

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

* * * * *

HARRY C. LEOPOLD and * NO. CL 64-37528
LUCILLE K. LEOPOLD, *

Plaintiffs, *

v. *

OWENS-ILLINOIS, INC.; OWENS-
CORNING FIBERGLAS CORP.; THE
CELOTEX CORPORATION, Successor
In Interest to Philip Carey
Manufacturing Company, Philip
Carey Corporation, Briggs
Manufacturing Co., and Panacon
Corporation; RAYMARK
INDUSTRIES, INC., Successor In
Interest to Raybestos-
Mattison, Inc.; NATIONAL GYPSUM
COMPANY; FIBREBOARD
CORPORATION; ARMSTRONG WORLD
INDUSTRIES, INC., Formerly
Known As Armstrong Cork
Company; NICOLET, INC.,
Individually and As Successor
to Keasbey-Mattison
Corporation; EAGLE-PICHER
INDUSTRIES, INC.; KEENE
CORPORATION; GAF CORPORATION;
ROCK WOOL MANUFACTURING CO.,
INC.; CAREY CANADA, INC.;
COMBUSTION ENGINEERING CORP.;
PITTSBURGH CORNING CORPORATION,
As Successor to Unarco
Industries, Inc.; GARLOCK,
INC.; SOUTHERN TEXTILE
CORPORATION, Individually and
As Successor to H. K. Porter
Company, Inc. and Southern
Asbestos Corp.; H. K. PORTER
COMPANY, INC., Individually and
As Successor to Southern
Asbestos Corp. and Southern
Textile Corporation; ACCANDS,
INC., a/k/a AC&S, Inc.; TURNER
& NEWALL, PLC; CROWN, CORK &
SEAL COMPANY, INC., As
Successor to Mundet Cork
Corporation; THE BABCOCK &
WILCOX COMPANY; and IOWA
ASBESTOS CO., *

Defendants. *

* * * * *

COMES NOW defendant, Garlock, Inc., and submits the attached
answers to the interrogatories propounded by the plaintiffs.

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GARLOCK'S ANSWERS TO PLAINTIFFS'
INTERROGATORIES

PLAINTIFF'S
EXHIBIT

650

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PROOF OF SERVICE

The undersigned certifies that the foregoing instru-
ment was served upon all parties to the above cause
by depositing a copy thereof in the U. S. Mail, post-
age prepaid, in envelopes addressed to each of the
attorneys of record herein at their respective address-
es disclosed on the pleadings, on 11-24, 1986

Sherrill Conner

1. Please state the name, address and job title of each person who has supplied information used in answering these interrogatories.

ANSWER. Richard W. Watson, Patent Agent and Paralegal for Garlock, Inc., Palmyra, New York, after consultation with various individuals within Garlock. Additionally, information was obtained from interrogatories previously answered by Garlock in this and other jurisdictions.

2. Please state whether or not you are a corporation; if so, please state your correct corporate name, the state of your incorporation, the address of your principal place of business and whether or not you have ever held a Certificate of Authority to do business in the State of Iowa.

ANSWER Yes. Garlock, Inc. is the correct name of the corporation. It is an Ohio corporation with its corporate headquarters in Longview, Texas. Defendant is uncertain as to what a "Certificate of Authority" is, but states that it is not registered to do business in Iowa.

3. Has defendant at any time engaged in the manufacture of products containing asbestos fibers?

ANSWER Yes.

4. Has defendant at any time engaged in the mining of material containing asbestos fibers?

ANSWER No.

Has defendant at any time engaged in the marketing and sale of products containing asbestos fibers?

ANSWER Yes.

6. If the answer to one or more of the last three questions is affirmative, please state as to each affirmative answer the following:

- a. The trade or brand name of each such product mined, manufactured and/or marketed.
- b. The dates each of such products were placed on the market.
- c. The dates each of such products were withdrawn from the market, if ever.
- d. A description of the physical (the chemical) composition of each such product including the type of asbestos contained in each such product.
- e. A description of the physical appearance of each such product.
- f. A detailed description of the intended uses of each such products.
- g. The name of the manufacturer of each such product.

ANSWER

- a. Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly and unreasonably burdensome and oppressive and it is not reasonably calculated to lead to the discovery of admissible evidence in that it seeks information with respect to numerous products, many of which Plaintiff does not allege to and could not have been exposed. Subject to these objections, and without waiving them, Garlock answers that it has manufactured many asbestos containing products and that all of its products, both those containing asbestos and those containing no asbestos, have always been sold under the Garlock name. A number of secondary trademarks have also been used over the years. The principal marks which have been used in connection with asbestos containing products (as well as non-asbestos products) are as follows: Belmont, Guardian, Chevron, Lattice Braid, Palmyra and Paper Pak.

- b. Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible or relevant material. The date on which Garlock first manufactured a product about which these inquiries are made is irrelevant. Subject to these objections, and without waiving them, Garlock states that it manufactured asbestos containing gaskets and packing material at least as early as 1907.
- c. Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to these conditions, and without waiving them, Defendant answers that introduction, distribution and discontinuance of styles of all kinds has been a continuing process at Garlock for many years. Over the years, Garlock has discontinued the manufacture and sale of numerous styles of asbestos containing products as those products became obsolete.
- d. Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to these objections, and without waiving them, Defendant answers that the only asbestos containing products of Garlock to which it is believed the Plaintiff claims to be exposed are asbestos gasket materials. Accordingly, Defendant answers as follows subject to the previous objections: Substantially, all of Defendant's products are made only with chrysotile asbestos fibers. In all cases, Garlock products are either encapsulated and/or impregnated to prevent release of asbestos fibers in sufficient quantities, if any, to pose a health hazard to persons using said product.
- e. Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to these objections, and without waiving them, Garlock answers that the only asbestos containing products of Garlock to which it is believed the Plaintiff claims to be exposed are Garlock asbestos gasket materials. Accordingly, Garlock answers as follows subject to the previous objections: Substantially, all of Defendant's products are made only with chrysotile asbestos fibers. In all cases, Garlock products are either encapsulated and/or impregnated to prevent release of asbestos fibers in sufficient quantities, if any, to pose a health hazard to persons using said product.
- Asbestos fibers are mixed with elastomeric binders and other fillers and formed into large sheets. Substantial pressure is applied to compress the material and heat is applied to cure the elastomeric material. A tough durable, linoleum-like product results and gaskets are cut from the finished sheet. All current styles use only white chrysotile asbestos fibers. A variety of elastomers and other materials are used according to the chemical resistance and temperature resistance that may be necessary. The surfaces are treated to reduce any tendency to adhere to flanges and service.
- f. Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to these conditions, and without waiving them, Defendant answers that the only asbestos containing products of Garlock to which it is believed the Plaintiff claims to be exposed are asbestos gasket materials. Accordingly, Garlock answers as follows, subject to the previous objections: The gaskets manufactured by Garlock were intended for traditional gasket use. They are used to create a fluid-tight seal between two stationary objects, usually flanges of connecting pipes.

- g. Garlock, Inc. is the complete legal name under which this Defendant is presently doing business. The rest of the information requested by this Interrogatory is as follows:

The Garlock Packing Company was originally incorporated in New York on March 27, 1905. Prior to 1955, The Garlock Packing Company acquired the following four companies, each of which made and/or sold asbestos-containing sealing products substantially similar to those made and/or sold by Garlock: Belmont Packing & Rubber Company, Crandall Packing Company, Dealer's Steam Packing Company, and U. S. Gasket Company. On April 25, 1960, the name The Garlock Packing Company was changed to Garlock, Inc. On March 3, 1975, a Delaware corporation of the same name was incorporated and on May 12, 1975, the New York corporation was merged into the Delaware corporation. On November 25, 1975, Colt Industries of Ohio was incorporated in the state of Ohio and on January 28, 1976, Garlock, Inc. was merged into Colt Industries of Ohio, which immediately changed its name to Garlock, Inc.

7. Does defendant claim that any patent would cover any product listed above in interrogatory No. 6?

ANSWER No.

8. If so, for each such product, please state:

- a. The number of each patent.
- b. The date same was issued.
- c. The number of each patent application that is pending.

ANSWER N/A.

9. Have any of the products listed above in Interrogatory No. 6 been altered in chemical composition since first being marketed?

ANSWER Defendant objects to the Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to these objections, and without waiving them, Defendant answers that it has made many changes in its products over the years which would amount to a change in chemistry. Some changes have not been recorded in writing while other changes are in writing. However, it would be unduly burdensome for Garlock to have to make a detailed search of such changes. Changes have been made for many reasons, including cost reduction, improved performance, or because materials were no longer available.

10. If so, please state:

- a. The trade name of each such product.
- b. The date each such product was altered.
- c. The nature of the alteration.
- d. The reason for the alteration.

ANSWER See answer to Interrogatory 9.

C 14. Prior to releasing the products listed in Interrogatory No. 6 to the public for sale, were any tests conducted on same to determine potential health hazards involved in the use of materials contained therein?

ANSWER Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous and calls for information protected by the work product doctrine as well as information protected by attorney/client privilege. Subject to these objections, and without waiving them, Defendant states that through empirical observation, during the course of continuous investigation, observation, experience and study of its products and their use, there has never been any evidence that Carlock products pose any health hazard, potential or otherwise, to persons using said products. Its encapsulated and impregnated asbestos containing products have posed no health hazards to persons using such products.

15. If so, please state:

- a. The name, address and job classification of each individual who conducted such tests.
- b. The results of such said tests.

ANSWER See objection stated in Answer to Interrogatory No. 14. Defendant reasserts that objection.

C 16. Do any documents of any kind or character exist relating to the testing of said products?

ANSWER See Answer to Interrogatory No. 14.

17. If so, please state:

- a. List each such document.
- b. Who presently has possession of each such document, and where is it located.

ANSWER N/A.

18. Did defendant make and changes in the products as a result of such tests?

ANSWER See Answer to Interrogatory No. 14.

19. If so, please state:

- a. The nature of the change made.
- b. The name, address and job classification of each person in charge of making a change.

ANSWER N/A.

20. After releasing said products to the public, were any tests conducted thereon to determine potential health hazards involved in the use of materials contained therein?

ANSWER See Answer to Interrogatory No. 14.

21. If so, please state:

- a. The name, address and job classification of each person conducting said tests.
- b. The results of said tests.

ANSWER See Answer to Interrogatory No. 14.

C 22. Does any document of any kind or character relating to the testing of the said products exist?

ANSWER See Answer to Interrogatory No. 14.

23. If so, please state:

- a. List each such written material or document.
- b. Who presently has possession of each such document, and where is it located.

ANSWER N/A.

C 24. Did defendant make any changes in the product as a result of such tests.

ANSWER See Answer to Interrogatory No. 14.

25. If so, please state:

- a. The nature of the changes made.
- b. The name, address and job classification of each person responsible for making such a change.

ANSWER N/A.

26. Has defendant at any time published and/or distributed any brochures, pamphlets or other written materials of any kind or character that contain any warnings concerning the possibility of injury resulting from the use of the products listed in

Interrogatory No. 6?

Defendant objects to this Interrogatory on the grounds that the ANSWER Interrogatory presupposes that the asbestos containing products of this Defendant emit dust in levels harmful to the human body. Subject to the objection, and without waiving it, Defendant states that it nevertheless made a decision in late 1977 to put warnings on such encapsulated and/or impregnated asbestos products and the literature associated therewith.

27. If so, please state:

- a. The wording of each such warning.
- b. A description of each such printed material.
- c. The method used to distribute the warning to persons who are likely to use the products.
- d. The date each such warnings were issued.
- e. The name, address and job classification of each person who presently has possession of the above described documents.

Defendant objects to this Interrogatory on the grounds that it is ANSWER ambiguous and overly broad, unduly burdensome, and is not reasonably or relevant material. Subject to this objection, and without waiving it, Garlock answers that:

- A. All Garlock asbestos containing products made since late 1977.
- B. Standard OSHA warning as set forth: "CAUTION: Contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause serious bodily harm."
- C. Brochures, catalogs, product labels and other similar materials or literature.
- D. Garlock's product literature is distributed through normal channels in which marketing literature is generally distributed, including the distribution of pamphlets and brochures to distributors, direct mail to customers and periodical advertisements.
- E. See Answer to Interrogatory No. 26.
- F. Garlock made a policy decision that the standard OSHA warning would be put on all asbestos containing products although Garlock products are exempt from OSHA labeling requirements in respect to encapsulated and/or impregnated asbestos containing products. That decision was made by the then management personnel of Garlock Mechanical Packing Division.

28. Have you received notice that any other person was claiming injury as a result of using asbestos products manufactured and/or sold by your company (both prior to and subsequent to the filing of this action)?

ANSWER Defendant objects to this Interrogatory on the grounds that it is ambiguous, and overly broad, unduly burdensome, is not reasonably calculated to lead to the discovery of admissible or relevant material.

29. If so, please state:

- a. The name and address of each claimant.
- b. The date of notice of each claim.
- c. A description of the claim, if any.
- d. The type of injuries allegedly sustained.
- e. The name and address of each attorney who represents individuals making such claims.
- f. The style and court number of each claim currently pending.
- g. The resolution of each claim that has been settled or taken to judgment.

✓ ANSWER Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible or relevant material.

30. Do you have any records indicating that any products containing asbestos fibers were sold during the years indicated for each company below:

1959 - 1960	R. E. Cobley Company
1960 - 1968	Parker Fallis Insulation Co., Inc.
1960 - 1962	Kansas City Insulation Co., Inc.
1961 - 1983	Iowa Asbestos Co.
1962 - 1968	Asbestos & Magnesia Materials, Inc.
1962 - 1970	Universal Insulation Co.
1964 - 1965	Central Asbestos & Supply Company of Des Moines
1965 - 1967	L & L Insulation & Supply Co.
1966 - 1977	United Insulation Co.
1967 - 1968	Construction Specialties Co. Corp.
1967 - 1968	Hickory Insulation Co.
1967 - 1968	Hays Insulation Co.
1968 - 1969	Industrial Insulation, Ltd.
1969 - 1970	Brand Insulation, Inc.
1969 - 1970	MacArthur Co.
1976 - 1977	Ludeman Insulations, Inc.

ANSWER Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to these objections, and without waiving them, Garlock answers no.

31. Are your asbestos products marketed and sold by companies other than your own?

ANSWER Yes.

✓ 32. If so, please list the name and address of each such company.

ANSWER Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to these objections, and without waiving them, Defendant answers its Oklahoma distributors are the following:

1. Crown Products, 912 W. Skelly Drive, Tulsa, OK 74157-9175;
2. Industrial Gasket Company, 8100 S.W. 15th, Oklahoma City, OK 73124;
3. Jimco, Inc., 1010 S.E. 36th Street, Oklahoma City, OK 73129;
4. Seal Co. Enterprises, Inc., 1235 N. Sheridan Road, Tulsa, OK 74115;
5. Sooner Rubber Products Company, 1312 S.E. Grand Blvd., Oklahoma City, OK 73129;
6. Stevens Gasket Company, 513 South Trenton Street, Tulsa, OK 74101;

33. Please list each individual who has acted in a medical advisory capacity to your company for the past 50 years and the current address and job title of each such individual.

ANSWER Defendant has employed part-time physicians within the last 50 years as follows:

1. Dr. J. D. Bramer (deceased); 1956-1972.
2. Dr. K. K. Kapur, 1972-1979; 1265 Pittsford-Palmyra Road, Macedon, N.Y. 14572.
3. Dr. W. G. Fallon, 1979-present; Garlock, Inc. 1666 Division Street, Palmyra, N.Y. 14522.

34. Does defendant have in its possession any books, pamphlets, memoranda or written materials or any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings?

ANSWER Yes.

✓ 35. If so, please state for each such publication:

- a. The name of each such publication, document or written material.
- b. The date each such document, memoranda or written material was published and the name of the publisher and author.
- c. The name, job title and address of each person who currently has possession of such documents.

ANSWER Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to those objections, and without waiving them, Garlock answers that the materials of the variety described are all public documents and as well known to counsel for Plaintiff as they are to this Defendant. Garlock, therefore, objects to naming such publications.

36. Has defendant undertaken to investigate the occurrence alleged in plaintiff's complaint?

ANSWER Defendant objects to this Interrogatory on the grounds that such information is subject to the work product doctrine and to the attorney/client privilege.

37. If so, please state:

- a. The name, address and job title of the person participating in each such investigation.
- b. List each written record pertaining to such investigation and its location and custodian.
- c. Has defendant obtained statements from any witnesses?
- d. If so, please list each witness who has given a statement and the name, address and job title of each person having custody of any such statement.

ANSWER

See answer to Interrogatory No. 36.

38. Has defendant at any time been a member of any "trade organization" or "association" composed of other manufacturers, miners, and/or sellers of asbestos products?

ANSWER Yes.

39. If so, please state:

- a. The name and address of each such association or organization.
- b. The dates during which defendant was a member.
- c. The names of any publications published by or written by such association or organization.

ANSWER a and b:

1. Asbestos Information Association, 1875 K. Street, Washington, D.C. 20006 member from about 1974 until the end of 1980;
2. Asbestos Textile Institute, P.O. Box 471, 131 North York Road, Willowgrove, PA 19090, member from approximately 1966 until 1979;
3. Fluid Sealing Association (formerly Mechanical Packing Association) 2017 Walnut Street, Philadelphia, PA 19103, member from 1933 to present;
4. American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, member from 1945 until present;
- c. Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible or relevant material.

40. Please identify by location and product produced, each plant in which products listed in your answers to Interrogatory No. 6 have been manufactured and/or mined and the dates said plants have been in operation.

ANSWER Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to these objections, and without waiving them, Defendant states that over the years, the vast majority of its asbestos containing products have been made at its facilities in Palmyra, New York. Prior to the late 1960's, Defendant maintained plants in Camden, N.J. and Philadelphia, PA, which manufactured some asbestos containing products. The gasket making operation in Camden was transferred to facilities in Gastonia, N.C.

41. Please list the name and address of each business entity from whom you have received raw asbestos and that dates and amounts received.

ANSWER Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible or relevant material.

42. Have sales materials been prepared by defendant or its agent for purposes of marketing or advertising defendant's asbestos products?

ANSWER Yes.

43. If so, please state:

- a. The name and address of each person or entity who prepared same.
- b. The name, address and job title of each person who presently has possession of same.
- c. The date same was prepared.
- d. The media used to disseminate the sales material.

ANSWER Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to these objections, and without waiving them, Defendant answers that many people have been involved over the last 75 years and it would be impossible for Garlock to put together a complete list. Any list of this sort would be unduly burdensome and Garlock objects to it. Sales material in question includes literature and brochures delivered to customers, periodical advertising, newspaper advertising and literature left by salesmen calling on customers. No complete file of these materials has ever been kept. Any such documents which still exist, would be in the files of Garlock's Advertising Department, 1666 Division Street, Palmyra, N.Y. 14522. Defendant objects to identifying each and every one of the documents on the grounds that it would be irrelevant and unduly burdensome, as the only Garlock products at issue in this case are those to which Plaintiff was exposed, or alleges to have been exposed.

44. Does defendant contend that the plaintiff, Harry C. Leopold, improperly used its products?

ANSWER Defendant is without sufficient knowledge to properly answer this Interrogatory at this time.

45. If so, please set out in detail in what respect said products were improperly used.

ANSWER N/A.

46. Does defendant have policies of insurance that might cover the claim that has been made by plaintiff herein?

ANSWER Yes.

47. If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER Travelers Insurance Company, 1951-1961; Employers Mutual of Wausau, 1961-1976; and, Aetna Life & Casualty, 1975-present. The full amount of coverage available under the above policies is subject to differing views between the insured and the insurers.

48. Does defendant expect to call expert witnesses at the trial of this case?

ANSWER Yes.

49. If so, please state:

- a. The name, address and job classification of each such expert witness.
- b. The testimony expected to be given by each such expert witness.

ANSWER Discovery in this case is still at its early stages and Defendant is unable at this time to accurately determine the complete extent of the claim made by the Plaintiff. Therefore, it is unable to answer this Interrogatory as to which expert witnesses will be used. Defendant states that it will abide by the precepts of the Federal Rules of Civil Procedure and the Discovery Code in the supplementing of these answers.

50. On what date did defendant first become aware that inhalation of asbestos fibers by human beings could cause adverse health consequences?

ANSWER No records exist which would permit Garlock to answer this Interrogatory with any degree of certainty. By some point in the 1940's, some Garlock personnel were aware that asbestosis might occur among persons exposed to raw asbestos fibers involved in asbestos manufacturing operations. By some later date, some Garlock personnel became aware of opinions that asbestosis might occur among some persons exposed to high concentrations of free airborne asbestos containing products such as insulation. However, all of its products contain only asbestos fibers which are thoroughly bonded, coated or otherwise retained so that there is no likelihood of any release of injurious quantities of airborne fibers in the course of any reasonably foreseeable use of its products.

51. Does defendant contend that asbestos products can be manufactured so as to eliminate all potential health hazards to workers installing same?

ANSWER Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible or relevant material. It also calls for speculation on the part of this Defendant as to other asbestos products manufactured by other companies on which it has no information. Subject to these objections, and without waiving them, this Defendant answers that as far as it is aware, those people who work with Garlock products in a proper manner, and in a manner foreseeable by Garlock, face no health hazard.

52. If so, please explain.

ANSWER Defendant adopts the objection stated in answer No. 51. Without waiving those objections, Defendant states that all asbestos fibers contained in Garlock's asbestos gasket material, are locked in, firmly bound and encapsulated and/or impregnated with elastomers, plastic resins, waxes or similar materials. The product structure prevents the release of any significant amounts of asbestos fibers from the product into the air.

53. Please describe in detail the type of packages in which defendant has sold asbestos material, listing the dates each type of package was used, a physical description thereof, and a description of any printed material or trademarks that appeared thereon.

ANSWER Defendant objects to this Interrogatory on the grounds that it is ambiguous and overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to these objections and without waiving them, Defendant states that the form of packaging in which Garlock's asbestos material is shipped varies, depending upon the size and configuration of each order, the number of items called for by the customer's order and the customer's own desires. Among the containers used are burlap bags, cardboard boxes and wooden crates. In addition, asbestos sheets are occasionally shipped flat on wooden pallets. Years ago, quite possibly the containers would have borne red and yellow printing of the Garlock name and Calipers and Scale trademark. Some years ago, waxed paper was used and that paper probably had red, yellow and black stripes plus the Garlock name and the Calipers and Scale trademark.

54. Please state in which state or states of the United States or what foreign country your business is incorporated.

ANSWER Garlock is a Ohio Corporation.

55. Did you receive or give any warning, instructions, or information as to the dangers of asbestos inhalation when you purchased, sold, shipped and delivered each order of asbestos products to or from any other defendant? If so, for each shipment, state:

- a. Describe in detail each such warning, instruction or information given or received.
- b. State whether such warning, instruction or information was oral or written.
- c. If oral, identify the substance of the warning, instruction or information given and the date and name of the person to whom given or from whom received by other defendants.

ANSWER Garlock objects to the Interrogatory because it assumes the truth of matters in dispute, specifically that there are dangers associated with inhalation of asbestos fibers and that the possibility of such inhalation exists with respect to Garlock's products. There has never been any evidence or reason to believe that Garlock products, upon reasonable use, release asbestos fibers in sufficient quantity, if any, to pose a health hazard, potential or otherwise, to persons using such products. Garlock denies that use of, or exposure to, its asbestos-containing products pose any health hazard or any significant possibility of inhalation of asbestos fiber. Notwithstanding and without waiving the foregoing objections all Garlock asbestos-containing products have carried warning labels since at least late 1977. A sample of the current label is set forth below:

CAUTION:
Contains Asbestos fibers.
Avoid creating dust. Breathing
Asbestos dust may cause
serious bodily harm.

56. Has defendant conducted or had conducted for it any investigation, study, test, review or analysis (hereinafter referred to as "study") concerning asbestos-related diseases, asbestosis, pulmonary diseases and/or the safety aspects concerning use of defendant's product? If so, identify each such study by:

- a. The date each study was conducted.
- b. The person authorizing the study.
- c. The person in charge of the study.
- d. The people participating in the study.
- e. The title and subject of the study.
- f. The results of each study.
- g. If statistical analyses were made, state the results and describe the date and assumptions upon which they were based.
- h. If in writing, either attach a copy of the study, or identify it by date, title, identification number, present location and custodian.

ANSWER Garlock objects to this Interrogatory to the extent it may call for privileged work product or material prepared in anticipation of litigation. Subject to the foregoing objection, the answer is no.

57. If any employee or officer of defendant has testified at trial or by deposition in such litigation, or before any Congressional Committee or administrative agency 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 who testified.
- b. The date, location and forum of such testimony.
- c. Whether defendant has a copy of such testimony.
- d. Whether defendant will voluntarily produce such testimony.

ANSWER N/A.

58. At the time of the development of each asbestos product listed in Answer No. 6 did you attempt to determine whether the product complied with the then applicable safety standards, safety orders, regulations, laws, rules and design requirements of any city, county, state or the Federal Government of the United States?

- a. If the answer is in the negative, please state the reasons for not conducting such an analysis and identify the name of the person deciding not to conduct the analysis.
- b. If the answer is in the affirmative, identify those safety standards, safety orders, regulations, laws, rules or other ordinances which you claim you considered.

ANSWER Garlock is not aware of any safety standards, safety orders, regulations, laws ~~or rules~~ of the entities listed when dealt with any of its asbestos products at the time when those products were developed or at the time of the decision to manufacture or sell those products. A few products were developed to meet the requirements of various Federal Government specifications, especially ones for the military services. For the most part, those specifications were related to material content and performance, and Garlock's products were made to meet the requirements of those specifications. Garlock believes that all of its products are, and have been, in compliance with federal, state and local regulations.

59. Did defendant ever recommend to purchasers or users of the asbestos products listed in your Answer No. 6 that respirators, protective masks and/or protective clothing be worn with the product? If so, state: __

- a. The date or dates when such recommendation was made to each purchaser.
- b. The date or dates when each such recommendation was made to each user.
- c. Who made the recommendation?
- d. Who received the recommendation?
- e. If oral, the manner and substance of the recommendation.
- f. If written, identify the document by title, date, file designation and author of each such recommendation and the location and present custodian of each such recommendation.

ANSWER There has never been any evidence or reason to believe that Garlock products, upon reasonable use, release asbestos fibers in sufficient quantity, if any, to pose a health hazard, potential or otherwise, to persons using such products. Garlock denies that use of, or exposure to, its asbestos-containing products pose any health hazard which would require the wearing of respirators, protective masks and/or protective clothing.

60. Has your company had as part of its processing, distribution and sales of asbestos materials and products a system of inspections?

- a. If the answer is in the negative, please state the facts of not having such a system, and give the name, present address and telephone number of the person responsible on behalf of your company for making such a decision.
- b. If the answer is in the affirmative, state:
 - (i) when the system was initiated;
 - (ii) who was responsible for initiating and overseeing the system;
 - (iii) describe the system used;
 - (iv) if there are any documents describing the inspection system, identify each such document.

ANSWER Garlock objects to this interrogatory because the question does not specify the type or nature of inspection.

C 61. Is it possible to distinguish the asbestos products listed by you in Answer No. 6 from those manufactured by a competitor?

- a. If the answer is "yes," please describe how you contend your product can be distinguished and identify the products by trade and generic name.
- b. If there are products which cannot be, in your opinion, distinguished from products of a similar kind manufactured by a competitor, please state the name of such product, who manufactures it, as well as the trade name of the product manufactured by your competitor.

ANSWER The ability to distinguish Garlock's asbestos-containing products depends on the particular Garlock product in question and on the degree of expertise of the person seeking to make the distinction.

C 62. State whether you had knowledge of any deaths or cases of lung disease or lung impairment among your employees which are or may be attributable to the inhalation of asbestos dust or fibers. If so, please give the number, the name and address of such persons, together with the dates of treatment and the names and addresses of the doctors who administered treatment to such persons and reports of occupational disease furnished Industrial Commission of the states and attach copies of the latter.

ANSWER Garlock objects to this Interrogatory because it is unduly burdensome, does not call for the furnishing of relevant evidence, and is not reasonably calculated to lead to the discovery of relevant evidence.

C 63. Do you have any statistical data showing the number of your employees who have been exposed to asbestos dust and fibers for more than ten years who have asbestos-related lung disease or lung impairment? If so, identify the date and provide the figures.

ANSWER Garlock objects to this Interrogatory because it is unduly burdensome, does not call for the furnishing of relevant evidence, and is not reasonably calculated to lead to the discovery of relevant evidence.

64. Have you contributed any funds to research concerning asbestos and its relation to lung, abdominal, heart and larynx disease? If so, please state for each year the amount of money contributed, when and to whom, attaching any report or reports from each individual or organization to whom your funds were contributed.

ANSWER No.

65. Would any respirators or other breathing devices prevent inhalation of the asbestos dust and fibers in your product? If so, state:

- a. When the respirator sold.
- b. Give the detailed description of such respirator or other breathing device.
- c. The basis of your claim that said respirator or other breathing device will prevent the inhalation of such dust and fibers.
- d. Identify any tests performed by date, title, author and number.

Garlock objects to this Interrogatory because it is unduly burdensome, ANSWER does not call for the furnishing of relevant evidence, and is not reasonably calculated to lead to the discovery of relevant evidence. There has never been any evidence or reason to believe that Garlock products, upon reasonable use, release asbestos fibers in sufficient quantity, if any, to pose a health hazard, potential or otherwise, to persons using such products. Garlock denies that use of, or exposure to, its asbestos-containing products pose any health hazard or any significant possibility of asbestos fiber inhalation.

66. Have you, at any time, used the services of an industrial health organization? If so, state:

- a. The name of the organization.
- b. The dates such services were used.
- c. The name of the persons in your company and in the health organization who negotiated the agreement or understanding.
- d. Whether any reports or documents concerning the services were prepared and, if so, identify the documents by name, date, title, file number and present location.

ANSWER Garlock objects to this Interrogatory because it assumes the truth of matters in dispute and because it may call for disclosure of privileged work product or privileged information prepared in anticipation of litigation. Subject to the foregoing objections, the answer is no.

67. Do you maintain a library or file of pathological findings, slides, x-rays and related material concerning asbestos induced injuries, disability or impairment? If so, state:

- a. The date such file was first organized.
- b. All past and present custodians of the file.
- c. Where the file is presently located.
- d. Identify the material included in the file.

ANSWER Carlock objects to this interrogatory because it is unduly burdensome, does not call for the furnishing of relevant evidence, and is not reasonably calculated to lead to the discovery of relevant evidence. Subject to the foregoing objections, the answer is no.

SEERY & DOLLAR

By



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ATTORNEYS FOR PLAINTIFFS

STATE OF Towa New York,
COUNTY OF Folk New York ss.

I, Harold D. Rething, being first duly sworn
on oath, depose and state that I am the General Counsel
above named; that I have read the above and foregoing
Answers to Interrogatories and the statements and
allegations therein contained are right and true, as I
verily believe.

Harold D. Rething

Subscribed and sworn to before me this 20th day
of November, 19 86.

(SEAL)

Eleanor S. Waldheim
NOTARY PUBLIC IN AND FOR SAID STATE

ELEANOR S. WALDHIM
Notary Public, State of New York
No. 31-412310
Qualified in New York County
Certificate filed in New York County
Commission Expires March 30, 1987

~~ELEANOR S. WALDHIM~~
~~Notary Public, State of New York~~
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