

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

C. A. HARDY (CONSOLIDATED)	X	
VS.	X	CIVIL ACTION NO. M-79-145-CA
	X	(CONSOLIDATED)
JOHNS-MANVILLE SALES CORPORATION, ET AL	X	

OBJECTIONS AND SUBJECT THERETO, ANSWERS OF DEFENDANT GARLOCK INC TO FIRST INTERROGATORIES OF GAF AND RUBEROID

TO: GAF AND RUBEROID AND ITS ATTORNEY MR. JOHN H. HALL, 1200 ONE MAIN PLACE, DALLAS, TEXAS 75250.

Comes now the defendant Garlock Inc and files this its objections, and subject to those objections, its answers to the first interrogatories of GAF and Ruberoid in accordance with Rule 33 of the Federal Rules of Civil Procedure.

As a general objection, Garlock Inc objects to the interrogatories submitted for the reason that Garlock Inc has no share of the thermal insulation market as that term is generally understood and should not therefore be required to answer interrogatories attempting to determine such market share. Garlock Inc does not now and has never manufactured or sold for or to the thermal insulation market as that market is generally understood. Garlock Inc's products are safe and should not be included in the thermal insulation market as that market is generally understood.

All answers herein are made subject to this general objection.

1. Do you have any records in any form which show sales by you of products containing asbestos during the last 30 years?

ANSWER TO INTERROGATORY NO. 1: Yes.

2. If so, give the name or names as used within your company for the types of such records, together with:

ANSWER TO INTERROGATORY NO. 2: Invoices and miscellaneous sales reports.

2 (a). The name and address of the individual who has custody of each set of each type of record.

ANSWER TO INTERROGATORY NO. 2 (a): There is no one person.

2 (b). The purpose of each set of each type of record.

ANSWER TO INTERROGATORY NO. 2 (b): General business purposes typically pertaining to such records.

2 (c). The reason for each set of each type of record being in existance.

ANSWER TO INTERROGATORY NO. 2 (c): To satisfy the purposes above stated.

2 (d). The time periods for which you have each set of each type of record.

ANSWER TO INTERROGATORY NO. 2 (d): Invoices are normally kept for three years. Other records are kept for varying time periods from monthly to quarterly to annually to longer periods of time based upon the type of record and the type of product.

3. Does your answer to Interrogatory No. 2, and its subparts, set out all of the records you have as inquired about in Interrogatory No. 1?

ANSWER TO INTERROGATORY NO. 3: Yes.

4. If not, what other records do you have of the kind inquired about in Interrogatory No. 1?

ANSWER TO INTERROGATORY NO. 4: Not applicable.

5. Give the name and address and employer of each individual familiar with your recordkeeping system as it relates to sales of products containing asbestos.

ANSWER TO INTERROGATORY NO. 5: G. Ray Byrd, Garlock Inc, 166 Division Street, Palmyra, New York.

6. Give the name and address and employer of each individual familiar with your recordkeeping system as it relates to each set of each type of such record.

ANSWER TO INTERROGATORY NO. 6: There is no such person.

7. Are you or have you ever been a member of any trade association related to products containing asbestos?

ANSWER TO INTERROGATORY NO. 7: Yes.

8. If so, have you ever made any reports or sent letters or any type of communication of any kind or character to such trade association or associations?

ANSWER TO INTERROGATORY NO. 8: Yes.

9. If you have made a report or reports or sent letters or any type of communication, was anything contained in any of them as to the volume of products containing asbestos which was sold by you in either dollar amounts or volume of products?

ANSWER TO INTERROGATORY NO. 9: Yes.

10. If so, give the time period covered by each.

ANSWER TO INTERROGATORY NO. 10: Only some of such reports, letters, communications are in possession of Garlock Inc and therefore this question cannot be answered.

11. Do you have copies of any such reports, letters or communication inquired about in the preceding three interrogatories?

ANSWER TO INTERROGATORY NO. 11: Yes.

12. If so, give the name, address and employer of the individual who has custody of same.

ANSWER TO INTERROGATORY NO. 12: Mr. Clayton Jewett, Garlock Inc, 166 Division Street, Palmyra, New York.

13. Have you sent out newsletters or similiar communication within the last 30 years, of any character, which set out any information regarding sales by you or products containing asbestos?

ANSWER TO INTERROGATORY NO. 13: As we understand the question, the answer is no.

14. If so, do you have copies thereof?

ANSWER TO INTERROGATORY NO. 14: Not applicable.

15. As to the records inquired about in the two preceding interrogatories, give the name, employer and address of the individual having custody thereof.

ANSWER TO INTERROGATORY NO. 15: Not applicable.

16. Give the same information inquired about in the three preceding interrogatories as to any materials filed:

ANSWER TO INTERROGATORY NO. 16: Not applicable.

17. Within the last 30 years has the nature of your business been such that it related only to thermal insulation products containing asbestos?

ANSWER TO INTERROGATORY NO. 17: No. Garlock Inc does not, nor has it ever, manufactured, sold or distributed thermal insulation products as that term is generally understood.

18. If not, did you have any internal record system which would show the amount of business relating to thermal insulation containing asbestos as compared to other types of business in which you have been engaged.

ANSWER TO INTERROGATORY NO. 18: No. See response to Interrogatory No. 17.

19. If so, what is the nature of the record or records and the name, address and employer of the individual who has custody thereof?

ANSWER TO INTERROGATORY NO. 19: Not applicable.

20. Isn't it true that you have at some time in the past made an effort to determine your market share of thermal insulation products containing asbestos?

ANSWER TO INTERROGATORY NO. 20: No. See response to Interrogatory No. 17.

21. If so, what records did you use in making such determination, and for what time period, and what was your process in reaching the conclusion you reached with reference thereto?

ANSWER TO INTERROGATORY NO. 21: Not applicable.

22. Do you have a record retention system for business records?

ANSWER TO INTERROGATORY NO. 22: Yes.

23. If so, what is it, describing the system and any time periods involved as it relates to record retention and particular types of records?

ANSWER TO INTERROGATORY NO. 23: Attached.

Respectfully submitted,

Harold Retting

THE STATE OF TEXAS X

COUNTY OF GREGG X

BEFORE ME, the undersigned authority, on this day personally appeared HAROLD RETTING, who states upon oath that he is familiar with the matters and things set forth in the foregoing instrument and that they are in all things true and correct.

Harold Retting

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the 6th day of July, 1981, to certify which witness my hand and seal of office.

Notary Public in and for
Gregg County, Texas

ZELESKEY, CORNELIUS, ROGERS,
HALLMARK & HICKS
P. O. DRAWER 1728
LUFKIN, TEXAS 75901
(713) 632-3381

BY: Steve Roper
Steve Roper
State Bar No. 17234000

ATTORNEYS FOR GARLOCK INC

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument was served or delivered by depositing the same, enclosed in a postpaid, properly addressed wrapper, in an official depository under the care and custody of the United States Postal Service to Mr. John H. Hall, 1200 One Main Place, Dallas, Texas 75250, by certified mail, return receipt requested on the 8th day of July, 1981.

Steve Roper

START COPY	INITIALS	DATE

BOX NO./FILE DRAWER NO.	SEGMENT NO.
S 500	

SIGNIFICANT

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