

SUPREME COURT OF THE STATE OF NEW YORK
EIGHTH JUDICIAL DISTRICT

FILED
ACTIONS & PROCEEDINGS

MAY 15 2007

IN RE: EIGHTH JUDICIAL DISTRICT
ASBESTOS LITIGATION

: EJDAL MASTER FILE
: MASTER INDEX NO. H-95716

ERIE COUNTY
CLERK'S OFFICE

This Document Applies to All Cases

: ANSWERS OF PNEUMO ABEX LLC,
: SUCCESSOR IN INTEREST TO
: ABEX CORPORATION, TO
: PLAINTIFFS' FIRST STANDARD
: SET OF LIABILITY INTERROGATORIES

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

Defendant Pneumo Abex LLC, successor in interest to Abex Corporation (hereinafter "Abex"), by and through its attorneys of record, Smith Abbot, L.L.P., hereby responds to these interrogatories, as follows:

1. Abex objects to these interrogatories on the grounds that they are overly broad, unduly burdensome, compound, vague and ambiguous and call for speculation.
2. Abex also objects to these interrogatories on the grounds that they are premature, argumentative, oppressive, harassing, duplicative, repetitive and complex.
3. Abex further objects to these interrogatories on the ground that they purport to shift the burden of establishing product identification from plaintiffs to Abex.
4. Abex objects to these interrogatories on the ground that they purport to shift the burden of establishing causation from plaintiffs to Abex.
5. Abex also objects to these interrogatories on the grounds that they are compound, contain numerous terms that are vague and ambiguous and call for speculation.
6. Abex further objects to these interrogatories to the extent they purport to seek information or materials unrelated to Abex's alleged liability in these actions and are not

EXHIBIT

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operates any friction product manufacturing facilities. There are no current Abex employees, officers who worked for Abex, or directors who sat on its Board during the period Abex manufactured and sold friction products with personal knowledge of the information contained in all of the records and documents that might be responsive to this interrogatory.

Subject to and without waiving these objections, and insofar as Abex understands this interrogatory, in the mid-1970s, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

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

Abex does not believe the wording of this warning was ever changed. To the best of current and reasonably available information and belief, the warning labels were affixed to automotive friction product packages.

In 1979 and 1982, Abex participated in the preparation and distribution of a pamphlet published by the Friction Materials Standards Institute, Inc. entitled "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing." An excerpt of this pamphlet is reprinted below:

RECOMMENDED PROCEDURES FOR REDUCING ASBESTOS DUST DURING BRAKE SERVICING

Because studies have indicated that exposure to excessive amounts of asbestos dust may be a potential health hazard, OSHA has set maximum levels to which workers may be exposed. Since most automotive friction materials normally contain a sizable amount of asbestos, it is important that people who handle brake linings and clutch facings understand the nature of the problem and know the precautions to be taken.

- 1) Areas where brake work is done should be set aside if possible, and entrances should be posted with an asbestos exposure sign as follows:

**ASBESTOS DUST HAZARD
AVOID BREATHING DUST**