information regarding the assembly of automobiles which have taken place since 1925 and is, therefore, unduly burdensome and overly broad.

Subject to the foregoing objections and without waiving same, Chrysler manufactured a portion of the brake linings utilized in Chrysler automobiles, from 1959 to 1988 at Trenton Chemical Plant in Michigan. Asbestos was not used in the manufacture of brake linings after 1988 at this facility. All other friction materials sold by Chrysler in its automobiles or as replacement parts were manufactured by the various suppliers previously identified.

Over the years, Chrysler assembled its friction products at its Toledo Machining Plant, Detroit Forge and Axle Plant and Kokomo Transmission Plant. Chrysler's Mopar Division would have packaged replacement friction products at its Warren, Michigan, Marysville, Michigan or Centerline, Michigan facilities.

INTERROGATORY NO. 22: Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

A. The name, address, and job title of each person or entity who prepared such materials.

- B. The name, address, and job title of each person who currently has possession of such materials and their present location.
- C. The ~~date~~ the materials were prepared.
- D. The media used to disseminate the sales materials.

ANSWER. Chrysler objects to Interrogatory No. 22 as being overly broad, ambiguous, unduly burdensome, and not reasonably limited in scope or in time. Furthermore, Interrogatory No. 22 is vague and fails to set forth with reasonable particularity those items to be produced as required under Rule 196 and is therefore outside the scope of permissible discovery. Further objecting, this interrogatory is sought for the purposes of harassment and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, and without waiving same, for the period from 1930 through 1985, Chrysler created sales materials for the replacement parts referenced previously. Chrysler is in possession of some printed materials promoting Chrysler's Cyclebond brake linings, from the 1950s, and Mopar performance parts from the 1980s.

All documents presently available to Chrysler that contain information responsive to this interrogatory will be made available for inspection and copying at a mutually convenient time at the offices of Clark Hill, P.L.C. in Detroit, Michigan.

INTERROGATORY NO. 23.: Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- A. The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.

- B. The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- C. The ~~dates~~ of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- D. The year each such written material or instruction was prepared and disclosed to potential consumers.

ANSWER: Chrysler objects to Interrogatory No. 23 to the extent it seeks information outside the scope of permissible discovery. This interrogatory is sought for purposes of harassment and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence and is unlimited in time or scope.

Further objecting, this interrogatory is overly broad, ambiguous, unduly burdensome, and not reasonably limited in scope or in time. Furthermore, Interrogatory No. 23 is vague and fails to set forth with reasonable particularity those items to be produced as required under Rule 196 (b).

Subject to the foregoing, Chrysler states that automotive brake and clutch parts have been accompanied by cautionary language on packaging and in manuals at various times. The first Chrysler service manual containing such language concerning brake parts was printed in 1973 as follows:

CAUTION: When resurfacing or refacing brake shoes follow manufacturing recommendations for proper use of their equipment. Whatever equipment is used, ensure that proper ventilation is provided to remove asbestos dust, which can be detrimental to health.

The following language first appeared in Chrysler's 1984 service manuals regarding brake service:

CAUTION: When servicing brake assemblies or components, do not create dust by sanding, grinding or by cleaning brake parts with a dry

brush or with compressed air. A water dampened cloth should be used. Many brake components contain asbestos fibers which can become airborne if dust is created during service operations. Breathing dust which contains asbestos fibers can cause serious bodily harm.

The following language appeared in Chrysler's 1984 service manual regarding clutch assemblies:

CAUTION: When servicing clutch assemblies or components do NOT create dust by sanding or by cleaning clutch parts with a dry brush or with compressed air. (A water dampened cloth should be used.) The dust is created during service operations. Breathing dust containing "Asbestos Fibers" may cause serious bodily harm.

Such language has generally appeared in service manuals since 1984.

Based upon the best information available, from 1973 to the present, the cartons for Chrysler asbestos-containing replacement parts contained one of the following:

DANGER

CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

CAUTION

THIS PRODUCT CONTAINS ASBESTOS.
AVOID CREATING DUST.
BREATHING ASBESTOS MAY RESULT IN SERIOUS BODILY HARM.

CAUTION

AVOID CREATING OR
BREATHING DUST.

CONTAINS HAZARDOUS

SUBSTANCES WHICH
MAY CAUSE LUNG INJURY

Caution: Contains asbestos fibers. Avoid
creating dust. Breathing asbestos dust may
cause serious bodily harm.

When servicing this brake lining or any component related to it or
located near it, prevent asbestos dust from becoming airborne by
vacuuming the assembly with an industrial type vacuum cleaner
equipped with a high efficiency filter system and by washing the
assembly with an appropriate brake parts washer if necessary. Never
remove dust or dirt from this assembly by blowing with compressed
air.

INTERROGATORY NO. 24: Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this interrogatory need not be supplemented as to the remaining amount of coverage).

ANSWER: Chrysler is presently self-insured and has been self-insured subsequent to 1972. Chrysler was insured by the Hartford Insurance Company from 1926 through 1972. There were separate policies for each year.

INTERROGATORY NO. 25: As to the disease asbestosis, state

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant became aware of the existence of the disease.
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.

- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. ~~Whether any~~ such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

ANSWER: Chrysler objects to this Interrogatory as overly broad, unduly burdensome and vague. Chrysler defers to the reasoned judgment and opinions of its medical expert witnesses and the credible medical literature on all such questions of human diseases, their causes, and diagnoses. Subject to the foregoing objections and without waiving same, Chrysler offers the following:

The scientific and medical body of knowledge which relates to the answer to this Interrogatory has undergone continual evolution from the early part of this century until the present day. One common fact which resonates throughout this evolutionary period is that asbestos diseases or conditions of all types are dose-response conditions, meaning the higher the dose of asbestos breathed into the lungs, the greater chance of the development of disease. Another common characteristic of asbestos-related conditions or diseases is the long latency between exposure and the manifestation of the condition or disease. It is impossible to explain or understand the occurrence of asbestos-related conditions or diseases in human beings without a thorough understanding of both dose-response and latency. Again, Chrysler defers to the reasoned judgment and opinions of its medical and scientific expert witnesses on all such questions of human diseases, their causes, and diagnoses.

By keeping abreast of the governmental, medical and scientific bodies of knowledge through the years, Chrysler generally became aware that exposures to high levels of asbestos dust in its pure or almost pure forms in manufacturing factories in England, day-in and day-out for a working lifetime, could cause a condition known as asbestosis. The primary study which signaled the general awareness of asbestosis in American workers was the 1938 study by Dr. Dreessen, U.S. Public Health Bulletin No. 241, which reported some asbestosis in asbestos textile factory workers and concluded that if asbestos dust concentrations in the air breathed are kept below 5 million particles per cubic foot, new cases of asbestosis would not appear.

End product users, such as insulators and/or pipe coverers, were not felt to be at risk of asbestos-related conditions as reported by major studies until the early to mid-1960s. From 1946 until approximately the early 1970s, the American Conference of Governmental Industrial Hygienists published the Threshold Limit Value ("TLV") for exposure to asbestos dust at 5 million particles per cubic foot. This level of exposure was adopted by the United States Department of Labor under the Walsh-Healey Public Contracts Act of 1952. It was not until the mid to later 1970s that there were sufficient studies to illustrate that job site "bystanders" were also at risk for various asbestos-related diseases or conditions.

Chrysler learned that mere exposure to asbestos, without more, does not cause asbestosis. Chrysler has generally learned that inhalation of certain types and quantities of asbestos fibers over certain periods of time is associated with an increased risk of asbestosis for some people. The specifics of exactly how or when Chrysler personnel acquired such knowledge is not certain, but it is believed to have been by the 1940s.

The specifics of exactly how Chrysler personnel acquired such knowledge or awareness is not reasonably ascertainable, but it is probable that it came from reading government publications or other public documents, reports, studies or journals. Chrysler obtained this level of knowledge based upon what was published or reasonably available at that time.

With regard to the Plaintiffs in this litigation, proper handling of automotive friction materials does not create an increased level of asbestosis. The air sampling tests performed by Chrysler, as set forth in response to Interrogatory No. 8, showed that mechanics properly using Chrysler's friction products were not exposed to excessive levels of asbestos dust or an increased risk of disease from asbestos.

INTERROGATORY NO. 26: As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER: Chrysler objects to this Interrogatory as overly broad, unduly burdensome and vague. Chrysler defers to the reasoned judgment and opinions of its medical expert witnesses and the credible medical literature on all such questions of human diseases, their causes, and diagnoses. Subject to the foregoing objections and without waiving same, Chrysler offers the following:

The scientific and medical body of knowledge which relates to the answer to this Interrogatory has undergone continual evolution from the early part of this century until the present day. One common fact which resonates throughout this evolutionary period is that asbestos diseases or conditions of all types are dose-response conditions, meaning the higher the dose of asbestos breathed into the lungs, the greater chance of the development of disease. Another common characteristic of asbestos-related conditions or diseases is the long latency between exposure and the manifestation of the condition or disease. It is impossible to explain or understand the occurrence of asbestos-related conditions or diseases in human beings without a thorough understanding of both dose-response and latency. Again, Chrysler defers to the reasoned judgment and opinions of its medical and scientific expert witnesses on all such questions of human diseases, their causes, and diagnoses.

By keeping abreast of the governmental, medical and scientific bodies of knowledge through the years, Chrysler generally became aware that exposures to high levels of asbestos dust in its pure or almost pure forms in manufacturing factories in England, day-in and day-out for a working lifetime, could cause a condition known as asbestosis. The primary study which signaled the general awareness of asbestosis in American workers was the 1938 study by Dr. Dreessen, U.S. Public Health Bulletin No. 241, which reported some asbestosis in asbestos textile factory workers and

concluded that if asbestos dust concentrations in the air breathed are kept below 5 million particles per cubic foot, new cases of asbestosis would not appear.

End product users, such as insulators and/or pipe coverers, were not felt to be at risk of asbestos-related conditions as reported by major studies until the early to mid-1960s. From 1946 until approximately the early 1970s, the American Conference of Governmental Industrial Hygienists published the Threshold Limit Value ("TLV") for exposure to asbestos dust at 5 million particles per cubic foot. This level of exposure was adopted by the United States Department of Labor under the Walsh-Healey Public Contracts Act of 1952. It was not until the mid to later 1970s that there were sufficient studies to illustrate that job site "bystanders" were also at risk for various asbestos-related diseases or conditions.

Chrysler disagrees with the premise of this Interrogatory because whether lung cancer can be caused by the inhalation of asbestos is a complicated medical question that depends on such factors as level of exposure, fiber type, smoking history, individual risk factors and more. Cigarette smoking is far and away the leading cause of lung cancer in the world. Without properly accounting for the role of cigarette smoking in any individual's case, it is impossible to assess the lung cancer risk from other exposures. Such is the case with asbestos. Chrysler believes, through the expertise of its medical and scientific consultants, that the credible governmental, medical and scientific literature to date confirms that lung cancer cannot be attributed to asbestos exposure in the absence of underlying asbestosis. Again, the TLV of 5 million particles per cubic foot of air which was the standard from the 1940s through the 1960s was designed to prevent asbestos disease; therefore, lung cancer was not expected to occur from asbestos exposure if these guidelines were followed. Further, those persons believed to be at risk in the sequence of asbestosis and lung cancer were those in the

textile and mining industries, not end product users, until sometime in the mid to late 1960s. Through its expert medical and scientific consultants, Chrysler has become aware of a study by Sir Richard Doll, published in or around 1955 which found an elevated incidence of lung cancer in workers who were certified by the British government with asbestosis. As this study was disseminated and as it became accepted as authoritative, it became known to stand for the proposition that asbestos exposure contributed to cause lung cancer only in cases where individuals also developed underlying asbestosis. Chrysler likely would have learned of this study at or around the time it was published in the medical literature.

With regard to the Plaintiffs in this litigation, proper handling of automotive friction materials does not create an increased level of lung cancer. The air sampling tests performed by Chrysler, as set forth in response to Interrogatory No. 8, showed that mechanics properly using Chrysler's friction products were not exposed to excessive levels of asbestos dust or an increased risk of disease from asbestos.

INTERROGATORY NO. 27: As to pleural disease, pleural thickening or pleural plaques, state:

- A. The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- F. Who is the custodian of such information.

ANSWER: Chrysler objects to this Interrogatory as overly broad, unduly burdensome and vague. Chrysler defers to the reasoned judgment and opinions of its medical expert witnesses and the credible medical literature on all such questions of human diseases, their causes, and diagnoses. Subject to the foregoing objections and without waiving same, Chrysler offers the following

The scientific and medical body of knowledge which relates to the answer to this Interrogatory has undergone continual evolution from the early part of this century until the present day. One common fact which resonates throughout this evolutionary period is that asbestos diseases or conditions of all types are dose-response conditions, meaning the higher the dose of asbestos breathed into the lungs, the greater chance of the development of disease. Another common characteristic of asbestos-related conditions or diseases is the long latency between exposure and the manifestation of the condition or disease. It is impossible to explain or understand the occurrence of asbestos-related conditions or diseases in human beings without a thorough understanding of both dose-response and latency. Again, Chrysler defers to the reasoned judgment and opinions of its medical and scientific expert witnesses on all such questions of human diseases, their causes, and diagnoses.

By keeping abreast of the governmental, medical and scientific bodies of knowledge through the years, Chrysler generally became aware that exposures to high levels of asbestos dust in its pure or almost pure forms in manufacturing factories in England, day-in and day-out for a working lifetime, could cause a condition known as asbestosis. The primary study which signaled the general

awareness of asbestosis in American workers was the 1938 study by Dr. Dreessen, U.S. Public Health Bulletin No. 241, which reported some asbestosis in asbestos textile factory workers and concluded that if asbestos dust concentrations in the air breathed are kept below 5 million particles per cubic foot, new cases of asbestosis would not appear.

End product users, such as insulators and/or pipe coverers, were not felt to be at risk of asbestos-related conditions as reported by major studies until the early to mid-1960s. From 1946 until approximately the early 1970s, the American Conference of Governmental Industrial Hygienists published the Threshold Limit Value ("TLV") for exposure to asbestos dust at 5 million particles per cubic foot. This level of exposure was adopted by the United States Department of Labor under the Walsh-Healey Public Contracts Act of 1952. It was not until the mid to later 1970s that there were sufficient studies to illustrate that job site "bystanders" were also at risk for various asbestos-related diseases or conditions.

The use of the term "pleural disease" is misleading. The pleural reactions to asbestos can be divided into pleural plaques, pleural effusion and diffuse pleural thickening. Chrysler believes, through the expertise of its medical and scientific consultants, that pleural plaques do not cause symptoms, such as reduced lung function. The only pleural reaction (excluding mesothelioma which is covered in Interrogatory No. 28), which causes symptoms is, in certain instances, diffuse pleural thickening. It was not until the late 1940s before references in the literature clearly linked asbestos exposure to pleural plaques and pleural thickening. Chrysler would have become aware of the results of these studies at or around the time they were published in the medical literature.

The evidence at the present time suggests to Chrysler that isolated pleural plaques in the absence of asbestosis or diffuse pleural thickening are not associated with clinically detectable

restrictive impairment. Pleural reactions as described herein are not believed to be a precursor to any other conditions, such as lung cancer or mesothelioma.

The specifics of exactly how Chrysler personnel acquired such knowledge or awareness is not reasonably ascertainable, but it is probable that it came from reading government publications or other public documents, reports, studies or journals. Chrysler obtained this level of knowledge based upon what was published or reasonably available at that time.

With regard to the Plaintiffs in this litigation, proper handling of automotive friction materials does not create an increased level of pleural thickening. The air sampling tests performed by Chrysler, as set forth in response to Interrogatory No. 8, showed that mechanics properly using Chrysler's friction products were not exposed to excessive levels of asbestos dust or an increased risk of disease from asbestos.

INTERROGATORY NO. 28: As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.

G. Who is the custodian of such information.

H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER: Chrysler objects to this Interrogatory as overly broad, unduly burdensome and vague. Chrysler defers to the reasoned judgment and opinions of its medical expert witnesses and the credible medical literature on all such questions of human diseases, their causes, and diagnoses. Subject to the foregoing objections and without waiving same, Chrysler offers the following:

The scientific and medical body of knowledge which relates to the answer to this Interrogatory has undergone continual evolution from the early part of this century until the present day. One common fact which resonates throughout this evolutionary period is that asbestos diseases or conditions of all types are dose-response conditions, meaning the higher the dose of asbestos breathed into the lungs, the greater chance of the development of disease. Another common characteristic of asbestos-related conditions or diseases is the long latency between exposure and the manifestation of the condition or disease. It is impossible to explain or understand the occurrence of asbestos-related conditions or diseases in human beings without a thorough understanding of both dose-response and latency.

By keeping abreast of the governmental, medical and scientific bodies of knowledge through the years, Chrysler generally became aware that exposures to high levels of asbestos dust in its pure or almost pure forms in manufacturing factories in England, day-in and day-out for a working lifetime, could cause a condition known as asbestosis. The primary study which signaled the general awareness of asbestosis in American workers was the 1938 study by Dr. Dreessen, U.S. Public Health Bulletin No. 241, which reported some asbestosis in asbestos textile factory workers and

concluded that if asbestos dust concentrations in the air breathed are kept below 5 million particles per cubic foot, new cases of asbestosis would not appear.

End product users, such as insulators and/or pipe coverers, were not felt to be at risk of asbestos-related conditions as reported by major studies until the early to mid-1960s. From 1946 until approximately the early 1970s, the American Conference of Governmental Industrial Hygienists published the Threshold Limit Value ("TLV") for exposure to asbestos dust at 5 million particles per cubic foot. This level of exposure was adopted by the United States Department of Labor under the Walsh-Healey Public Contracts Act of 1952. It was not until the mid to later 1970s that there were sufficient studies to illustrate that job site "bystanders" were also at risk for various asbestos-related diseases or conditions.

The specifics of how or when Chrysler personnel learned of the link between exposure to certain types of asbestos and mesothelioma is uncertain, but would have probably been at or around the time the Wagner, et al. study was published in the medical literature. The disease mesothelioma was first linked to asbestos exposure in 1960 in a group of case reports published by Dr. J. C. Wagner, et al. This study involved individuals with suspected exposure to a particular fiber-type of asbestos, crocidolite, which was mined and processed in the Northwestern Cape Province of South Africa. The ability of other types of asbestos, such as chrysotile, to cause mesothelioma has been the subject of much debate, and reported associations between mesothelioma and exposures to amosite asbestos did not come until years after Dr. Wagner's study. There is still a credible and significant school of thought which supports the conclusion that chrysotile asbestos does not cause mesothelioma.

Chrysler is aware, through its medical experts and scientific consultants, that some treatment courses have been successful in "curing" certain individual cases of mesothelioma under the circumstances of those cases. Chrysler is also aware, through its medical experts and scientific consultants, that research is ongoing regarding the efficacy of certain drug, chemical, radiation and surgical treatment courses which may have worked to cure mesothelioma in individual cases and may prove valuable as more than palliative treatments for the disease. Of course, Chrysler defers to the reasoned judgment and opinions of its medical expert witnesses on all such questions of human disease, their causes, diagnosis and treatment.

With regard to the Plaintiffs in this litigation, proper handling of automotive friction materials does not create an increased level of mesothelioma. The air sampling tests performed by Chrysler, as set forth in response to Interrogatory No. 8, showed that mechanics properly using Chrysler's friction products were not exposed to excessive levels of asbestos dust or an increased risk of disease from asbestos.

INTERROGATORY NO. 29: As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.
- B. What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?
- C. The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- D. Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.

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- E. What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.

ANSWER: Chrysler objects to this Interrogatory as overly broad, unduly burdensome and vague. Chrysler defers to the reasoned judgment and opinions of its medical expert witnesses and the credible medical literature on all such questions of human diseases, their causes, and diagnoses. Subject to the foregoing objections and without waiving same, Chrysler offers the following:

Chrysler has never learned that any of these malignancies are caused by asbestos exposure. Whether or not asbestos is a risk factor for gastrointestinal, laryngeal and pharyngeal carcinoma is a subject of much debate among the medical professionals to date. Chrysler, through its medical and scientific consultants, is unaware of any studies proving that asbestos causes, or is a risk factor for, lymphatic cancer.

Chrysler understands that gastro-intestinal cancer includes colo-rectal and gastric carcinoma. Due to confounding factors such as diet, ethnic origin, place of residence (urban v. rural) and uncertainty of diagnosis, the relationship between asbestos exposure and these tumors remains unconvincing.

Chrysler has never learned that asbestos exposure causes laryngeal or pharyngeal cancer. The few studies which some experts who regularly testify for plaintiffs' lawyers rely upon to show asbestos exposure is associated with these tumors are flawed and do not meet the criteria set forth in *Merrill Dow Pharmaceuticals, Inc. v. Havner*, 953 S.W.2d 706 (Tex. 1997). These tumors are virtually never seen in non-smokers. Additionally, alcohol consumption is a known risk factor. If

alcohol and tobacco are properly taken into account, Chrysler believes, as Liddell reported in his review of all the studies available up to 1990, that there is insufficient evidence to confirm an association between asbestos and laryngeal cancer.

Mesothelioma - The specifics of how or when Chrysler personnel learned of the link between exposure to certain types of asbestos and mesothelioma is uncertain, but would have probably been at or around the time the Wagner, et al. study was published in the medical literature. The disease mesothelioma was first linked to asbestos exposure in 1960 in a group of case reports published by Dr. J. C. Wagner, et al. This study involved individuals with suspected exposure to a particular fiber-type of asbestos, crocidolite, which was mined and processed in the Northwestern Cape Province of South Africa. The ability of other types of asbestos, such as chrysotile, to cause mesothelioma has been the subject of much debate, and reported associations between mesothelioma and exposures to amosite asbestos did not come until years after Dr. Wagner's study. There is still a credible and significant school of thought which supports the conclusion that chrysotile asbestos does not cause mesothelioma.

Lung cancer - Chrysler disagrees with the premise of this Interrogatory because whether lung cancer can be caused by the inhalation of asbestos is a complicated medical question that depends on such factors as level of exposure, fiber type, smoking history, individual risk factors and more. Cigarette smoking is far and away the leading cause of lung cancer in the world. Without properly accounting for the role of cigarette smoking in any individual's case, it is impossible to assess the lung cancer risk from other exposures. Such is the case with asbestos. Chrysler believes, through the expertise of its medical and scientific consultants, that the credible governmental, medical and scientific literature to date confirms that lung cancer cannot be attributed to asbestos exposure in the

absence of underlying asbestosis. Again, the TLV of 5 million particles per cubic foot of air which was the standard from the 1940s through the 1960s was designed to prevent asbestos disease; therefore, lung cancer was not expected to occur from asbestos exposure if these guidelines were followed. Further, those persons believed to be at risk in the sequence of asbestosis and lung cancer were those in the textile and mining industries, not end product users, until sometime in the mid to late 1960s. The first significant medical study that linked asbestos exposure to lung cancer was published in the mid-1950s by Sir Richard Doll. Chrysler likely would have learned of the study at or around the time it was published in the medical literature.

With regard to the Plaintiffs in this litigation, proper handling of automotive friction materials does not create an increased level of gastro-intestinal cancer. The air sampling tests performed by Chrysler, as set forth in response to Interrogatory No. 8, showed that mechanics properly using Chrysler's friction products were not exposed to excessive levels of asbestos dust or an increased risk of disease from asbestos.

INTERROGATORY NO. 30: Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

ANSWER. Chrysler objects to Interrogatory No. 30 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Chrysler further objects that this interrogatory is irrelevant as it sets forth a test which is not the best for product safety under any

legal standard. Without waiving these objections, every product or material can have some risk or hazard associated with its use.

The air sampling tests conducted by Chrysler, as identified in Interrogatory No. 8, showed that mechanics who properly handled automotive friction products were not exposed to excessive asbestos fibers or an increased risk of asbestos related disease. During the braking process, brake products are subject to substantial change because of extreme temperatures, abrasion and shearing forces. The asbestos in an automobile friction product is transferred into an inert, non-pathogenic mineral, forsterite.

INTERROGATORY NO. 31: Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

ANSWER: Chrysler objects to Interrogatory No. 31 for the reason that it is overly broad, vague and is unlimited in reasonable time or scope and therefore is outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Subject to said objections and without waiving same, Chrysler has sold automobiles with friction materials containing asbestos already installed in the vehicles. Vehicles are generally not shipped in packages.

Replacement parts sold by Chrysler that contained friction materials containing asbestos were shipped in cardboard cartons of various sizes. Chrysler does not now have available to it all of the information requested for all packaging it used through the years. However, by way of example, according to a service parts processing and packaging specification, dated August 8, 1995, the size of a cardboard container for brake lining shoe and front wheel disc was 5.25" x 1.5" x 7.75". In

addition to warnings set forth previously, the packaging would have contained the Chrysler's logo which is a five pointed star (known as the "Pentastar"). At times, parts were sold under the trade names of Mopar, CycleWeld, and CycleBond. Also, see Responses to Interrogatory Nos. 14 and 23.

INTERROGATORY NO. 32. Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement,

- A. The name of the company manufacturing the asbestos products.
- B. The trade name affixed to those products.
- C. The periods of time covered by each such agreement.
- D. The volume, in dollar amount, of each transaction.
- E. The initial purchaser of the products.

ANSWER: Chrysler objects to the term "rebranding" to the extent that it is vague, ambiguous, and confusing. Chrysler does not know what is meant by the term "rebranding agreements." Subject to this objection, and without waiving same, Chrysler has not located any agreements regarding rebranding of asbestos-containing automotive brake and/or clutch parts manufactured, sold, supplied or distributed by others. Chrysler states that it purchased from its suppliers brake and clutch parts, some of which were incorporated into Chrysler vehicles as original equipment and some of which were sold as replacement parts for Chrysler vehicles.

INTERROGATORY NO. 33. List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

ANSWER: Chrysler objects to Interrogatory No. 33 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery. Chrysler further objects to Interrogatory No. 33 for the reason that it seeks information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure 192.3. Further objecting, this interrogatory is unclear, vague, ambiguous, overly broad as it is not limited in time, scope or area, and unduly burdensome. Subject to said objections, Chrysler states as follows:

Brakes: Over the years, Chrysler purchased brakes containing asbestos. Chrysler is aware that Delphi and AlliedSignal supplied asbestos-containing brakes for its light truck models during the 1990s. However, historically Chrysler is aware of no records that would allow it to identify the year or time period the brakes were purchased or the quantities of brakes purchased. Information identifying some of this information can be found in documents referenced in Chrysler's Answer to Interrogatory No. 6. Further answering, Chrysler has purchased brakes from: Abex Corporation, Bendix (AlliedSignal); Raybestos, Raybestos-Manhattan, Johns-Manville, Nuturn, Delphi, Calfer, Valeo Friction Development Products, Kelsey Hayes, Marshall, Ferodo and Delco-Moraine

Clutches: Over the years, Chrysler purchased clutches containing asbestos. Chrysler is aware of no records that would allow it to identify the year or time period the clutches were purchased or the quantities of clutches purchased. Information identifying some of this information can be found in documents referenced in Chrysler's Answer to Interrogatory No. 6. Further answering, Chrysler has purchased clutches from: Luck, Fichtel & Sachs, Borg & Beck Division of Borg Warner, Long Company, Lipe-Rollway, and Spicer Division of Dana Corporation.

Automatic Transmission Bands: Borg Warner.

Chrysotile: Over the years, Chrysler purchased chrysotile asbestos for manufacturing brake

linings from:

Asbestos Corporation, Limited
830 Mooney Street
Bentford Mines
Quebec, Canada G6G5L

Carey Canadian
P.O. Box 190
East Braughton Station
PQ Canada G0N1H0

Johns-Manville
P.O. Box 5108
Toledo, Ohio

Ken Caryl Ranch
Denver, Colorado 80217

Lake Asbestos of Quebec, Ltd.
P.O. Box 608
Black Lake
Quebec, Canada

International Fibers

Union Carbide Materials Division

A.T. Callas

Alma Products

Boenle Chemical, Inc.

INTERROGATORY NO. 34: Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- A. The name, address, and Job title of each person having custody of each of those documents and their current location.

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- B. A brief description of each such document, including the dates and the parties signatory.

ANSWER: Chrysler objects to the term "rebranding" to the extent that it is vague, ambiguous, and confusing. Chrysler does not know what is meant by the term "rebranding agreements." Subject to this objection, and without waiving same, Chrysler has been unable to locate any documents which are responsive to this interrogatory.

INTERROGATORY NO. 35: Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- B. The disease alleged in each such claim.
- C. A brief summary of the disposition of each such claim.
- D. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER: Chrysler objects to Interrogatory No. 35 for the reason that it is overly broad, vague, ambiguous and irrelevant and not reasonably calculated to lead to the discovery of admissible evidence as required by Rule 192.3 of the Texas Rules of Civil Procedure. Further, the information sought is irrelevant and immaterial for the reasons that whether or not workers' compensation claims have been filed has no relevance to the end user of Chrysler's product. This interrogatory is further objectionable as being burdensome, and is sought merely for purposes of harassment. Chrysler does not organize workers' compensation claims by injuries claimed. Therefore, it would be extremely burdensome, onerous and harassing to compel Chrysler to review every single workers'

compensation claim ever filed. Workers' compensation records are available at various facilities maintained by Chrysler.

INTERROGATORY NO. 36: Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting.
- B. The general subject matter discussed at each meeting.
- C. Who was in attendance at each meeting.
- D. Where and by whom the written minutes are presently maintained.
- E. By whom the minutes were taken and put into final format.
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER: Chrysler objects to Interrogatory No. 36 as being overly broad, vague and failing to set forth with particularity those items to be identified and is therefore outside the scope of permissible discovery. Chrysler further objects to this interrogatory to the extent it seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further, this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence, is unlimited in scope or time and is overly burdensome. Further, this interrogatory would require Chrysler to go through old minutes, reports and other documents concerning meetings of board of directors or corporate committees or sub-committees since 1925 which would be extremely burdensome, time consuming and expensive. Subject to said objections and without waiving same, Chrysler is not aware of minutes of corporate meetings responsive to this request.

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INTERROGATORY NO. 37: Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- A. As to ~~each~~ product, whether such product is mined, manufactured, and/or marketed or sold.
- B. The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- C. The trade or brand name of each of those products mined, manufactured, marketed, and or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- F. A description of the physical appearance of each product and its packaging.
- G. A detailed description of the intended uses of each of the named products.
- H. Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

ANSWER: Chrysler objects to Interrogatory No. 37 for the reason that it seeks information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure 192.3. Further objecting, this interrogatory is unclear, vague, ambiguous, overly broad as it is not limited in time, scope or area, and unduly burdensome.

Subject to these objections, see Chrysler's responses to Nos. 6 and 14.

INTERROGATORY NO. 38: State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- A. The location of such documents.

- B. The name and address of the custodian of the documents.
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- D. In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

ANSWER: Chrysler objects to Interrogatory No. 38 to the extent that it is overly broad, burdensome and not reasonably limited in time or scope. Further, this interrogatory is vague and ambiguous and fails to set forth with particularity those items to be identified and is therefore outside the scope of permissible discovery. Further objecting, this interrogatory is sought merely for purposes of harassment and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence as well as information privileged from discovery.

Subject to said objections and without waiving same, Chrysler never mined, manufactured, or marketed raw asbestos fiber. No documents have been located reflecting that Chrysler ever sold or distributed raw asbestos. Historically, Chrysler has maintained documents in various departments in both hard copy and computer record, depending on the department, year and document.

INTERROGATORY NO. 39: May you call company representatives as witnesses at the trial of any of these cases? If so, list:

- A. The name, address, and job title of each company representative who may be called.
- B. A summary of the testimony expected to be given by each such witness.
- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER: Chrysler objects to Interrogatory No. 39 for the reason that it seeks information which is outside the scope of permissible discovery. Subject to said objection and without waiving same, Chrysler has not determined who it will call as a witness at any particular trial. Chrysler will identify those persons with knowledge of relevant facts as required by former Rule 166(b)(2)(d) and current Rule 192.3(c) with regard to each specific case pursuant to the Texas Rules of Civil Procedure. Whether such witnesses are "company representatives" is a legal question to be determined on a case-by-case basis.

INTERROGATORY NO. 40: Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

- A. Full and correct name;
- B. Principal place of business;
- C. State of incorporation;
- D. Date of acquisition by Defendant;
- E. Whether or not the business entity was ever authorized to transact business in the State of Texas.

ANSWER: Chrysler objects to this interrogatory on the ground that it is unduly burdensome and that the burden it imposes is grossly incommensurate with the results obtainable. Chrysler has not purchased, reorganized, or merged into any company involved in the manufacture of raw asbestos or insulation products. However, Chrysler purchased Briggs Manufacturing Company in the 1950s. Furthermore, through stock transactions, Chrysler has had a controlling interest in Lamborghini and Maserati. In the 1980s, Chrysler acquired American Motors Corporation. Further, through various

transactions at times during the period from 1930 to 1985, Chrysler has had an interest in foreign auto makers, whose vehicles also may have been equipped with asbestos-containing automotive brake and/or clutch parts. Some of the vehicles made by foreign makers in which Chrysler had an interest may have been placed in the stream of commerce in the United States.

Chrysler purchased an interest in the Rootes Group of Great Britain in the early 1960s, which increased to 83% by the time Chrysler sold its holdings in 1978 (Rootes was at that time known as Chrysler United Kingdom). Some Rootes cars were imported by Chrysler into the United States and sold through Chrysler dealers, including the Sunbeam Tiger and the Plymouth Cricket.

Chrysler purchased a 25% interest in Simca of France in 1958, obtained controlling interest (69%) by 1964, which increased to 77% by the time Chrysler sold all its Simca holdings in 1978 (Simca was at that time known as Chrysler France). Some Simca cars were imported by Chrysler into the United States beginning in 1958 and sold through Chrysler dealers at that time.

Chrysler acquired a 15% interest in Mitsubishi of Japan in 1971, with further acquisitions of 10% in 1972 and another 10% in 1973. Chrysler sold its Mitsubishi holdings in 1991. During the period through 1985, some Mitsubishi vehicles were imported by Chrysler into the United States and sold through Chrysler dealers, including Dodge and Plymouth Colt and Colt Vista models, Plymouth Arrow, Plymouth Conquest, and Dodge Ram 50 compact pickup trucks.

In 1998, Chrysler merged with Daimler Benz A.G.

INTERROGATORY NO. 41: Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

ANSWER: Chrysler generally expected its automobiles to reach the first and original consumer, the new car owner, without substantial change to any component part thereof. As initially supplied, the brake products are solid, firm and non-friable and as such do not release respirable asbestos fibers. During the braking process, brake products are subject to substantial change because of extreme temperatures, abrasion and shearing forces. The asbestos in an automobile friction product is then transformed into an inert, non-pathogenic mineral, forsterite.

INTERROGATORY NO. 42: For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, snipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

ANSWER: Chrysler objects to Interrogatory No. 42 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Subject to the foregoing objections and without waiving same, Chrysler expected mechanics to periodically replace brakes and clutches that may contain asbestos.

INTERROGATORY NO. 43: Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- A. If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- B. 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 and year involved.

ANSWER: Yes, generally brakes and clutches can be applied without releasing asbestos fibers.

INTERROGATORY NO. 44: Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

ANSWER: Yes, friction products wear out and it is expected they would be "removed," "replaced," but not "stripped" when worn.

INTERROGATORY NO. 45: Before 1970, did you or your subsidiaries or predecessors ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures

ANSWER: Chrysler objects to Interrogatory No. 45 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Chrysler further objects to the use of the phrase "potential health hazards" as it is vague, undefined and over broad. Subject to said objections and without waiving same, formulations are developed for each brake design for each car or truck by either Chrysler's suppliers, or for certain models at certain times, by Chrysler. It is unduly burdensome to provide information as to each and every formulation of the numerous models or vehicles manufactured since the 1920s.

Chrysler understands this interrogatory to pertain to the use and installation of replacement asbestos-containing friction products identified in its answers to Interrogatories Nos. 3-6. Except for the brake linings manufactured by Chrysler for the period of time set forth above, Chrysler purchased the friction products used in its automobiles, including brake linings, from suppliers

Chrysler has no specific information regarding any such tests its suppliers may have performed as they would contain information proprietary to the suppliers.

Based on corporate records and ongoing investigation, Chrysler has determined at the time these responses were prepared that the following air sampling was conducted. Mr. Louis Gendernalik, a member of the Industrial Hygiene Department of Chrysler Corporation, first sampled air levels in 1972 and then again in 1975. The 1972 sampling was done at Chrysler's brake shoe plant testing garage. Two samples of mechanics working on brake drums were taken with a cellulose ester filter. The results were 0.25 fibers per cubic centimeter of air when the mechanic used a brush and 0.0 fibers per cubic centimeter when compressed air was used. In 1975, Mr. Gendernalik took air samples at Dodge Truck. Counts were taken with the use of a cellulose ester filter, and the results were 0.0 fibers per cubic centimeter of air. Although data from same exists, no formal report was prepared.

In 1971, D.P. Glazier, a member of the Industrial Hygiene Department of Chrysler sampled air levels at the Chelsea Proving Grounds while mechanics worked on brakes. The results were less than .1 fiber per cubic centimeter for an eight hour time-weighted average. In 1983, D.N. James, a member of the Industrial Hygiene Department of Chrysler sampled air levels at the Windsor Assembly Plant while two mechanics performed brake replacements on the tractor portion of a tractor trailer. The results were less than .1 fiber per cubic centimeter. In 1986, D.N. James performed air sampling at the Chelsea Proving Grounds while mechanics performed brake build-up and inspection operations. The results were less than .1 fiber per cubic centimeter. On two occasions in 1989, G.W. Fischer, a member of the Industrial Hygiene Department of Chrysler, sampled air

levels at the Chelsea Proving Grounds in the vehicle test department. The results of both samples were less than .02.

All of the documents presently available to Chrysler that contain information responsive to this interrogatory will be made available for inspection and copying at a mutually convenient time at the offices of Clark Hill, P.L.C. in Detroit, Michigan.

INTERROGATORY NO. 46: If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

ANSWER: Chrysler objects to Interrogatory No. 46 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Subject to said objection and without waiving same, see responses to Nos. 8, 10, 13 and 45

INTERROGATORY NO. 47: Has your company or its subsidiaries or predecessors ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those "exposed to the use of your company's products"? If so, give the following:

- A. Name of the person or firm conducting such studies;
- B. The date the studies began and the date they were completed;
- C. Any publication or other written dissemination of the results of the studies;
- D. The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

ANSWER: Chrysler objects to Interrogatory No. 47 to the extent it is overly broad, vague and ambiguous as "exposed to the use of your company's product" is unclear and is unlimited in scope

or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further objecting, this interrogatory is overly burdensome and harassing. Subject to said objection and without waiving same, other than those studies previously identified, no.

INTERROGATORY NO. 48: Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- A. The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- B. What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
- C. State in detail the purposes, duties, and responsibilities of such Research Department.

ANSWER: Chrysler objects to Interrogatory No. 48 as being overly broad, vague, ambiguous and burdensome and is not reasonably limited in scope or time. It is vague and fails to set forth with particularity those items to be identified and is, therefore, outside the scope of permissible discovery. Further objecting, this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Chrysler further objects to this interrogatory on the basis that it is vague and ambiguous as to the term "research department." Subject to said objections and without waiving same: Chrysler historically, and currently, conducts activities that may be considered research, regarding the safety, design and performance of its automobiles and their component parts. These activities have been conducted by and through a variety of departments that have changed in structure and function over the years. Some of these activities would relate to the performance of friction products. Due to the vagueness of this interrogatory, Chrysler cannot be

more specific with this response. Chrysler does not have a research department which deals solely with the health affects of asbestos.

INTERROGATORY NO. 49: Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- A. The year such Medical Department was established;
- B. Whether or not such Medical Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

ANSWER: Chrysler objects to Interrogatory No. 49 as being overly broad, vague, ambiguous and burdensome and is not reasonably limited in scope or time. Chrysler further objects to Interrogatory No. 49 to the extent it is unlimited in scope or in time and seeks irrelevant information outside the scope of permissible discovery. Subject to said objection and without waiving same, Chrysler has had medical departments at a variety of its facilities over the years.

INTERROGATORY NO. 50: Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

ANSWER: Based upon the best information available, from 1973 to the present, the cartons for Chrysler asbestos-containing replacement parts contained one of the following:

DANGER

CONTAINS ASBESTOS FIBERS

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AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

CAUTION

THIS PRODUCT CONTAINS ASBESTOS.
AVOID CREATING DUST.
BREATHING ASBESTOS MAY RESULT IN SERIOUS BODILY HARM.

CAUTION

AVOID CREATING OR
BREATHING DUST.

CONTAINS HAZARDOUS
SUBSTANCES WHICH
MAY CAUSE LUNG INJURY

Caution: Contains asbestos fibers. Avoid
creating dust. Breathing asbestos dust may
cause serious bodily harm.

When servicing this brake lining or any component related to it or located near it, prevent asbestos dust from becoming airborne by vacuuming the assembly with an industrial type vacuum cleaner equipped with a high efficiency filter system and by washing the assembly with an appropriate brake parts washer if necessary. Never remove dust or dirt from this assembly by blowing with compressed air.

INTERROGATORY NO. 51: Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER: Chrysler placed identification marks on its brake linings with two-letter designations indicating the name of the manufacturer of the lining, a combination of letters or numbers indicating the chemical composition as well as numbers indicating the friction level of the lining and digits indicating date of manufacture. The Chrysler logo is a pendant star, which emblem is stamped on its brake shoes and brake support plates.

INTERROGATORY NO. 52. Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

ANSWER: Chrysler objects to Interrogatory No. 52 to the extent that it is overly broad, burdensome and is not reasonably limited in time or scope. It is further vague, ambiguous, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, products that do not contain asbestos have different performance characteristics than asbestos-containing products and specific products are designed to match those characteristics. Therefore, non-asbestos-containing products are not true "substitutes."

Further, Chrysler is aware that its suppliers of brake linings and other friction products developed products to replace their asbestos-containing products. An asbestos-free product was first available in the market in the late 1970s or early 1980s. Chrysler, with its suppliers, examined alternatives to asbestos lined brakes in the 1980s. This program investigated a wide variety of alternatives to identify those that satisfied the safety and performance requirements of each model vehicle sold by Chrysler. At all times, Chrysler has complied with government safety and performance regulations in developing its brake specifications. Beginning in the mid-1980s, and

continuing to today, Chrysler did sell automobiles that contained brakes without asbestos brake linings when those linings satisfied the applicable performance requirements.

INTERROGATORY NO. 53.: Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

- A. All details of such recall;
- B. The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place.
- C. The dates of recall;
- D. The purpose for the recall.

ANSWER: Chrysler has not recalled any of its products from the market as a result of asbestos-related health concerns.

INTERROGATORY NO. 54.: Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

ANSWER: Chrysler objects to Interrogatory No. 54 to the extent that it is overly broad, burdensome and is not reasonably limited in time or scope. It is further vague, ambiguous, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, products that do not contain asbestos have different performance characteristics than asbestos-containing products and specific products are designed to match those characteristics. Therefore, non-asbestos-containing products are not true "substitutes." See response to No. 52.

INTERROGATORY NO. 55: Have any products you identified in your response to Interrogatory Nos. 52 and 54 not "performed as intended?" Please list all such products that have not performed as intended.

ANSWER: No, but non-asbestos friction products do not have the same performance characteristics as asbestos friction products. See responses and objections to Nos. 52 and 54.

INTERROGATORY NO. 56: Did your company or its predecessors or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

ANSWER: Chrysler objects to Interrogatory No. 56 for the reason that it is overly broad and not limited to use by automotive mechanics as alleged by Plaintiffs.

Chrysler further objects to Interrogatory No. 56 to the extent it is vague, ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further objecting, this interrogatory is overly burdensome. Subject to these objections, in addition to those dust studies previously identified, asbestos dust studies have been performed at facilities where Chrysler manufactured or assembled asbestos-containing friction products. See Chrysler's response to Nos. 8 and 11.

INTERROGATORY NO. 57: As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessors or subsidiaries were first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

ANSWER: Chrysler objects to Interrogatory No. 57 as being overly broad, burdensome and not reasonably limited in time or scope. Chrysler further objects to Interrogatory No. 57 for the reason that it seeks information outside the scope of permissible discovery. Further objecting, this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, Chrysler understands that the American Conference of Governmental and Industrial Hygienists (ACGIH) defines threshold limit value-time weighted average (TLV-TWA) as the eight hour time weighted average concentration of a substance to which nearly all workers may be repeatedly exposed (day after day) without adverse effect. Chrysler was aware of published threshold limit values, or their equivalent, which would have been published at various times by the ACGIH or by OSHA. Chrysler is unable to state the name of any single employee who received such information.

INTERROGATORY NO. 58: Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 57 for total dust, and not asbestos dust alone?

ANSWER: Chrysler objects to this interrogatory as it seeks information that is irrelevant to the extent that Chrysler's current day interpretation of the threshold limit values of maximum allowable concentrations provided by the American Conference of Governmental Industrial Hygienists does not reflect Chrysler's interpretation at the time they were released. Subject to said objection, and without waiving same, Plaintiff should consult the documentation prepared by the American Conference of Governmental Industrial Hygienists for this information.

INTERROGATORY NO. 59: State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing your asbestos-containing products.

ANSWER: Chrysler objects to Interrogatory No. 59 to the extent it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further objecting, this interrogatory is overly burdensome and harassing. Subject to said objection and without waiving same, see Chrysler's response to No. 8 regarding all known air sampling

INTERROGATORY NO. 60: Please state the following with respect to each expert witness you that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:

- A. The name, address, and job classification of each such expert witness;
- B. The subject matter on which the expert is expected to testify;
- C. The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- D. Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report.
- E. Identify all documents that you have provided to each person identified in response to subparagraph (a) above;
- F. Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER: Chrysler objects to Interrogatory No. 60 to the extent it is overly broad, vague and seeks information outside the scope of permissible discovery under former Rule 166b(2)(e) and current

Rule 195. Each case involves specific facts and allegations. Therefore, a case-specific designation may be made by Chrysler. Subject to said objections and without waiving same, the following persons may give expert testimony at the time of trial:

John F. Craighead, M.D.
1845 Four Winds Road
Ferrisburgh, Vermont 05456
802/425-3480

Edward Gaensler, M.D.
Boston University Medical Center
80 East Concord Street
Boston, Massachusetts 02118
617.638-4077

Gerald Kerby, M.D.
University of Kansas Medical Center
3901 Rainbow
Kansas City, Kansas 66160-7381
913/588-5000

Dorsett Smith, M.D.
4301 Colby, Suite 201
Everett, Washington 92203
206/259-5171

Philip T. Cagle, M.D.
Pathology Department, Room 220-B
Baylor College of Medicine
One Baylor Plaza
Houston, Texas 77030-3411
713/798-3671

Francis W. Weir, Ph.D.
17350 Tomall Parkway
Suite 330, Willowbrook Place III
Houston, Texas 77064
713/893-4003

Graham W. Gibbs, Ph.D.
14-4122 Range Road
265 Spruce Grove
Alberta, Canada T7Y 1 E7
403/987-2883

John Bass, M.D.
2451 Fillinghain Street
Tenth Floor, Suite H
Mobile, Alabama 36617
334/471-7888

Robert M. Ross, M.D.
17030 Nanes, Suite 210
Houston, Texas 77090
281 440-8851

John R. Holcomb, M.D.
4410 Medical Drive, Suite 440
San Antonio, Texas 78229-3755
210/692-9400

Hans Weill, M.D.
Tulane University
School of Medicine
1700 Perdido Street, Second Floor
New Orleans, Louisiana 70112
504/588-5265

Victor L. Roggli, M.D.
Duke University Medical Center
Department of Pathology
Box 3712
Durham, North Carolina 27710
919/286-0411

Drs. Craighead, Gaensler, Reichman, Kerby, Smith, Cagle, Weir, Bass, Ross, Holcomb, Weill and Roggli, if called to testify, are expected to provide testimony concerning the anatomy and function of the respiratory and circulatory systems; examinations conducted and opinions regarding tissue samples of decedents; the symptomatology, disease process and diagnosis of asbestosis and

cancer of the respiratory system, peritoneum and peritoneal cavity; the nature and extent of medical and scientific knowledge regarding any association of pulmonary disease with asbestos fiber and the effect of exposure to substances other than asbestos in the development and manifestation of diseases of the respiratory system; the methods of diagnosis and means of establishing the differential diagnosis of asbestos-related diseases with non-asbestos related diseases; the incidence of lung cancer in the general population and those individuals exposed to asbestos; cigarette smoking and its effects on the lungs; the difference between impairment and disability; the effect of asbestosis on disability and life expectancy; the lack of relationship between pleural plaques and development of any cancer; the history, evolution and knowledge of asbestos-related diseases; and the evolution of the medical communities' awareness of the increased risks for an asbestos-related disease in the cases of prolonged exposure.

Drs. Craighead and Roggli, if called to testify, may testify regarding their review of Plaintiff's and/or Decedent's medical records and diagnosis of the physical condition and relationship, if any, between Plaintiff's and/or Decedent's exposure to asbestos as well as asbestos exposure through brake or clutch servicing. Drs. Craighead and Roggli may testify in the area of the medical and scientific aspects of exposure to dust as produced by brake or clutch products and the development of asbestos-related disease generally.

Dr. Weir and Dr. Gibbs may testify in the areas of toxicology, industrial hygiene, inhalation toxicology and methodology, mechanisms of pulmonary irritant activity and the extrapolation of data from animals to man.

Gregory D. Foster, M.D.
and/or Custodian of Records
Pulmonary Medicine Consultants, P.A.
375 Municipal Drive, Suite 218
Richardson, Texas 75080
972/680-0666

Scott R. Donaldson, M.D.
and/or Custodian of Records
Pulmonary Medicine Consultants, P.A.
375 Municipal Drive, Suite 218
Richardson, Texas 75080
972.680-0666

Kathryn A. Hale, M.D.
Baylor College of Medicine
Department of Internal Medicine
6550 Fannin, Suite Tower # 1236
Houston, Texas 77030
713.790-2076

Robert M. Ross, M.D.
and/or Custodian of Records
17030 Nanes, Suite 214
Houston, Texas 77090
713 440-8851

George Delclos, M.D.
6550 Fannin Street, Suite 2403
Houston, Texas 77030
713 790-6250

David Weill, M.D.
and/or Custodian of Records
Medical City Hospital
Dallas, Texas
972/566-4866

Gail Diane Stockman, M.D., Ph.D.
701 E. Marshall, Suite 4002
Longview, Texas 75601
903/753-0787

Drs. Foster, Donaldson, Ross, Delclos, Hale, Weill and Stockman may testify concerning the examination and diagnosis of the physical condition of Plaintiffs and concerning the overall condition and relationship of that condition, if any, to Plaintiffs' alleged exposure to asbestos. Each doctor may also testify concerning the anatomy and function of the respiratory and circulatory system, the nature of asbestos, the disease process and diagnosis of asbestos and cancer associated with the respiratory system, the nature and extent of medical and scientific knowledge regarding the association of pulmonary disease with asbestos fiber exposure, the effect of exposure to substances other than asbestos on the development or manifestation of obstructive and restrictive conditions and diseases particularly in means of establishing the differential diagnosis of alleged asbestos diseases with other government warnings, smoking and other areas of the state-of-the-art, incidents of lung cancer among individuals with asbestosis compared with non-asbestos exposed workers and with the general population, and cigarette smoking and its effects on the lungs.

Sam H. Cade, Jr., M.D.
Radiology Department
Baylor University Medical Center
3500 Gaston Avenue
Dallas, Texas 75242
214 820-3219

Dr. Cade is a B reader and may testify regarding the radiographs of Plaintiffs.

James Robert Shepherd, III, M.D.
University of Texas Health Center at Tyler
Department of Radiology
Post Office Box 2003
Tyler, Texas 75710-2003
903-877-7108

Dr. Shepherd is a B reader and may testify regarding the radiographs of Plaintiffs.

Robert Lampert, M.D.

Baylor College of Medicine
Department of Internal Medicine, Pulmonary Section
6550 Fannin, Suite 1220
Houston, Texas 77030
713/793-8988

Dr. Lampert may testify regarding his examination of Plaintiffs and/or Decedents.

Dr. Andrew Churg
Department of Pathology
University of British Columbia
2211 Wesbrook Mall
Vancouver, BC V6T 1S6 Canada
604 732-0186

Dr. Churg is Board Certified in Anatomic Pathology by the American Board of Pathology. Dr. Churg may provide testimony regarding his examination of plaintiffs' medical records and pathology material. Dr. Churg may also testify regarding the biological effects of asbestos and the evidence of the relationship between the inhalation of various forms of asbestos fibers and asbestos-associated disease and the factors that go into evaluating whether there is any medical risk from asbestos-containing products. Dr. Churg may further testify regarding the physical and chemical changes that brake linings undergo during the braking process. Dr. Churg may further provide testimony based on biostatistics and his review and analysis of the epidemiological data and literature that brake mechanics and others are not at an increased risk to develop asbestos-related diseases as a result of their work on or around brakes and brake linings. Dr. Churg may also provide testimony regarding animal research concerning asbestos-related disease, the biological effects of asbestos and various other dusts, cancer research, the practices and protocols regarding publication of scientific research and the history of research into such matters in the United States and elsewhere including state of the art. Dr. Churg may also be asked to respond to the testimony from plaintiffs'

experts regarding the alleged hazards of exposure to friction materials and their alleged propensity to release fibers.

The observations and opinions offered by Dr. Churg in this matter will be based on his review of the materials provided: a continuing review of the available scientific literature relating to the health effects of materials of interest in this matter and Dr. Churg's education and professional experience.

As Chrysler becomes aware of additional facts and the opinions of plaintiffs' experts, this witness may testify regarding his opinions of the additional facts or in response to the opinions of plaintiffs' experts.

Dr. James D. Crapo
4650 South Forest Street
Englewood, Colorado 80110
303-224-0681

Dr. Crapo is the Executive Vice President for Academic Affairs at the National Jewish Medical & Research Center in Colorado. Dr. Crapo may be called to testify with respect to medical condition and causation. Dr. Crapo may also testify with respect to the anatomy and function of the human respiratory system, pulmonary function testing, diseases allegedly associated with exposure to asbestos and the development of related scientific and medical knowledge. Dr. Crapo may further testify regarding the biological effects of asbestos and the evidence of the relationship between the inhalation of various forms of asbestos fibers and asbestos-associated disease and the factors to be considered in evaluating whether there is any medical risk from exposure to various asbestos-containing products. He may also provide testimony regarding animal research concerning asbestos-related disease, the biological effects of asbestos and various other dusts, cancer research, the

practices and protocols regarding publication of scientific research and the history of research into such matters in the United States and elsewhere, including state of the art.

Dr. Crapo may further testify regarding radiology as a diagnostic aid in asbestos-associated disease as well as to his review and opinions of the radiographic findings and the correlation of those findings with plaintiff's medical records, work history and other diagnostic studies. Dr. Crapo may further provide testimony based on his review of the medical and scientific literature that brake mechanics and others are not at an increased risk to develop asbestos-related diseases as a result of their work on or around friction products.

Dr. Crapo may also be asked to respond to the testimony of certain plaintiffs' witnesses offered at the time of trial including, but not limited to, any testimony from plaintiffs' experts regarding the alleged hazards of exposure to friction materials and their alleged propensity to release fibers.

The observations and opinions offered by Dr. Crapo in any matter will be based on his review of the materials provided; a continuing review of the available scientific literature relating to the health effects of material of interest in this matter and Dr. Crapo's education and professional experience.

As a Chrysler becomes aware of additional facts and the opinions of plaintiffs' experts, this witness may testify regarding his opinions of the additional facts or in response to the opinions of plaintiff's experts.

William G. Hughson, M.D.
University of California at San Diego
LaJolla, California 92093
619/294-6001

Dr. Hughson is Board Certified in Internal Medicine and Pulmonary Medicine. Dr. Hughson may be called to testify with respect to the anatomy and function of the human respiratory system, pulmonary function testing, diseases allegedly associated with exposure to asbestos and the development of related scientific and medical knowledge. Dr. Hughson may be called to testify with respect to medical condition and causation in these cases. Dr. Hughson may also be asked to respond to the testimony of certain witnesses offered at the time of trial including, but not limited to, testimony from plaintiffs' experts regarding the alleged hazards of exposure to friction materials and their alleged propensity to release fibers.

Dr. Hughson may further provide testimony based on his review of the medical and scientific literature that brake mechanics and others are not at an increased risk to develop asbestos-related diseases as a result of their work on or around brakes and brake linings.

Dr. Hughson may further testify regarding radiology as a diagnostic aid in asbestos-associated disease as well as to his review and opinions of the radiographic findings and the correlation of those findings with plaintiffs' or decedents' medical records, work history and other diagnostic studies.

The observations and opinions offered by Dr. Hughson in this matter will be based on his review of the materials provided; a continuing review of the available scientific literature relating to the health effects of materials of interest in this matter and Dr. Hughson's education and professional experience.

As Chrysler becomes aware of additional facts and the opinions of plaintiffs' experts, this witness may testify regarding his opinions of the additional facts or in response to the opinions of plaintiffs' experts.

Ronald F. Dodson, Ph.D.
Chairman, Department of Cell Biology and
Environmental Sciences
University of Texas Health Center at Tyler
Office of Associate Director of Research
P.O. Box 2003
Tyler, Texas 75710

Dr. Dodson is an expert in microscopy relating to pathology. If called, Dr. Dodson will testify regarding: (a) pathology studies, any, relating to the Plaintiff; (b) matters relating to whether the Plaintiff has a condition or illness caused by asbestos exposure; and (c) matters relating to lung fiber deposition.

Sheldon H. Rabinovitz, Ph.D., C.I.H.
Sandler Occupational Medicine Associates
966 Hungerford Drive, Suite 20
Rockville, Maryland 20850
(301) 217-0092
(P.O. Box 7777, Melville, New York 11747)

Dr. Rabinovitz may be called to testify regarding mechanics' asbestos exposure conditions and health effects and the fact that mechanics are not exposed to levels of asbestos that result in any disease. Dr. Rabinovitz may also testify regarding mechanics' lack of asbestos exposure as evidenced through testing concerning brake and clutch servicing.

Helen Reynolds, Ph.D.
Consulting Economist
4316 Potomac
Dallas, Texas 75205
214/443-0322

Dr. Reynolds is an economic consultant and may testify regarding the economic loss incurred by Plaintiffs, if any.

William H. Krebs, Ph.D.
Assistant Director, Occupational Safety and Health

General Motors Corporation
1014 Bishop Road
Grosse Point, Michigan
303/885-9039

Dr. Krebs has a degree in public health and has had training in epidemiology. He may be called to testify with regard to friction products which contain asbestos, forsterite, release of asbestos fibers during the braking process, testing of brake products, medical and scientific literature which addresses the listed topics, and threshold limit values.

Arnold E. Anderson
Tribo Diagnostic Corporation
P.O. Box 2008
Livonia, Michigan 48151
313/427-6507

Mr. Anderson has expertise in the composition, manufacture, use and wear characteristics of friction materials. He may be asked to testify concerning the following matters: (a) how a brake job is performed and the potential for dust exposure; (b) the science of tribology; (c) the types, characteristics and chemical properties of asbestos used in friction materials and their pathogenic potential; (d) the types, composition and manufacture of friction materials; (e) the history of friction materials, the use of asbestos in friction materials and the availability of substitutes for asbestos; (f) decomposition of asbestos in friction materials during the wear process; (g) the nature of residual materials after wear; and (h) the effects of wear debris in the occupational environment of workers where friction materials are used. If called, he is expected to testify concerning certain other aspects of and bases for these general areas of opinion relating to this cause, or other matters of fact regarding friction materials which because of their technical nature, may contain such opinions.

Graham W. Gibbs
14-51221 Range Road

265 Spruce Grove
Alberta, Canada T7Y1E7
403/987-2883

Graham Gibbs has expertise in the areas of epidemiology, industrial hygiene, and toxicology, both generally and particularly as those areas relate to asbestos exposure and exposure to asbestos-containing friction products. His opinions and the grounds for same include the following matters: (a) the types, characteristics and chemical properties of asbestos and their respective pathogenic potential; (b) the types, composition and manufacture of friction materials; (c) the history of friction materials, the use of asbestos in friction materials, and the lack of availability of suitable substitute materials for such use at relevant times; (d) decomposition of asbestos in friction materials during the wear process; (e) the composition of residual materials after wear does not include significant asbestos; (f) the effects of wear and the occupational environment of workers in which these products are used; (g) federal laws and regulations governing asbestos exposure; (h) threshold limit values and time-weighted averages; (i) characteristics and epidemiology of asbestos-related diseases; (j) relevant medical and scientific literature on these subjects; (k) the concepts of toxicity and hazard, including discussion of the human body's natural defense system, and dose response relationships; (l) potential for asbestos exposure in occupational settings; and (m) types, characteristics, and uses of various types of asbestos. He may also be called to testify concerning certain (i) other details relating to aspects of and bases for these areas of opinions relating to this action; or, (ii) other matters of fact which because of technical nature may contain some opinions.

John W. Kourik, P.E.
1136 Olivaire Lane
St. Louis, Missouri 63132
314.994-7857

Witness Kourik may be called to testify about the braking systems of various vehicles and state of the art information. He may also testify about developments in braking system design, manufacture and testing. He may testify further concerning the mechanics of friction products, braking system repair procedures and consumer expectations of braking systems and vehicle safety. Mr. Kourik may testify about the characteristics of chrysotile asbestos and its use in friction products as well as substitute and replacement materials for asbestos in friction products.

Additionally, Chrysler reserves the right to call as a witness all doctors who have examined Plaintiffs and/or Decedents, reviewed Plaintiffs' and/or Decedents' medical records, and/or have been designated as witnesses by any other parties to this action, as well as the custodians of applicable medical records. Chrysler also reserves the right to use any Affidavit, Deposition, Answer to Interrogatories or Request for Admissions made by any party to this action whether or not such party is still a party at the time of trial. Chrysler further reserves the right to call any witnesses as may be necessary for rebuttal testimony. To the extent that these witnesses are alive, they may be called live or by deposition.

Additionally, the experts listed above may testify regarding the lack of information regarding all health effects of chrysotile asbestos used in friction products, state of the art and knowledge in the industry during the relevant time frame.

A copy of each identified individual's curriculum vitae is presently in the possession of Plaintiffs' counsel. If an additional review of such is necessary, same will be available for review at the office of counsel for Chrysler at a mutually convenient time.

INTERROGATORY NO. 61: Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- A. identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.
- B. each and every individual Plaintiffs', separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiffs' alleged damages and/or injuries;
- C. the negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiffs', separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- D. each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

ANSWER: Chrysler objects to Interrogatory No. 61 to the extent that it is unlimited in time and scope and seeks information in violation of the attorney client and work product privileges. Subject to said objections, the following persons may have knowledge of relevant facts:

Paul Kelly
(May be contacted through counsel)

James Knoll
(May be contacted through counsel)

Donald Kvamberg
(May be contacted through counsel)

Robert Torney
(May be contacted through counsel)

George Traylor
5034 County Road 15
Wadley, Alabama 36276

INTERROGATORY NO. 62: Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER: Chrysler objects to Interrogatory No. 62 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery. Further objecting, this interrogatory seeks to review Chrysler's attorney work product and trial preparation, and is outside the scope of permissible discovery under the Texas Rules of Civil Procedure. To the extent any such documents have been identified, see the attached exhibit list

INTERROGATORY NO. 63: When, if ever, did Defendant or any of its predecessor-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

- A. Identify the name and position of the employee or officer who received same;
- B. please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;
- C. please produce all documents upon which your responses above are based;
- D. please identify the name(s) and address(es) of any person(s) who can verify your above response;
- E. did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- F. if so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;

- G. if your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer- Drinker report in whole or in part for the proposition stated in 63(e) above?

ANSWER: Chrysler objects to Interrogatory No. 63 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery. Subject to the foregoing objections and without same, from the 1930s, Chrysler employed industrial hygiene professionals who were made abreast of government regulations, authoritative studies and tests, including the Fleischer-Drinker Report and the Dreessen Report, and relevant industrial hygiene guidelines. Due to the vast number of employees working for Chrysler through the years, it is not possible to identify which individual would have been the first aware of this report or how it was first conveyed to Chrysler. Chrysler believes it would have been generally aware of significant industrial hygiene studies. See Responses to Interrogatory Nos. 25, 26, 27 and 28.

INTERROGATORY NO. 64: When, if ever, did Defendant or any of its predecessors- in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W.C. Dreessen ("the Dreessen Report")?

- A. Identify the name and position of the employee or officer who received same.
- B. please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968.
- C. please produce all documents upon which your responses above are based.
- D. please identify the name(s) and address(es) of any person(s) who can verify your above response;

- E. did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- F. if so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory 63(a) above;
- G. if your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen Report in whole or in part for the proposition stated in 63(e) above?

ANSWER: Chrysler objects to Interrogatory No. 64 for the reason that it is overly broad, vague and ambiguous and is unlimited in scope or in time and seeks information which is outside the scope of permissible discovery. Subject to the foregoing objections and without same, from the 1930s, Chrysler employed industrial hygiene professionals who were made abreast of government regulations, authoritative studies and tests, including the Dreessen Report, and relevant industrial hygiene guidelines. Someone in the Industrial Hygiene Department would have become aware of Public Health Bill No. 241 at the time it became part of the scientific literature. Due to the vast number of employees working for Chrysler through the years, it is not possible to identify which individual would have been the first aware of this report or how it was first conveyed to Chrysler. Chrysler believes it would have been generally aware of significant industrial hygiene studies. See Responses to Interrogatory Nos. 25, 26, 27 and 28.

VII.

RESPONSES TO REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

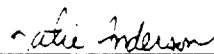
**DEFENDANT DAIMLERCHRYSLER CORPORATION'S THIRD AMENDED ANSWERS AND
RESPONSES TO PLAINTIFFS' MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION** - Page 83

RESPONSE: Chrysler objects to Request for Production No. 1 as being overly broad, burdensome, and not reasonably limited in time or in scope and is therefore outside the scope of permissible discovery. Subject to the foregoing objections, and without waiving same, Chrysler does not maintain documentary or photographic evidence of all prior products.

REQUEST FOR PRODUCTION NO. 2: Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production

RESPONSE: Chrysler objects to Request for Production No. 2 as being overly broad and vague and fails to set forth with particularity those items to be produced and is therefore outside the scope of permissible discovery. Further objecting, this Request is not reasonably limited in time or scope, is unduly burdensome and is sought for purposes of harassment, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Over the many years covered by this litigation Chrysler has had numerous corporate structures in the United States and throughout the world.

Respectfully submitted,



J. MARK PENLEY
State Bar No. 15759700
KATIE ANDERSON
State Bar No. 00739631

STRASBURGER & PRICE, L.L.P.
901 Main Street, Suite 4300
Dallas, Texas 75202
(214) 651-4300
(214) 651-4330 (telecopy)

ATTORNEYS FOR DEFENDANT
DAIMLERCHRYSLER CORPORATION

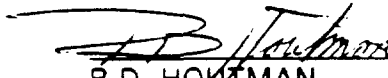
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to all counsel of record, in accordance with the Texas Rules of Civil Procedure on this the 7th day of July, 1999.

Katie Anderson
KATIE ANDERSON

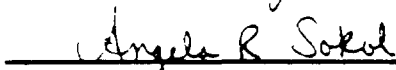
STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

R.D. HOUTMAN, being first duly sworn on oath, deposes and says that he is an Assistant Secretary of DaimlerChrysler Corporation (formerly Chrysler Corporation, the surviving corporation following the mergers effective December 30 and 31, 1989, of Chrysler Corporation and a number of its subsidiaries, including Chrysler Motors Corporation); that he has read the foregoing **Third Amended Answers to the attached Dallas County Master Interrogatories** and subscribed to same on behalf of DaimlerChrysler Corporation; that the foregoing answers are based on information communicated by DaimlerChrysler Corporation personnel and other persons and information obtained from books and records of DaimlerChrysler Corporation; and that he has no reason to believe that the foregoing responses are not true and correct.



R.D. HOUTMAN
Assistant Secretary
DaimlerChrysler Corporation

Subscribed and sworn to before me
this 30th day of June, 1999.



Notary Public, Oakland County
State of Michigan
My Commission expires on: _____

ANGELA R. SOKOL
Notary Public, Macomb County, Michigan
Attest to DaimlerChrysler Corporation
The Court is held at 11:00 AM on June 30, 1999

CHRYSLER CORPORATION'S TRIAL EXHIBIT LIST

EXHIBIT NUMBER	DESCRIPTION OF EXHIBIT
01.	Bjarvholm, J. Brisman: <i>Asbestos associated tumors in car mechanics</i> . British Journal of Industrial Medicine 1988; 45:645-646.
02.	Rohl, Arthur N., Langer, Arthur M., Wolff, Mary S. & Weisman, Irving: <i>Asbestos Exposure during Brake Lining Maintenance and Repair</i> . Environmental Research: 2, 110-123 (1976).
03.	Edelman, D. A.: <i>Exposure to asbestos and the risk of gastrointestinal cancer: a reassessment</i> . British Journal of Industrial Medicine 1988; 45:75-82.
04.	Weiss, W.: <i>Cigarette Smoke, Asbestos, and Small Irregular Opacities</i> . Am. Rev. Respir. Dis. 1984; 130:293-301
05.	Luxon, S.: <i>Technical Implementation of the New Asbestos Regulations</i> . Annals of Occupational Hygiene (British). January 1970.
06.	Lynch, J. R.: <i>Brake Lining Decomposition Products</i> . Journal of the Air Pollution Control Association, Vol. 18, No. 12, pp. 824-826.
07.	Wong, O., Report: <i>The Epidemiology of Lung Cancer in Workers Exposed to Brake Lining Dust</i> , prepared for Anderson, Kill, Olick & Oshinsky, P.C., (1995) in the case of <u>Seddon-Dennison v. Abex Corporation, et al.</u>
08.	Wong, O.: <i>Using Epidemiology to Determine Causation in Disease</i> . Epidemiology and Causation, pp. 496-505.
09.	Stanley, K. E.: <i>Lung Cancer and Tobacco--a Global Problem</i> . Cancer Detection and Prevention 9:83-89 (1986).
010.	Williams, R. L. & Muhlbaier, J. L.: <i>Asbestos Brake Emissions</i> . Environmental Research 29, 70-82 (1982).
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