

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LORRAINE PRATT, Individually
and as Personal Representative
of the Heirs and Estate of
EMRON PRATT, SR., Deceased,

Plaintiff,

vs.

GARLOCK INC,

Defendant.

No. EP-82-CA-366

SUPPLEMENTAL ANSWERS OF DEFENDANT
GARLOCK INC TO PLAINTIFF'S INTERROGATORIES

The Defendant, GARLOCK INC (Garlock), hereby supplements its answers to Plaintiff's Interrogatories served upon Defendant on December 27, 1983, as follows:

INTERROGATORY NUMBER 5(a), (b), and (c).

Based upon information furnished to Garlock by Plaintiff indicating certain Garlock asbestos-containing products were purchased by American Smelting and Refining Company in El Paso, Texas from 1954 through 1960, Garlock states that each of the products was manufactured by what was then the Garlock Packing Company at its factories in Palmyra, New York. Each of the styles was available throughout the period 1954 to 1960 and each was made with a commercial grade of chrysotile asbestos yarn with carrier fibers, usually of cotton and/or rayon.

INTERROGATORY NUMBER 5(d), (e), (f), and (g).

Attached hereto as Exhibit A is a chart providing detailed



information on each of the six styles of Garlock asbestos-containing products allegedly purchased by American Smelting and Refining Company in El Paso, Texas from 1954 through 1960.

INTERROGATORY NUMBER 5(h).

Records for the period in question concerning changes in the six styles referred to herein are not complete, and no definitive response, based upon complete records, can be made. However, Garlock can state that during the period 1954 to 1960 any changes which were made in the six styles were of a relatively minor nature and were probably occasioned by a desire to reduce the over all product cost or to provide alternative ingredients as better materials became known or where the original ingredients may have been no longer available.

INTERROGATORY NUMBER 5(i).

Garlock does not have any records concerning sales of its products to American Smelting and Refining Company in El Paso, Texas in each year from 1954 through 1960 inclusive (by dollar sales). Garlock has been furnished stock ledger records from American Smelting and Refining Company, which apparently were obtained from Robert O. Covington during the course of an oral deposition on August 30, 1983. Garlock cannot determine from these stock ledger records the dollar amount of sales, if any, made to American Smelting and Refining Company in El Paso, Texas.

INTERROGATORY NUMBER 5(j).

During the years 1954 through 1960, Garlock did not apply any kind of warning notices to any of the six styles referred to herein or to the packaging in which the six styles were contained. Garlock denies that use of, or exposure to, its asbestos-containing products poses any health hazard or any significant possibility of inhalation of asbestos fibers. Although Garlock believes that substantially all of its products are safe and exempt from OSHA labeling requirements, nevertheless all Garlock asbestos-containing products have carried warning labels since late 1977.

INTERROGATORY NUMBER 12.

Garlock has been unable to locate any records concerning specific periodicals to which it may have subscribed during the period 1954 through 1960. Neither has Garlock been able to locate any periodicals to which it may have subscribed during the period 1954 through 1960. Periodical subscriptions during the period have been destroyed.

INTERROGATORY NUMBER 13.

Garlock has never made and/or sold asbestos-containing insulation products, and therefore does not have in its possession any literature pertaining to such products.

The field of packing products involves many different types of products and Garlock maintains no central collection or records relative to all the literature dealing with the subject. However, Garlock feels that it probably does have in

its possession somewhere within the company, at least one copy of most current books, manuals, and pamphlets dealing with the subject of packing products. Aside from advertising literature and articles published by the various packing manufacturers, there were perhaps 2 significant publications available during the period 1954 through 1960. One was Chapter 19 in the Plant Engineering Handbook published by McGraw-Hill in 1950. The title was "Mechanical Packings" and the authors were F. C. Thorn, Research Director of the Garlock Packing Company, and J. R. Boyer, Consultant to E. I. duPont de Nemours & Company. The chapter was revised for a reprint of the Handbook in 1959. The second publication is the Handbook of Mechanical Packings and Gasket Materials as published by the Mechanical Packing Association in 1960. This handbook contains, among other things, reprints of four articles on packing and sealing materials and products as published in Power magazine between July, 1952 and March, 1956.

INTERROGATORY NUMBER 15.

For the period 1954 through 1960, Garlock does not have copies of minutes of meetings of the associations or organizations identified in Answer to Interrogatory Number 14, with the one exception of a copy of meeting minutes which was acquired by Garlock in preparation for defense of litigation. Garlock does have in its possession copies of at least some of minutes of meetings subsequent to 1970 from the Fluid Sealing Association and the Asbestos Textile Institute, Inc.

Respectfully submitted,



RALPH E. HARRIS
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AFFIDAVIT

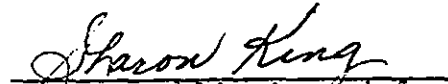
STATE OF TEXAS)

COUNTY OF GREGG)

Before me, the undersigned authority, on this day personally appeared HAROLD D. RETTING, and after being by me duly sworn, deposes and says that he is the general counsel for Garlock Inc, that he is authorized to make this affidavit on behalf of Garlock Inc, and that the foregoing Supplemental Answers of Defendant Garlock Inc to Plaintiff's Interrogatories are true and correct to the best of his knowledge, information and belief.


HAROLD D. RETTING

The foregoing was subscribed and sworn to before me this 5th day of March, 1984.


Notary Public in and for
Gregg County, Texas

My commission expires:

11-4-85

CERTIFICATE OF SERVICE

I, Ralph E. Harris, hereby certify that on this 7 day of March, 1984, a copy of the foregoing Supplemental Answers of Defendant Garlock Inc to Plaintiff's Interrogatories was mailed to Mr. Brent M. Rosenthal, Attorney for Plaintiff, 8333 Douglas Ave., Suite 1050, Dallas, Texas 75225; Mr. M. Driscoll, Attorney at Law, 1424 First City National Bank Bldg., El Paso, Texas 79901; and Mr. John B. Luscombe, Attorney at Law, 1602 El Paso National Bank Bldg., El Paso, Texas 79901.

Ralph E. Harris
RALPH E. HARRIS