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conclusions and legal contentions, all of which may lead to additions to, changes in and variation from the following answers. These answers are given without prejudice to Defendant's right to produce evidence of any subsequently discovered facts. Any answers are based upon information now available to Defendant, and Defendant hereby reserves its right to revise, correct, amend, add to or otherwise clarify its objections or answers.

In responding to these interrogatories, Defendant does not concede the relevance, materiality or admissibility of any information sought by the interrogatories or of any answers thereto. These answers are specifically made subject to and without waiver of any objections in any proceedings, including trial. Defendant will attempt to answer each interrogatory for the period of time of the alleged exposure of Plaintiff David Chavis (or "Plaintiff") as alleged against Defendant identified in the underlying complaint, his discovery responses, his deposition, or these interrogatories.

GENERAL OBJECTIONS

Defendant objects to these interrogatories on the following bases and incorporates these General Objections by reference in its answer to each interrogatory as though fully set forth in each answer:

1. Defendant objects to each interrogatory to the extent that it is vague, ambiguous, overly broad, unduly burdensome, not sufficiently limited in time, oppressive, seeks information and documents that are palpably irrelevant to the subject matter of this litigation, and seeks information and documents that are not relevant to the claims or defenses asserted in a pending action and not proportional to the needs of the case.

2. Defendant objects to each interrogatory to the extent that it imposes greater obligations than those permitted or required under the Indiana Rules of Trial Procedure and other applicable Indiana State law.

3. Defendant objects to each interrogatory to the extent that it seeks information and documents protected by the attorney-client privilege and/or the attorney work product doctrine.

4. Defendant objects to each interrogatory to the extent that it seeks information and documents that are not within its custody or control, are otherwise within the public domain or are equally available to Plaintiffs.

5. Defendant objects to each interrogatory to the extent that it seeks information and documents regarding products, services or activities to which Plaintiffs have not alleged exposures in this action. Defendant's answers do not include information and documents concerning any such products, services or activities.

6. Defendant objects to each interrogatory as overly broad, vague and ambiguous insofar as it seeks information and documents that do not relate to the product(s) at issue or the alleged exposure(s) at issue in this case and as irrelevant and improper.

7. Defendant objects to each interrogatory to the extent that it calls for an expert opinion, which is not the proper subject of discovery at this stage of the legal proceedings.

8. Defendant objects to each interrogatory to the extent that it calls for a legal conclusion, which is not the proper subject of discovery.

9. Defendant objects to each interrogatory which is not the proper subject of discovery to the extent that it seeks confidential or private information, trade secret or proprietary information.

10. Defendant objects to each interrogatory to the extent it uses terms or phrases that are argumentative or ambiguous, and definitions which would give words meanings other than their usual commonly understood meanings, and Defendant further objects to Plaintiffs' definition of "asbestos products," "asbestos containing products," "your asbestos products" and "your asbestos containing products."

11. Defendant also objects to Plaintiffs' definition of "identify," "identity," or "identification" on the basis that they are overly broad and unduly burdensome.

12. Defendant objects to each interrogatory related to products beyond those to which Plaintiff David Chavis alleges exposure.

13. Defendant objects to each interrogatory concerning years outside of the time period during which Plaintiff David Chavis alleges any exposure relating to Defendant.

14. Defendant objects to each interrogatory to the extent that it seeks to require Defendant to provide information and documents other than that which may be obtained through a reasonably diligent search of its records.

15. The answers made herein are made without in any way waiving or intending to waive, but on the contrary reserving and intending to reserve (1) the right to object on any and all grounds to the use of information or documents, for any purpose, in whole or in part, in any subsequent step or proceeding in this action or any other action; (2) the right to object on any and all grounds to any other discovery procedure involving or relating to the subject matter of these interrogatories; and (3) the right to supplement these answers should additional information or documents be discovered.

ANSWERS MASTER INTERROGATORIES

INTERROGATORY NO. 1: Data Sources

Please identify each person with whom you consulted or who provided information used in answering these Interrogatories on behalf of Defendant. Additionally, provide the subject matter category that each person provided information for from the following categories if appropriate:

- A. Corporate History
- B. Product Information

- C. Warnings/Knowledge of Potential Danger/State of the Art/Testing/Medical or Scientific

Identify each person's:

- D. Address;
- E. Position with the Defendant;

ANSWER TO INTERROGATORY NO. 1:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and so broad that it could be construed to seek information that is subject to attorney-client privilege and the work product doctrine.

Subject to and without waiving said objections, information for these answers was provided by Scott Bethke and Margaret Bethke. Scott Bethke is Defendant's President and Margaret Bethke is Defendant's Secretary.

INTERROGATORY NO. 2: Corporate Information

Please state the following:

- A. This defendant's correct corporate name;
- B. The state of your incorporation;
- C. The address of your principal place of business;
- D. The dates and time period during which defendant held a certificate of authority to do business in the states of Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan.
- E. The dates and time period during which defendant regularly conducted business in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan.

ANSWER TO INTERROGATORY NO. 2:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this interrogatory to the extent it is not limited in scope to the time relevant to the present case.

Subject to and without waiving the foregoing objections, Defendant began its operations as a sole proprietorship in 1936 and was incorporated in Indiana on November 24, 1953 as Brake Materials & Parts Inc. Its current principal place of business is 800 Sherman Boulevard, Ft. Wayne, Indiana. Defendant has regularly conducted business in Indiana from its inception to present. Defendant did not regularly conduct business in Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan during the time period of 1970 to 1974.

INTERROGATORY NO. 3: Corporate History

Describe in detail Defendant's complete corporate or business history for all associated business entities that were involved, in any manner, in the sale, manufacture, distribution, and/or mining of asbestos and/or asbestos containing products, including dates of incorporation, mergers, consolidations, reincorporation, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs for all associated business entities that were involved, in any manner, in the sale, manufacture, distribution, and/or mining of asbestos and/or asbestos containing products. In addition:

- A. If defendant or any of its predecessors or subsidiaries at any time purchased or assumed any of the assets and/or liabilities of any corporation or entity which at any prior time engaged in the manufacturing or sale of asbestos-containing products, then please state the following as to each acquisition:

- (1) The name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- (2) The manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (3) The date of each such acquisition;
- (4) The state in which each such acquisition was effected;
- (5) The state law governing each such acquisition if specified by contract; and
- (6) How the business or financial interest in that corporation or entity ended, if it ended. (e.g. dissolved the company, sold all stock, placed subsidiary in bankruptcy, etc.)
- (7) List all states where entity is or was registered to do business, including the dates of registration for each state.

ANSWER TO INTERROGATORY NO. 3:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and so broad that it could be construed to seek information that is subject to attorney-client privilege, the work product doctrine, and confidential and proprietary trade secret information. Defendant also objects to this interrogatory to the extent it assumes facts.

Subject to and without waiving said objections, Defendant responds that it has no associated business entities.

INTERROGATORY NO. 4: Asbestos/Mining

Did Defendant, prior to 1980, engage in the mining, milling and/or subsequent sale of asbestos fiber? If so, please state:

- A. The date such activity began;
- B. The years during which such activity took place;
- C. The date when such activity was terminated;
- D. If such activity was terminated, the reason why;
- E. Within the United States was there any geographic limitation which you claim was applicable to the sales of your asbestos (Yes or No)?

If Yes state the geographical area into which you claim the asbestos was sold; and,

- F. Identify the organizational unit of Defendant so engaged.
- G. Type of asbestos mined.
- H. Managers of each mine and years of service.
- I. Identify sales and shipment records from each mine.

ANSWER TO INTERROGATORY NO. 4:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. It is not limited in scope to the products, services or time relevant to the present case.

Subject to and without waiving these objections, no.

INTERROGATORY NO. 5: Asbestos/Manufacture

Has Defendant at any time, engaged in the manufacture of any asbestos containing product, or a component part of any asbestos containing product, which generic product type has

been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, and Michigan? If so, please state:

- A. The date such activity began;
- B. The years during which such activity took place;
- C. The date when such activity was terminated;
- D. If such activity was terminated, the reason why;
- E. Within the United States was there any geographic limitation which you claim was applicable to the sales of your asbestos containing products or component parts of any asbestos containing products (Yes or No)?

If Yes state the geographical area into which you claim your asbestos containing products or component parts were sold; and,
- F. Identify the organizational unit of Defendant so engaged.

ANSWER TO INTERROGATORY NO. 5:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, Defendant has never manufactured any brake linings containing asbestos. Defendant has never designed, assembled, fabricated, produced, constructed or prepared any product, or a component part of a product, which contained asbestos before the sale of the product to a consumer.

INTERROGATORY NO. 6: Asbestos/Sales

Has Defendant at any time, engaged in the marketing and/or sale of any asbestos containing product which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan? If so, please state the name of each and every asbestos containing product or component, and:

- A. The date such activity began;
- B. The years during which such activity took place;
- C. The date when such activity was terminated;
- D. If such activity was terminated, the reason why;
- E. Within the United States was there any geographic limitation which you claim was applicable to your sales of asbestos containing products (Yes or No)?.

If Yes state the geographical area into which you claim you sold asbestos containing products; and,

- F. Identify the organizational unit of Defendant so engaged.
- G. Identify all sales managers and the years during which they served.

ANSWER TO INTERROGATORY NO. 6:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, Defendant used Grizzly brand brake linings during the time period of 1970 to 1974. Defendant provided a service of relining customers' used brake shoes with Grizzly brand brake linings during the time period of 1970 to 1974. Defendant would also exchange customers' used brake shoes for used brake shoes that Defendant had relined during the time period of 1970 to 1974. The Grizzly brake linings were supplied by Maremont Corporation from 1970-1974. Defendant stopped using asbestos-containing Grizzly brake linings no later than the late 1970's or early 1980's. After this time, Defendant did not sell or use any asbestos-containing brake products. Defendant stopped using and selling asbestos-containing Grizzly brake linings because new asbestos-free brake linings were higher quality and lasted longer. Defendant's sales of the Grizzly brake linings were limited to the Ft. Wayne general geographical area.

INTERROGATORY NO. 7: Asbestos/Distributor

Has Defendant at any time, engaged in the marketing and/or sale of any asbestos containing product, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, and Michigan, manufactured in whole or in part by an unrelated business entity? If so, please state:

- A. The name and address of the unrelated business entity;
- B. The product's trade and/or brand name;
- C. The years during which such activity took place;
- D. Identify the organizational unit of Defendant, or the associated business entity so engaged.
- E. Within the United States was there any geographic limitation which you claim was applicable to each distributor and/or wholesaler (Yes or No)?

If Yes state the geographical area which you claim was applicable to each distributor and/or wholesaler; and,

- F. Whether there was a written distributorship agreement;
- G. Whether the distributorship was exclusive;
- H. Identify all documents pertaining to the distributor or wholesaler relationship and the custodian thereof;
- I. The ratio of sales to distributors compared to direct sales to consumers.
- J. List of sales records or shipments to each distributor or wholesaler.

ANSWER TO INTERROGATORY NO. 7:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, see Answer to Interrogatory No. 6. Defendant has not located an agreement with Grizzly during the time period of 1970 to 1974.

INTERROGATORY NO. 8: Asbestos/Rebranding

Has Defendant at any time, engaged in the rebranding of asbestos containing products, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, and Michigan, manufactured in whole or in part by an unrelated business entity? If so, please state:

- A. The name and address of the unrelated business entity;

- B. The product's original trade and/or brand name;
- C. Who performed the physical rebranding and where it was accomplished;
- D. The years during which such activity took place;
- E. Brand name and/or trade name after the product was rebranded;
- F. User or seller of the product after rebranding;
- G. Identify the organizational unit of Defendant so engaged.

ANSWER TO INTERROGATORY NO. 8:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, no.

INTERROGATORY NO. 9: Asbestos/Sales to Manufacturer

Has Defendant at any time, engaged in the sale of asbestos containing products, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, and Michigan, to an unrelated business entity that was engaged in the manufacture of asbestos containing products? If so, please state:

- A. The name and address of the unrelated business entity;
- B. The product's trade and/or brand name that was sold;
- C. The years during which such activity took place;
- D. Identify the organizational unit of Defendant so engaged.

E. List each sales office of your asbestos-containing products and for each please state:

- (1) Name and address;
- (2) Geographical areas for which each sales office was responsible;
- (3) Identify all managers and the years during which they served;
- (4) Identify all sales personnel and the years during which they served, and describe each person's sales jurisdiction or responsibility;
- (5) Identify sales records or shipment records for each sales office and the custodian thereof.

ANSWER TO INTERROGATORY NO. 9:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, no.

INTERROGATORY NO. 10: Asbestos/Sales to Government or Government Agencies

Did this Defendant ever sell or cause to be sold any of its asbestos-containing products, identified on exposure sheets filed in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan, to (1) the United States Government; (2) the United States Air Force; (3) Army Air Force; (4) United States Army; (5) United States Navy; (6) United States Marine Corps; (7) General Services

Administration; (8) Department of Defense; or (9) or any other agency operated by the United States Government? If so, please provide the following:

- A. The names and last known address of the governmental agency;
- B. Whether there was a written contract or sales agreement;
- C. Identify all documents pertaining to the governmental contracts or agreements and custodian of said documents;
- D. Whether the formula used for the manufacture of the product was the same as the formula used for the manufacture, sale or distribution of the product to nongovernmental customers;
- E. The extent to which sales to governmental agencies were handled through distributors or wholesalers as opposed to direct sales by Defendant;
- F. The extent to which the physical appearance of the product sold or distributed to a governmental agency differed from the physical appearance of the product sold or distributed to non-governmental customers;
- G. The extent to which the packaging and/or labeling of the product sold or distributed to a governmental agency differed from the packaging or labeling of the product sold or distributed to non-governmental customers;
- H. Identify Sales and shipment records for each governmental agency and the custodian thereof.

ANSWER TO INTERROGATORY NO. 10:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in

this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, no.

INTERROGATORY NO. 11: Asbestos/Sales Through Licensees

If any of this Defendant's asbestos-containing products, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan, reached the consumer through licensees, please provide the following:

- A. The names and last known address of licensees;
- B. The years each licensee was licensed to sell, distribute or manufacture this Defendant's asbestos-containing products;
- C. Within the United States was there any geographic limitation which you claim was applicable to each licensee (Yes or No)?

If Yes state the geographical areas for which each licensee was permitted to sell, manufacture or distribute this Defendant's asbestos-containing products; and,
- D. Describe the terms and conditions of each licensee agreement entered into between this Defendant and licensee insofar as manufacture, sale, and distribution of asbestos containing products;
- E. List of products each licensee was permitted to sell or manufacture;
- F. Identify all documents pertaining to the licensee relationship and the custodian thereof;
- G. Whether or not sales to consumers in each area were made exclusively through licensee.

ANSWER TO INTERROGATORY NO. 11:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, no.

INTERROGATORY NO. 12: Asbestos/Facilities

For the period 1920 to date, or during the period that Defendant mined, manufactured, sold or distributed asbestos containing products, whichever period is less, state the following regarding each facility that was used by you as a mining, milling, manufacturing, processing, distribution or marketing facility for asbestos containing products;

- A. The name and address of the building, mine, mill or facility;
- B. The inclusive dates the facility was in operation; and,
- C. The function of the facility (e.g., manufacturing, warehousing, mine, sales office, etc.)
- D. Plant managers and years of management;
- E. Name and type of asbestos-containing products manufactured or processed at each facility;
- F. Identify shipment records for each facility and the custodian thereof;
- G. If asbestos was mined and sold to any other entity besides this Defendant, please provide list of those entities.

ANSWER TO INTERROGATORY NO. 12:

Objection. Defendant objects to this interrogatory on the grounds that it assumes facts and is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, Defendant was located at 805 South Lafayette Street in Fort Wayne, Indiana until 1973, when it moved to 800 Sherman Boulevard in Fort Wayne, Indiana.

INTERROGATORY NO. 13: Answering Defendant's Asbestos Containing Products

Using the format set out below, answer the following interrogatory. The main purpose of this interrogatory is to first, obtain basic information concerning asbestos-related products, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, and Michigan, with which the answering defendant and its associated business entities were involved, and second, to identify the number of "Interrogatory Response Sheets" the answering defendant must complete.

Provide the following information for each asbestos-containing product, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, and Michigan, with which this answering defendant was involved:

The name of the associated business entity so involved;

The Product Trade Name of the asbestos product(s) with which the entity was involved (See the definition of "Product Trade Name" at interrogatory number 14(B));

The type(s) of involvement the entity had with asbestos-containing products (See the definition of "involvement" at interrogatory number 14(E));

Identify the inclusive years of each type of product involvement (e.g., If the entity manufactured and distributed the product, list both types of involvement and the years that correspond to such involvement);

Use the following format. Please work through all of the asbestos-containing products with which one associated business entity was involved before working through all of the asbestos-containing products with which a different associated business entity was involved.

ANSWER TO INTERROGATORY NO. 13:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, see Answer to Interrogatory No. 6.

INTERROGATORY NO. 14: Product Information

Following this page is a proposed "Interrogatory Response Sheet" and definitions, examples and instructions dealing with the completion of this question.

For each and every asbestos-containing product, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan, with which you were involved, as previously identified in responding to the previous interrogatory, please answer the following.

A separate response is to be provided to this question for each and every asbestos-containing product with which the responding defendant was involved.

If different entities were involved with the same asbestos-containing products the asbestos containing product is to be addressed in a response to this question for each such business entity, including the answering defendant if applicable.

*For example if pipe covering is a generic product type that has been previously identified in exposure sheets filed in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan, then the answering defendant is to provide information regarding all types of pipe covering manufactured, sold and/or distributed by defendant regardless of whether a specific types of pipe covering manufactured, distributed and/or sold by defendant has been identified in exposure sheets in prior litigation in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan. In contrast if ironing board covers are a product that have not been identified in exposure sheets filed in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan, then the defendant need not provide information regarding this product type.

ANSWER TO INTERROGATORY 14:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, see Answer to Interrogatory No. 6.

INTERROGATORY NO. 15: Asbestos Free Products

For each asbestos containing product whose trade name is listed in Answer No. 14, state:

- A. Was the product, or a substitute for that product, ever manufactured and/or sold by you without asbestos; if so, when did the sale of the product commence;
- B. Brand name of the asbestos free product;
- C. The reason product was manufactured without asbestos;
- D. Was the asbestos-containing counterpart of said product sold while the asbestos-free counterpart was being manufactured; if so, provide the time periods;

ANSWER TO INTERROGATORY 15:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, see Answer to Interrogatory No. 6.

INTERROGATORY NO. 16: Product Development/Design

For each asbestos product referred to in Answer No. 14, or which was sold to any other defendant, state separately:

- A. Was the product manufactured or sold to any entity prior to its being placed on the commercial market;
- B. The date and place where the product was designed and developed;

- C. The identity and last known address of the person or persons responsible for the design or development of the product;
- D. Identity of corporation or other entity responsible for the design or development of product;
- E. Was the product ever tested prior to its being sold for use by the consumer? If so, provide the identity and present location of all records dealing with these tests (including testing concerning use, application, durability, toxicity, etc.) and the custodian of said records.
- F. The identity of each entity which created or furnished specifications for producing the products.

ANSWER TO INTERROGATORY 16:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, Defendant answers that this interrogatory is inapplicable to Defendant because it has never developed or designed brake linings.

INTERROGATORY NO. 17: Sales Documents

Please state whether you have any documents of any kind indicating or reflecting past sales of one or more asbestos-containing products listed in response to interrogatory 14 including, but not limited to, invoices, orders, purchase records, sales records, confirmations, bills of lading, annual or

other periodic summaries of sales or orders, accounts payable or accounts receivable records, etc. If so, describe in detail the different types of documents that you have for each such asbestos-containing product, and state the following as to each type of document:

- A. The items of information contained on it (e.g., date of sale, product, quantity, purchaser, shipment location, price, etc.);
- B. The years of sale encompassed by documents still in existence;
- C. The current location of the documents;
- D. Identify the current custodian of the documents, as well as the current employee most familiar with the codes or system used on the documents:

ANSWER TO INTERROGATORY NO. 17:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this interrogatory to the extent it is not limited to sales records to Plaintiff and Northern Indiana Public Service Company in Fort Wayne, Indiana (hereinafter "NIPSCO"). Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving the objections, Defendant has no records of sales of any kind to NIPSCO from 1970 through 1974 and has no records of sales of any kind to Mr. Chavis from for any period relevant to his allegations against Defendant in this case.

INTERROGATORY NO. 18: Sales Offices

Did you ever have any sales offices in Indiana that were responsible for distribution and/or sales of asbestos and/or asbestos-containing products listed in responding to interrogatory 14? If so, please state as to each such sales office:

- A. Its address and years of operation;
- B. Identify all managers from 1930 through the present and the years during which they served;

ANSWER TO INTERROGATORY NO. 18:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, Thomas Broxon became the president and manager of Defendant prior to the time periods relevant to Plaintiffs' allegations in this case through January 1, 1989, when Scott Bethke took over those positions. Also, see Answer to Interrogatory No. 12.

INTERROGATORY NO. 19: Fiber Purchases

Please state the name and address of each business entity from whom the Defendant, Defendant's predecessors, Defendant's subsidiaries have ever bought or received raw asbestos fiber.

ANSWER TO INTERROGATORY NO. 19:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving said objections, Defendant has never purchased raw asbestos fiber.

INTERROGATORY NO. 20: Insurance

For all policies of insurance affording general liability or products liability coverage, including primary policies, excess policies, policies of reinsurance, program of self-insured retention (SIR) and/or policies in which defendant was additionally insured, applicable to injuries allegedly caused by exposure to asbestos and/or asbestos-containing products state:

- A. Insurer: Specify exactly as named in the insurance policy or other evidentiary document of coverage.
- B. Insured: The insured named in the policy.
- C. Policy Period: Refer to the actual period for which the insurance policy is and/or was in effect.
- D. Policy Type: Specify whether primary, excess or self-insured, etc.
- E. Per Occurrence/Accident Limits: Refer to the limit for any one occurrence or any one accident.

- F. Products Aggregate: Refer to the aggregate limit applicable to products bodily injury liability coverage. Certain insurance policies may contain a combined aggregate for bodily injury, property damage and other covered perils; if so, refer to the combined limit and so indicate.
- G. Products Aggregate Consumption: The function of the Aggregate Consumption Summary is to track the consumption of total products liability aggregate limits claims. List such consumption. If applicable the date upon which the policy limits were paid out in full or exhausted.
- H. Policy Number: Specify exactly as contained on the insurance policy or other evidential document of coverage the policy number. Additionally provide the custodian of the policy and/or document.
- I. Insurer Objection: Specify the bases upon which the relevant insurer refuses to fully pay claims upon demand. If the insurer has not objected to payment or is paying, note N/A.

ANSWER TO INTERROGATORY NO. 20:

Objection. Defendant objects to this request on the grounds that it is premature, overly broad, vague, ambiguous and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the extent this request seeks information that may be protected by the attorney-client privilege or the work product doctrine, or that may contain confidential and proprietary trade secret information and/or party communications. Defendant also objects to this interrogatory on the basis that it is not reasonably limited in time or scope.

INTERROGATORY NO. 21: Asbestos\Consultant

Has any person ever served as a consultant (excluding experts retained during the course of litigation), full, or part-time, to defendant in any manner regarding the potential medical, toxicological, or industrial hygiene aspects of asbestos or any asbestos containing product? (the term consultant is meant to include any specialist in the above areas who was at least in part retained for his expertise and opinions in other than a full time salaried position). If so, please state the following as to each such person:

- A. Identify the person;
- B. The beginning date, ending date, and period of service for the person;
- C. The job duties and/or responsibilities for the person, as well as a summary of the work performed;
- D. The plant address, office address, or duty assignment location for the person for each part of the consultancy;
- E. The reason for retaining the person;
- F. Identify the company official responsible for retaining the person, as well as identify the company officials with whom the person met during the period of the employment of consultancy; and,
- G. State whether documents relating to the employment or consultancy in any way, including contracts, correspondence, publications, reports, status reports, studies, etc., exist and whether or not said documents mention asbestos. Additionally if said documents exist provide the name of the records custodian of said documents.

ANSWER TO INTERROGATORY NO. 21:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, unlimited in scope and time, vague, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and that is protected by the attorney-client and work product privileges.

Subject to and without waiving said objections, no.

INTERROGATORY NO. 22: Physician/Consultant

Please state whether or not Defendant ever employed, engaged or retained any physician as a consultant, plant physician or otherwise (excluding experts retained during the course of litigation), in connection with asbestos-related business activities. If so, please state the following as to each such physician:

- A. Identify the physician and give complete dates and places of employment or service;
- B. State the physician's duties and responsibilities;
- C. Identify the company person to whom the physician reported;
- D. State the purpose for which the physician was employed, engaged or retained; and,
- E. State whether documents pertaining to the physician's professional activities involving asbestos and/or individuals exposed to asbestos exist and the custodian of said documents.

ANSWER TO INTERROGATORY NO. 22:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, unlimited in scope and time, vague, and seeks information that is neither relevant nor

reasonably calculated to lead to the discovery of admissible evidence, and that is protected by the attorney-client and work product privileges.

Subject to and without waiving said objections, no.

INTERROGATORY NO. 23: Safety/Consultant

Please state whether or not any industrial hygienist, toxicologist, safety director, occupational medical director, physician or consultant in any of the foregoing areas previously identified (excluding experts retained during the course of litigation), ever made at any time any statements, recommendations and/or suggestions to the Defendant pertaining to or relating to asbestos or health hazards from dust or any product. If so, state the following as to each such occasion:

- A. Identify who made the recommendation and/or suggestion;
- B. State the date of the recommendation and/or suggestion;
- C. Identify all company officials who received the recommendation and/or suggestion;
- D. State the substance of the recommendation and/or suggestion; and,
- E. State whether any documents and/or records of oral conversations embodying or pertaining to the recommendation and/or suggestion exist and if so the custodian of said records.

ANSWER TO INTERROGATORY NO. 23:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, unlimited in scope and time, vague, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and that is protected by the attorney-client and work product privileges.

Subject to and without waiving said objections, no.

INTERROGATORY NO. 24: Tests/Asbestos

Please state whether Defendant ever conducted or caused to be conducted any tests (whether laboratory or field tests) on any of their or anyone else's asbestos-containing products, including measurements of exposure levels during installation, removal and/or after installation after they had degenerated or decomposed from use, to determine potential or likely asbestos exposure levels during conditions of intended use of the product. If so, please state the following as to each such test:

- A. Identify the person who directed that the test and/or measurement be made and/or conducted;
- B. Identify the person or organization who conducted the test and/or measurement;
- C. Identify where, when and for how long the test and/or measurement was conducted, including the department of the plant or facility involved, as well as its owner and operator;
- D. State the product(s) tested and describe the conditions of the test, including the measurement methodology;
- E. Describe whatever efforts, if any, were used in the test to simulate the various conditions of possible or probable use of the product, such as in confined spaces or tunnels;
- F. State the asbestos exposure levels measured including the ranges measured, median measurement and average measurement;
- G. Identify to whom the test results were reported; and,
- H. Identify all documents pertaining to the test and the custodian thereof.

ANSWER TO INTERROGATORY NO. 24:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, unlimited in scope and time, vague, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and that is protected by the attorney-client and work product privileges.

Subject to and without waiving said objections, no.

INTERROGATORY NO. 25: Financial Support/Measurement/Tests

Has Defendant ever conducted, caused to be conducted or financially supported through at least a 10% contribution towards the total cost, any asbestos-related epidemiologic, toxicologic, animal, medical, scientific tests, reviews, investigations, analysis, research or studies of any kind (hereafter termed “studies”)? If so, please state as to each such study:

- A. Identify who directed or authorized that the study be done;
- B. Identify the person or organization that conducted the study;
- C. State the dates and over what time period the study was done;
- D. Describe the study design and protocol;
- E. State the complete results of the study, including any conclusions or recommendations contained therein;
- F. Identify all company officials who received notice of the existence of the study and/or its results;
- G. Identify all documents relating to the study and the custodian thereof; and,
- H. State whether the study was ever published, and if so, state the study title and citation.

ANSWER TO INTERROGATORY NO. 25:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, unlimited in scope and time, vague, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and that is protected by the attorney-client and work product privileges.

Subject to and without waiving said objections, no.

INTERROGATORY NO. 26: Literature Review

Has Defendant ever conducted, caused to be conducted, or financed through at least a 10% contribution towards the total cost, any effort to monitor or review the professional literature regarding the clinical, epidemiologic, toxicologic, industrial hygiene, medical and/or scientific aspects of asbestos and/or products containing asbestos (excluding for the purposes of litigation)?

If so, please state the following as to each effort:

- A. Identify who directed or authorized that the effort be done;
- B. Identify the person or organization that conducted the effort;
- C. State the dates and over what time period the effort was done;
- D. Describe the effort design and protocol;
- E. State the complete results of the effort, including any conclusions or recommendations contained therein;
- F. Identify all company officials who received notice of the existence of the effort and/or its results;
- G. Identify all documents relating to the effort and the custodian thereof; and,
- H. State whether the effort was ever published, and if so, state the effort title and citation.

ANSWER TO INTERROGATORY NO. 26:

Objection. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, unlimited in scope and time, vague, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and that is protected by the attorney-client and work product privileges.

Subject to and without waiving said objections, no.

INTERROGATORY NO. 27: Specific Studies/Participation

Did Defendant at any time in any way participate in any of Metropolitan Life Insurance Company's studies of asbestos (conducted approximately between 1929-1940), any Trudeau Foundation/Saranac Lake studies (between 1929-1960), or any Industrial Hygiene Foundation studies (between 1938-1968)? If so, identify each such study in which you were involved and state as to each:

- A. What role or action you took in regard to the study;
- B. Identify all documents related to your involvement in the study and the custodian thereof;
- C. Identify each of your facilities in which any part of the study was conducted and reference your facility to the data reported in the study; and,
- D. Identify each of your officers, supervisors, managers or employees who assisted, participated in or directed your involvement in the study.

ANSWER TO INTERROGATORY NO. 27:

No.

INTERROGATORY NO. 28: Asbestos Hazard/Notice

Did Defendant at any time prior to 1980 receive, have notice of, acquire or possess any advice, publication, statement, warning, order, directive, letter, memorandum, recommendation or document, written or oral, in any way related to asbestos and health hazards, or which implicitly or explicitly refers to asbestos and health issues. If so, state the following as to each such document and oral conversation, and each such occasion prior to 1980:

When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.

- A. Identify all documents pertaining to the advice, publication, statement, warning, order, directive, letter, memorandum, or recommendation and the custodian thereof;
- B. Identify all company officials and directors who received notice of the existence of the document or oral conversation. For each such oral conversation state the approximate date of said conversation and the parties to said conversation; and,
- C. What action, if any, was taken by you as a consequence of the document or oral conversation.

ANSWER TO INTERROGATORY NO. 28:

Objection. Defendant objects to this interrogatory on the grounds that this interrogatory as phrased is vague, ambiguous and potentially misleading. Defendant also objects because this interrogatory impermissibly seeks an expert medical opinion which Defendant is not qualified to render. This interrogatory is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products

relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving said objection, Defendant is not aware of specifically how or when any of its officers learned of any specific health hazards of asbestos. Defendant had no knowledge of any alleged health hazard associated with exposure to asbestos in brake linings until no earlier than the late 1970's or early 1980's.

INTERROGATORY NO. 29: Knowledge/Asbestosis

Please state whether Defendant obtained, prior to 1980, any knowledge concerning the association, if any, between the inhalation of asbestos fibers and a lung disease known as asbestosis, in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired;
- B. As to each such occasion thereafter in which your knowledge as to asbestosis increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of asbestosis state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning the disease asbestosis and the custodian thereof; and,

- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

ANSWER TO INTERROGATORY NO. 29:

Objection. Defendant objects to this interrogatory on the grounds that this interrogatory as phrased is vague, ambiguous and potentially misleading. Defendant also objects because this interrogatory impermissibly seeks an expert medical opinion which Defendant is not qualified to render. This interrogatory is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving said objection, Defendant has no knowledge of any officer of Defendant being aware prior to 1980 of any association between the inhalation of asbestos fibers and asbestosis. Also, see Answer to Interrogatory No. 28.

INTERROGATORY NO. 30: Knowledge/Lung Cancer

Please state whether Defendant, prior to 1980, ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and lung cancer, in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. As to each such occasion thereafter in which your knowledge as to lung cancer increased either relative to the types of exposures (i.e. trades and occupations, etc.)

and/or types of products which became associated with the development of lung cancer state:

- (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning lung cancer and the custodian thereof, and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

ANSWER TO INTERROGATORY NO. 30:

Objection. Defendant objects to this interrogatory on the grounds that this interrogatory as phrased is vague, ambiguous and potentially misleading. Defendant also objects because this interrogatory impermissibly seeks an expert medical opinion which Defendant is not qualified to render. This interrogatory is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving said objection, Defendant has no knowledge of any officer of Defendant being aware prior to 1980 of any association between the inhalation of asbestos fibers and lung cancer. Also, see Answer to Interrogatory No. 28.

INTERROGATORY NO. 31: Knowledge/Mesothelioma

Please state whether Defendant, prior to 1980, ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and mesothelioma, in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. As to each such occasion thereafter in which your knowledge as to mesothelioma increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of mesothelioma state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning mesothelioma and the custodian thereof, and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

ANSWER TO INTERROGATORY NO. 31:

Objection. Defendant objects to this interrogatory on the grounds that this interrogatory as phrased is vague, ambiguous and potentially misleading. Defendant also objects because this interrogatory impermissibly seeks an expert medical opinion which Defendant is not qualified to

render. This interrogatory is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving said objection, Defendant has no knowledge of any officer of Defendant being aware prior to 1980 of any association between the inhalation of asbestos fibers and mesothelioma. Also, see Answer to Interrogatory No. 28.

INTERROGATORY NO. 32: Knowledge/Cancer of the Gastrointestinal Tract

Please state whether Defendant ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and cancer of the gastrointestinal tract (i.e. colon, stomach, etc.), in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. As to each such occasion thereafter in which your knowledge as to cancer of the gastrointestinal tract increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of cancer of the gastrointestinal tract state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;

- C. Identify all documents relevant to your acquisition of knowledge concerning cancer of the gastrointestinal tract and the custodian thereof; and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

ANSWER TO INTERROGATORY NO. 32:

Objection. Defendant objects to this interrogatory on the grounds that this interrogatory as phrased is vague, ambiguous and potentially misleading. Defendant also objects because this interrogatory impermissibly seeks an expert medical opinion which Defendant is not qualified to render. This interrogatory is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods, services or products relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving said objection, Defendant has no knowledge of any officer of Defendant being aware prior to 1980 of any association between the inhalation of asbestos fibers and cancer of the gastrointestinal tract. Also, see Answer to Interrogatory No. 28.

INTERROGATORY NO. 33: Warning/Description

Please provide the following information as to each caution, warning or hazard statement or explanation involving asbestos alleged to have been placed on the products or packaging of asbestos containing products by you?

- A. What was its precise wording;

- B. Where was it located on the product or packaging, and what was the size and color of the lettering.
- C. Has the wording or its presentation ever been altered, and if so, how and when;
- D. The years during which each version of a caution, warning or hazard statement appeared on each individual product identified in responding to interrogatory 14;
- E. Identify all company officers and/or committees who participated in the decision to affix each version of the caution, warning or hazard statement to a product or its packaging, and in particular, identify the prime decision-maker, if any; and
- F. Identify all documents related in any way to each caution, warning or hazard statement and the custodian thereof.

ANSWER TO INTERROGATORY NO. 33:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, assumes facts, excessive in scope and time, and seeks information that is not relevant or reasonably calculated to lead to the discovery of relevant or admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods relevant to Plaintiffs' allegations against Defendant in this case. Defendant also objects to this interrogatory on the grounds that it is argumentative in that it assumes that warnings were required on any products or with any services by making the incorrect assumption that those products or services posed a risk or danger in use. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving these objections, Defendant states that it has never placed labels, notices or warnings on any Grizzly brake linings it used or sold from 1970 to 1974. To the extent any warnings were included with or on the brake linings, they would have been provided by Grizzly.

INTERROGATORY NO. 34: Warning/Insert

Has Defendant ever placed any form of package insert or informative brochure in a container of an asbestos-containing product, listed in response to interrogatory 14, explaining the hazards of asbestos? If so, state as to each such insert or brochure:

- A. When was it first placed in containers and for what years thereafter;
- B. What products had the insert or brochure included;
- C. Describe the size, shape, color and text of the insert or brochure;
- D. Identify all persons involved in the decision to include the insert or brochure; and,
- E. Identify all company officers and/or committees who participated in the decision to include an insert or brochure, and in particular, identify the prime decision maker, if any; and
- F. Identify the insert and/or brochure itself and the custodian thereof.

ANSWER TO INTERROGATORY NO. 34:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, assumes facts, excessive in scope and time, and seeks information that is not relevant or reasonably calculated to lead to the discovery of relevant or admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods relevant to Plaintiffs' allegations against Defendant in this case. Defendant also objects to this interrogatory on the grounds that it is argumentative in that it assumes that warnings were required on products or with any services by making the incorrect assumption that those products or services posed a risk or danger in use. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving these objections, Defendant states that it has never placed an insert or informative brochure with any Grizzly brake linings it used or sold from 1970 to 1974. To

the extent any warnings were included with or on the brake linings, they would have been provided by Grizzly.

INTERROGATORY NO. 35: Warning/Customer

State whether you published and/or otherwise provided any of your distributors and/or customers with any instructions in regard to the asbestos hazards, if any, presented by use of Defendant's asbestos-containing products, other than inserts or labels (i.e. promotional pamphlets, product manuals, specification sheets, sales brochures, etc.) If so, please state:

- A. When such instructions were first given;
- B. By whom and when were these instructions made;
- C. State the specific instructions provided; and,
- D. Identify all oral communications and documents related to these instructions. If oral identify the approximate date of said communication and the parties involved, if written provide the custodian of said documents.

ANSWER TO INTERROGATORY NO. 35:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, assumes facts, excessive in scope and time, and seeks information that is not relevant or reasonably calculated to lead to the discovery of relevant or admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods relevant to Plaintiffs' allegations against Defendant in this case. Defendant also objects to this interrogatory on the grounds that it is argumentative in that it assumes that warnings were required on any products or with any services by making the incorrect assumption that those products or services posed a risk or danger in use. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving these objections, Defendant states that it has never provided any instructions with any Grizzly brake linings it used or sold from 1970 to 1974. To the extent any instructions were included with or on the brake linings, they would have been provided by Grizzly.

INTERROGATORY NO. 36: Warning/Mask

Has Defendant ever placed any form of disposable face mask or respirator in a container of an asbestos-containing product for later use by persons who would handle and/or be exposed to the product? If so, please state:

- A. The products covered by the practice;
- B. The year this practice began and the years it was implemented;
- C. Describe the type of face mask or respirator included in the container; and,
- D. Identify all oral communications and documents related to this practice. If oral
 identify the approximate date of said communication and the parties involved, if
 written provide the custodian of said documents.

ANSWER TO INTERROGATORY NO. 36:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, assumes facts, excessive in scope and time, and seeks information that is not relevant or reasonably calculated to lead to the discovery of relevant or admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods relevant to Plaintiffs' allegations against Defendant in this case. Defendant also objects to this interrogatory on the grounds that it is argumentative in that it assumes that warnings were required on any products or with any services by making the incorrect assumption that those products or services posed a risk or danger in use. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving these objections, no.

INTERROGATORY NO. 37: Sales Material

Has Defendant at any time, published and/or distributed any sales brochures, promotional pamphlets, product manuals, specification sheets or other written sales materials or documents of any kind or character? If so, please:

- A. Identify each such document and the custodian thereof,
- B. State for what period of time you published and/or distributed sales brochures, promotional pamphlets, product manuals, specification sheets, or other written sales material or documents without any form of warnings, cautions, hazard statements or explanations concerning asbestos.

ANSWER TO INTERROGATORY NO. 37:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, assumes facts, excessive in scope and time, and seeks information that is not relevant or reasonably calculated to lead to the discovery of relevant or admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods, products or services relevant to Plaintiffs' allegations against Defendant in this case. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving these objections, Defendant has no knowledge of Defendant publishing or distributing any materials responsive to this interrogatory relating to Grizzly brake linings from 1970-1974.

INTERROGATORY NO. 38: Advertisement

If you advertised any of your asbestos-containing products, listed in response to interrogatory 14, in newspapers, magazines, or other publications at any time from 1930 to the present, please state for each such advertisement that contained a warning regarding your products:

- A. The name of the publication in which it appeared, including the date and page number;
- B. A complete transcript of the advertisement and a description of any pictures accompanying it;
- C. The name and address of the person or agency that was responsible for approving each such advertisement;
- D. The name and address of whoever has current custody of the above-described advertising literature; and,
- E. Identify all documents relating to such advertisements and the custodian thereof.

ANSWER TO INTERROGATORY NO. 38:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, assumes facts, excessive in scope and time, and seeks information that is not relevant or reasonably calculated to lead to the discovery of relevant or admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods, products or services relevant to Plaintiffs' allegations against Defendant in this case. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving these objections, Defendant placed listings in the white and yellow pages that referenced Grizzly brake linings during the 1970 to 1974 time period. Defendant has no knowledge of Defendant placing advertisements Grizzly brake linings from 1970-1974. To the extent it may be responsive to this interrogatory, see receipt relating to Defendant's white and yellow pages listings produced in response to Plaintiffs' Case-Specific Request for Production of Documents.

INTERROGATORY NO. 39: Product Usage/Documents

Has any written material of any kind or character been prepared by Defendant or its agents indicating how your asbestos-containing products should be used and/or maintained (other than information in regards to the hazards, if any, presented by use of the defendant's asbestos containing products)? If so, please state as follows:

- A. Identify all such material and the custodian thereof,
- B. The name, address and job classification of each person who prepared same; and;
- C. The dates and manner in which said material was distributed to purchasers of
Defendant's products.

ANSWER TO INTERROGATORY NO. 39:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, assumes facts, excessive in scope and time, and seeks information that is not relevant or reasonably calculated to lead to the discovery of relevant or admissible evidence. Defendant further objects to this interrogatory to the extent it is not limited to time periods, products or services relevant to Plaintiffs' allegations against Defendant in this case. Defendant has limited its answer to this interrogatory accordingly.

Subject to and without waiving these objections, no.

INTERROGATORY NO. 40: Notice/Asbestos Injury

Did Defendant receive notice, prior to 1975, that any person was claiming injury as a result of using asbestos-containing products mined, manufactured, sold and/or used by you? If so, please state as to each such claim.

- A. The name of the claimant;
- B. The date of notice of the claim;

- C. A description of the claim including the type of exposure experienced by the claimant (e.g., mining, milling, manufacturing, insulating, etc.);
- D. The type of injuries allegedly sustained;
- E. The caption and court, address of the court or workers' compensation file number of the claim;
- F. Identify all documents relating to the claim and the custodian thereof.

ANSWER TO INTERROGATORY NO. 40:

No.

INTERROGATORY NO. 41: Specific Trade Association

Please state whether Defendant has ever been a member of the following business groups (or group with similar name), and if so, answer the following as to each group:

- (1) The address of the group;
 - (2) The years during which you were a member;
 - (3) Identify all documents in your possession relating in any way to the group, including documents before, during and after the period of your membership and the custodian thereof.
-
- A. Industrial Health Foundation (or one of its predecessors);
 - B. Asbestos Textile Institute;
 - C. Asbestos Information Association of North America;
 - D. National Mineral Wool Producers Association;
 - E. Asbestos Cement Pipe Producers Association;
 - F. Magnesite Insulation Manufacturers Association;
 - G. American Industrial Hygiene Association;

- H. Brake Lining Manufacturers Association;
- I. Friction Materials Standards Institute, Inc.;
- J. Asbestos Brake Lining Manufacturers Institute;
- K. Quebec Asbestos Mining Association;
- L. Institute of Occupational and Environmental Health of Quebec Asbestos Mining Association;
- M. American Society for Testing and Materials;
- N. Grinding Wheel Institute;
- O. Trudeau Foundation;
- P. National Safety Council;
- Q. National Insulation Manufacturers Association; and,
- R. The Refractories Institute;

ANSWER TO INTERROGATORY NO. 41:

No.

INTERROGATORY NO. 42: Library

Please state whether Defendant ever maintained any form of library or collection of books and publications. If so, state the following as to each such library:

- A. The original location of the library, including the building in which it was located;
- B. The years during which the library was in operation;
- C. The offices, plant facilities, departments or other organizational units serviced by the library;
- D. Identify each custodian of the library or librarian as well as the years of his service as librarian;

ANSWER TO INTERROGATORY NO. 42:

No.

INTERROGATORY NO. 43: Testimony

If any of your employees or officers have testified at trial or by deposition in any litigation or before any Congressional Committee or administrative agency, published any articles, or made any written statements concerning asbestos exposure, pulmonary or asbestos related diseases or industrial hygiene relating to asbestos use, state:

- A. The name, address and title of each person;
- B. The date, location and forum of such statement, article or testimony;
- C. Whether defendant has a copy of such statement, article or testimony;

ANSWER TO INTERROGATORY NO. 43:

No employee or officer of Defendant has testified at trial or by deposition in any litigation or before any Congressional Committee or administrative agency, published any articles, or made any written statements concerning asbestos exposure, pulmonary or asbestos-related diseases or industrial hygiene relating to asbestos use.

INTERROGATORY NO. 44: Investigation

Have you undertaken to investigate the occurrence alleged in Plaintiff's complaint? If so, state:

- A. The name, address and title of the persons participating in such investigation;
- B. List each written record pertaining to such investigation and its location and custodian;
- C. Whether you have obtained any written statements made by the plaintiff concerning any of the allegations in his complaint.

ANSWER TO INTERROGATORY NO. 44:

Objection. Defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad and unduly burdensome. Defendant further objects to the interrogatory on the basis that it seeks information that is subject to attorney-client privilege and the work product doctrine. Defendant also objects to the term “occurrence” as being vague and ambiguous, especially in the context of asbestos litigation; moreover, the term is overbroad as to subject matter and time.

Subject to and without waiving said objections, Defendant states that investigation by its counsel is ongoing and that Defendant has not received any written statements made by Plaintiff other than those provided in discovery.

INTERROGATORY NO. 45: Hazardous

Does the defendant contend that the asbestos products mined, manufactured, produced, processed, compounded, converted, sold, merchandised, supplied, distributed and/or otherwise placed in the stream of commerce by defendant are not “hazardous substances” as defined in 15 U.S. Code, § 1261(5)? Said definition is incorporated herein by reference, and defendant is required to reply as to all the parts of said definition. If so, state the facts, opinions or conclusions upon which defendant relies to support such contention, and identify each document which is applicable.

ANSWER TO INTERROGATORY NO. 45:

Objection. Defendant objects to Interrogatory request as being compound, vague, ambiguous, overly broad and not reasonably calculated to lead to the discovery of relevant evidence. Defendant objects to the extent it improperly requests information that requires a legal conclusion. Furthermore, Defendant objects to responding to this interrogatory to the extent that it calls for information which is protected by the attorney-client privilege and/or work product doctrine. Defendant also objects to this interrogatory to the extent it is not limited to time periods or products

relevant to Plaintiffs' allegations against Defendant in this case because such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects as the request improperly seeks expert opinion.

INTERROGATORY NO. 46: Record Retention

Does your company have a record or document retention or destruction policy, plan or program? If so, describe such plan in detail. If that policy has changed at any time from 1958 to 1985 describe those changes. If the plan is different for separate categories of records, describe those changes. If the plan is different for separate categories of records, describe the plan for each category. Include in the descriptions the following:

- A. The name and title of the custodian of the records;
- B. The length of time for which records are retained;
- C. The titles and names of personnel responsible for determining the policy or plan from 1958 to 1985;
- D. The titles and names of personnel responsible for removal and destruction of any records, pursuant to any such plans from 1958 to 1985;
- E. List and identify each document destroyed by your company which pertains to:
 - (1) Asbestos or asbestos containing products sold or delivered to any licensee, distributor or installer which directly or indirectly installed your asbestos or asbestos containing products;
 - (2) Health hazards of asbestos;
 - (3) Asbestos related workers' compensation claims;
 - (4) Warning labels on your products;
 - (5) Studies concerning health hazards of asbestos.

ANSWER TO INTERROGATORY NO. 46:

Objection. Defendant objects to this request as it is overly broad, unduly burdensome and seeks information that is not relevant or reasonably calculated to lead to the discovery of relevant or admissible evidence and it is not limited to timeframes relevant to the claims in this action.

Subject to and without waiving the objections, Defendant has never had a formal record retention policy.

INTERROGATORY NO. 47: Contentions

- A. If your company contends that there was no satisfactory substitute for your products containing asbestos prior to 1973 state each and every fact which supports that contention and the names and addresses of persons with any knowledge.
- B. If defendant contends that the “state of the art” of medical and/or scientific knowledge concerning the dangers or adverse health effects of asbestos was such that defendant should not have known of the risks to which it exposed the plaintiffs as a result of contact with its asbestos fibers or asbestos-containing products, please set forth in detail the facts that support that contention, and the names and addresses of persons with any knowledge.
- C. If defendant contends that it believed that if dust concentrations (of asbestos-containing dust) were kept below 5 million particles per cubic foot, plaintiff and others similarly situated would not contract asbestosis, and in support of this contention will rely upon *A Study of Asbestos in the Asbestos Textile Industry*, by Dreesen, Dallavale, Edwards, Miller and Sayers, U.S. Treasury Department, Public Health Service, Public Health Bulletin No. 241 (1938) please state:
 - (1) The first person in defendant’s employ who read this article;
 - (2) Where defendant obtained such article;

- (3) When defendant or its employee first read this article;
 - (4) The name of all persons in defendant's employ who read this article prior to 1970;
 - (5) What steps, if any, defendant took to determine the validity of the study upon which the article was based;
 - (6) If the person named in subpart (a) above is deceased, upon what facts do you base your statement that this person read this article at the aforementioned time.
- D. Do you contend that any claims asserted by the plaintiff fails to state a claim upon which relief can be granted? If so, identify each such claim and state each and every fact which you believe supports the contention.
- E. Do you contend that any of the plaintiff's claims are barred by any applicable statute of limitations? If so:
- (1) Identify each claim that you contend is barred by the statute of limitations;
 - (2) Describe the facts which support this contention;
 - (3) If you claim any document shows that the plaintiff assumed a particular risk, identify each such document you rely upon.
- G. Do you contend that the plaintiff is barred from recovery by assumption of any risk? If so:
- (1) Specify each and every risk you claim that plaintiff assumed;
 - (2) Specify the facts you claim support each such contention;
 - (3) If you claim any document shows that the plaintiff assumed a particular risk, identify each such document you rely on, name the custodian and location of each such document.
- H. Do you claim that the plaintiff's recovery is barred or reduced by virtue of any alleged contributory negligence? If so:

- (1) Specify each act of contributory negligence you allege;
 - (2) Specify the facts establishing plaintiff was contributorily negligent;
 - (3) If you claim any document shows that the plaintiff was contributorily negligent, identify each such document you rely on, name the custodian and location of each such document.
- I. Do you contend that the damages incurred by the plaintiffs were in any way attributable to any third party? If so:
- (1) Identify each such third party;
 - (2) State the acts or omissions of each such third party which support your contention;
 - (3) If you intend to rely on any document to support this contention, identify the document, name the custodian and location of each such document.
- J. Do you contend that any intervening acts or superseding negligence on the part of others caused plaintiff's injuries? If so:
- (1) Identify each and every alleged intervening act or superseding negligence by date, place and description of each act;
 - (2) Identify each person or entity you claim performed such act and for each entity, identify each and every corporate officer, agent, representative, or employee performing such acts or making such omissions;
 - (3) If you intend to rely on any document to support this contention, identify the document, name the custodian and location of the document.
- K. Do you contend that plaintiff's illness was due to friable or loose asbestos from the asbestos products of any other company? If so:

- (1) The identity of each such company and the name and type of that company's product which you contend caused plaintiff's illness;
 - (2) The alleged dates of installation;
 - (3) If you intend to rely on any document to support this contention, identify the document, name the custodian and location of each such document; and
 - (4) Identify any written statements of any persons identified in your answer to this interrogatory, name the custodian and location of each such document.
- L. Do you contend that plaintiff was not exposed to friable or loose asbestos despite the installation or use of your asbestos containing products by him or other workers? If so, please state:
- (1) The factual basis for your contention;
 - (2) The identity of any person with personal knowledge as to this question; and
 - (3) If you intend to rely on any document to support this contention, identify the document, including its custodian and location.

ANSWER TO INTERROGATORY NO. 47:

Objection. Defendant objects to this interrogatory on the grounds that it calls for legal conclusions and for information protected by the attorney-client and/or attorney work product privileges. Defendant also objects to this interrogatory to the extent it is premature and improperly seeks expert opinion.

Subject to and without waiving the foregoing objections, Defendant incorporates and adopts all of the affirmative defenses set forth in its Answer, and any Answers filed by any co-defendants, herein, but states that discovery is incomplete and ongoing and therefore Defendant has not yet finalized its contentions for trial. At present, Defendant intends to pursue all defenses, cross-claims,

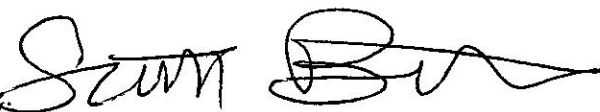
and third-party claims available to it. Defendant reserves the right to supplement this answer at a later date.

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VERIFICATION

The undersigned, Scott Bethke, being duly sworn says that he is the President of Brake Materials & Parts, Inc.; that he has verified the foregoing Brake Materials & Parts, Inc.'s Responses To Plaintiffs' Master Interrogatories for and on behalf of Brake Materials & Parts, Inc.; that he is duly authorized to do so; that certain of these matters stated therein are not within the personal knowledge of affiant; and that the facts stated therein have been assembled by authorized representatives and counsel Brake Materials & Parts, Inc. and affiant is informed that the facts stated therein are true.

Date: May 24, 2021

By: 

Scott Bethke

AS TO OBJECTIONS:

RILEY BENNETT EGLOFF LLP

/s/ Jeffrey B. Fecht
Jeffrey B. Fecht

Attorneys for Defendant,
Brake Materials & Parts, Inc.

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CERTIFICATE OF SERVICE

The undersigned attorney certified that the foregoing was electronically served on all counsel of record on the date shown on the file or service stamp on the first page of this document, by using eFile & Serve.

/s/ Jeffrey B. Fecht

Jeffrey B. Fecht