



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ANTHONY MARIO GRECO, et al.

Plaintiffs,

vs.

A-BEST PRODUCTS CO., et al.

Defendants.

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CASE NOS. 323629-323678

JUDGE HARRY HANNA

RESPONSES AND OBJECTIONS OF
DEFENDANT GARLOCK, INC. TO
PLAINTIFFS' MASTER SET OF
INTERROGATORIES

GENERAL OBJECTIONS AND PRELIMINARY STATEMENTS

1. Plaintiffs' Interrogatories request information going back many years, and Garlock has found it difficult, if not impossible, to reconstruct or retrieve much of the information requested. The answers provided hereinbelow are based on the present facts known or believed by Garlock at the time of these answers.
2. Garlock objects generally to these Interrogatories as being overly broad, unduly burdensome, and vague and ambiguous. In addition, the Interrogatories are not sufficiently limited in time and use terms which do not refer to products manufactured by Garlock.
3. Garlock does not now manufacture or sell, and has never manufactured or sold, asbestos-containing insulation and building products, as those terms are commonly used and understood in this litigation. Garlock objects to any Interrogatory referring to or assuming that

such products are or have been manufactured by Garlock, and that such questions are inapplicable to this answering Defendant.

4. Garlock objects to these Interrogatories on the basis that they are overly broad, in that they tend to group together all Defendants. Garlock states that there is no competent scientific or medical evidence nor any reason to believe that Garlock products, upon reasonable use, release asbestos fibers in sufficient quantities, if any, to pose a health hazard, potential or otherwise, to persons using said products. Garlock denies that the use of, or exposure to, its asbestos-containing products poses any health hazard. Garlock asserts further that the asbestos-related injuries, if any, claimed by Plaintiffs are not related to any exposure to Garlock products.

5. Garlock objects to the Instructions and Definitions to the extent that they exceed the permissible scope of discovery under Ohio Civil Rule 26.

RESPONSES AND OBJECTIONS TO PLAINTIFFS' MASTER SET OF INTERROGATORIES

RESPONSE TO INTERROGATORY NO. 1.:

Donald E. O'Keefe, Esq., Assistant Secretary, Garlock, Inc., 4 Stamford Plaza, 107 Elm Street, Stamford, Connecticut 06904.

RESPONSE TO INTERROGATORY NO. 1.1:

Garlock objects to this Interrogatory on the basis that it is overbroad, unduly burdensome, unnecessary, harassing, and seeks information which is or may be privileged as attorney work product or is a privileged attorney/client communication. Without waiver of these objections, Garlock states that the information used to develop these Responses is gathered from Interrogatory answers previously filed in this and other jurisdictions in which it has been named as a defendant in asbestos litigation. Information used in response to these

Interrogatories is obtained and confirmed from current and former employees of Garlock, including Clayton M. Jewett, Manager, Marketing, Gasket Products; Roy Whittaker, former Director of Engineering, Industrial Packing; and Richard Watson, paralegal and patent agent.

RESPONSE TO INTERROGATORY NO. 2:

Yes.

2(a). Garlock, Inc.

2(b). Ohio.

2(c). 1666 Division Street, Palmyra, New York 14522.

2(d). CT Corporation.

2(e). Not applicable.

RESPONSE TO INTERROGATORY NO. 3:

Garlock began as a partnership in 1987 and was originally incorporated in New York on March 27, 1905. The name was changed to Garlock Inc on April 25, 1960. On March 3, 1975, a Delaware corporation of the same name was incorporated. On May 12, 1975, the New York corporation was merged into the Delaware corporation. On November 25, 1975, Colt Industries Inc of Ohio was incorporated in Ohio and on January 28, 1976, Garlock Inc was merged into Colt Industries Inc of Ohio. That corporation immediately changed its name to Garlock Inc.

Garlock has acquired four subsidiary companies which made and/or sold some asbestos-containing products:

Belmont Packing & Rubber Co.
Philadelphia, PA
Acquisition Date: November 21, 1930

Crandall Packing Co.
Palmyra, NY
Acquisition Date: May 10, 1939

Dealers' Steam Packing Co.
Palmyra, NY
Acquisition Date: April 16, 1929

U. S. Gasket Company
Camden, NY
Acquisition Date: August 30, 1955.

Each of the foregoing companies was merged into Garlock, including all assets and liabilities. In June, 1987, Garlock acquired The Anchor Packing Company of Philadelphia, PA, which was a distributor of certain asbestos-containing products. Anchor ceased business operations in 1993.

RESPONSE TO INTERROGATORY NO. 4:

See Response to Interrogatory No. 3.

RESPONSE TO INTERROGATORY NO. 4.1:

Garlock objects to this Interrogatory and its subparts as being overbroad, unduly vague, and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE TO INTERROGATORY NO. 5:

Garlock objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and for the further reason that the only products at issue in this case are those to which Plaintiffs allege to have been exposed. Notwithstanding and without waiving the foregoing objections, Garlock states that it has and does make a wide variety of products, many of which have contained asbestos and many of which have contained no asbestos. Among the specific products which Garlock has and does manufacture are asbestos gasket and asbestos sheet (from which the purchaser cuts gaskets). Garlock asbestos sheet is a mixture of asbestos fibers, curing agents, reinforcing fillers and elastomers (natural rubber or synthetic polymers having the elastic qualities of rubber). Asbestos fibers are machine blended with the rest of the mixture until they are thoroughly coated. The entire compound is then heated and rolled into sheets and is continually compressed to form a tough, impermeable, homogeneous materials that looks like linoleum.

Other gasket materials were made from woven, long fiber, asbestos yarn impregnated and encased in a rubberized coating. Other gaskets have had asbestos encased by layers of metal or encapsulated with a P. T. F. E. (polytetrafluoroethylene) resin envelope. Garlock asbestos packing materials consisted of woven asbestos encapsulated in either elastomeric compounds or metal foils and/or impregnated with lubricants.

Garlock gasket materials are primarily used for static sealing of steam line flanges, cylinder heads of engines, compressors and refrigeration equipment, fluid conduits, etc. Garlock packing materials are primarily used for dynamic sealing of machinery.

Finished compressed asbestos sheet is either cut into gaskets by Garlock or sold for use by others in cutting gaskets. Garlock's flexible and durable gasketing materials is handled, installed and removed in all intended applications without releasing meaningful quantities, if any, of asbestos fibers into the air. Garlock's compressed asbestos sheets and gaskets are treated with an anti-stick releasing agent which reduces any tendency of the gaskets to adhere to pipe flanges during removal and replacement. This anti-stick agent facilitates the removal of old gaskets without generating dust. Other Garlock products come in specific sizes for application and do not generally require modification before or during application or use. Garlock objects to portions of this Interrogatory until such time as proper orders are entered concerning the production of proprietary information. Notwithstanding and without waiving the foregoing objections, Garlock states that from 95 percent to 98 percent of its asbestos-containing products have been made only with chrysotile asbestos fibers and that the remaining two percent to five percent of such products were made with crocidolite asbestos fiber. Depending upon the type of product involved, the percentage of asbestos contained in these products has ranged from about 10 percent to about 85 percent.

The form in which Garlock asbestos-containing products are shipped varies, depending upon the size and configuration of each item, 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 sheet is occasionally shipped flat on wooden pallets.

Garlock further states that it does not have records which would indicate when it started and/or stopped using any particular type or style of packaging. For probably at least fifty years, the dominant colors of our packaging materials have been yellow, red and black. Sometimes black has predominated, and at other times, yellow has been the dominant color. However, the three colors have usually been used together.

All of its products, both those containing asbestos and those containing no asbestos, have always been sold under the GARLOCK name. In addition, the Calipers and Scale trademark was used with all of its products from about 1900 until approximately 1968. A number of secondary trademarks have also been used over the years. Principal marks which have been used in connection with asbestos-containing products, as well as non-asbestos-containing products, have been BELMONT, GUARDIAN, CHEVRON, LATTICE BRAID, PALMYRA and PAPERPAK.

Upon information and belief, Plaintiffs' counsel is already in possession of documents and materials which may provide the information requested. See Exhibit A attached to Garlock Inc's Responses to Plaintiffs' Request for Production of Documents in the Butler County, Ohio asbestos litigation.

RESPONSE TO INTERROGATORY NO. 6

No.

6(a)-(c). Not applicable.

RESPONSE TO INTERROGATORY NO. 7

Garlock objects to this Interrogatory on the basis that it is ambiguous, overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible

evidence. Without waiver of this objection, Garlock states that it has made numerous changes in the composition of its product over the years. Some of these changes may be detailed in writing, but a record search would be unduly burdensome.

7(a)-(d). See objection and response to Interrogatory No. 7.

RESPONSE TO INTERROGATORY NO. 8:

8(a). Upon information and belief, Garlock has previously sold some products for resale under other labels, but has no record, knowledge or recollection of any written distribution or sales agreement of such products.

8(b). Garlock has previously provided the identifies of its Ohio distributors to Plaintiffs' counsel in response to this Interrogatory.

8(c)-(g). See response to Interrogatory No. 8.

RESPONSE TO INTERROGATORY NO. 8.01:

Yes.

RESPONSE TO INTERROGATORY NO. 8.02:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, not relevant to any issue, and is not reasonably calculated to lead to the discovery of admissible evidence. Garlock further objects on the basis that the only Garlock products at issue on this case are those to which Plaintiffs claim exposure. Without waiver of these objections, Garlock states that the vast majority of its products have been self-manufactured. However, from time to time, Garlock has purchased a few asbestos-containing products for resale. There is no reason to believe that such products are germane to this litigation. Garlock has no record, knowledge or recollection of any written distribution or sales agreement concerning such products.

RESPONSE TO INTERROGATORY NO. 8.03:

Yes.

RESPONSE TO INTERROGATORY NO. 8.04:

Garlock objects to this Interrogatory and its subparts on the basis that it is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Garlock objects further on the basis that the only Garlock products at issue in this case are those to which Plaintiffs claim exposure. Without waiver of these objections, Garlock states that it has, from time to time, sold some of its products for resale under other labels. Some of these products contained asbestos, others did not. Garlock has no record, knowledge or recollection of any written distribution or sales agreement concerning such products and has no reason to believe they are germane to this litigation.

RESPONSE TO INTERROGATORY NO. 8.05:

Garlock objects to this Interrogatory and its subparts on the basis that this Interrogatory seeks information which is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs do not claim injury from any non-asbestos containing products which Garlock manufactured or sold.

RESPONSE TO INTERROGATORY NO. 8.06:

Garlock incorporates by reference its response to Interrogatory No. 8.04 hereinabove.

RESPONSE TO INTERROGATORY NO. 8.1:

Garlock does not maintain separate compilations of sales records for its asbestos-containing products or for sales to specific states or subdivisions thereof. Garlock has no knowledge or record of sales of asbestos-containing products to any of the locations set forth on Exhibit "A" to Plaintiff's Master Interrogatories. Discovery in these actions is not completed, investigation is continuing, and this response will be supplemented if warranted.

RESPONSE TO INTERROGATORY NO. 8.2:

See responses to Interrogatory Nos. 8 and 8.1.

RESPONSE TO INTERROGATORY NO. 8.3:

See responses to Interrogatory Nos. 8, 8.1. and 8.2. Further responding, Plaintiffs and their counsel have already been provided with the names of Ohio distributors of Garlock products.

RESPONSE TO INTERROGATORY NO. 8.4:

No.

RESPONSE TO INTERROGATORY NO. 9:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly burdensome and is extremely vague, specifically that the phrase "called on" is not capable of reasonable definition. Without waiver of these objections, Garlock states that it has no record or knowledge as to whether any of its representatives called on or visited any site listed on Exhibit A to Plaintiffs' master interrogatories. Further responding, and in specific response to Interrogatory Nos. 9(a)- 9(e), Garlock had no knowledge or record of which of its distributors may have "called on" the referenced plants.

RESPONSE TO INTERROGATORY NO. 9.1:

Garlock did not install any products. As to its sales distributors, this information has already been provided to Plaintiffs counsel in response to discovery in asbestos litigation venued in Butler County, Ohio.

RESPONSE TO INTERROGATORY NO. 10:

Garlock does not have any division or subsidiary engaged in the application of asbestos-containing products. In 1996, it acquired an entity now known as Garlock Technical Services. Garlock Technical Services does not install or apply asbestos containing products. It removes existing valve packing and replaces it with asbestos-free packing. Garlock Technical Services provides technical assistance in the extraction and repacking of valve packing systems to the petrochemical, chemical, and power plant industries. Garlock Technical Services did not exist

and thus did no work at any of the jobsites listed on Plaintiffs' Exhibit A from 1940 to 1975, as requested in subpart (c) of this Interrogatory.

RESPONSE TO INTERROGATORY NO. 11:

No.

RESPONSE TO INTERROGATORY NO. 12:

Garlock objects to this Interrogatory on the basis that it is not limited to products to which Plaintiffs herein may have been exposed, and is thus overbroad. Further, Garlock objects to this Interrogatory on the basis that it is not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of the foregoing objections, Garlock states that the vast majority of its asbestos-containing sealing products have been designed, made and sold by its facilities in Palmyra, New York, which is now known as Garlock Sealing Technologies.

RESPONSE TO INTERROGATORY NO. 13

Upon information and belief, Garlock has purchased few asbestos-containing products from other manufacturers for resale. Further responding, Garlock has no records or information concerning the specifics of such agreements.

13(a)-(e). Garlock has no records or information sufficient to provide responses to these Interrogatories.

13(f). No.

RESPONSE TO INTERROGATORY NO. 13.1:

No. See Response to interrogatory No. 10.

RESPONSE TO INTERROGATORY NO. 13.2:

Garlock remains engaged in the manufacture, distribution and sale of asbestos containing products. Current packages can be purchased in the public domain and are depicted in current product catalogs. Garlock does not maintain any former product packages.

RESPONSE TO INTERROGATORY NO. 14:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, oppressive and is not reasonably calculated to lead to the discovery of admissible evidence. Garlock further objects to this Interrogatory because it is not limited in scope to those Garlock products to which Plaintiffs may have been exposed. Without waiver of the foregoing objection, Garlock states that the design and development of new products, and the improvement of existing Garlock products, is the responsibility of the technical staff employed by Garlock for each particular project. Literally dozens of people have been employed in technical capacities since Garlock began its operations in 1907, and to list each and every one of them would be unduly burdensome and unreasonable. Any records which remain in the possession of Garlock would be in the custody of, or available to, Garlock's engineering management staff.

RESPONSE TO INTERROGATORY NO. 15:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, oppressive and is not reasonably calculated to lead to the discovery of admissible evidence. Further, Garlock objects to this Interrogatory because it is not limited in scope to Garlock products to which the Plaintiffs herein may have been exposed. Without waiver of the foregoing objections, Garlock states that it has and does make a wide variety of products, many of which have contained asbestos and many of which have contained no asbestos. Among the specific products which Garlock has and does manufacture are asbestos gasket and asbestos sheet, from which the purchaser cuts gaskets. Garlock asbestos sheet is a mixture of asbestos fibers, curing agents, reinforcing fillers and elastomers (natural rubber or synthetic polymers having the elastic qualities of rubber.). Asbestos fibers are machine blended with the rest of the mixture until they are thoroughly coated. The entire compound is then heated and rolled into sheets and is continually compressed to form a tough, impermeable homogenous material that looks like linoleum.

Other gasket materials were made from woven, long fiber, asbestos yarn impregnated and encased in a rubberized coating. Other gaskets have had asbestos encased by layers of metal or encapsulated with PTFE (polytetrafluoroethylene) resin envelope. Garlock asbestos packing materials consisted of woven asbestos encapsulated in either elastomeric compounds or metal foiled and/or impregnated with lubricants.

Garlock gasket materials are primarily used for static sealing of steam line flanges, cylinder heads of engines, compressors and refrigeration equipment, fluid conduits, etc. Primarily, Garlock packing materials are used for dynamic sealing of machinery.

Finished compressed asbestos sheet is either cut into gaskets by Garlock or is sold for use by others in cutting gaskets. Garlock's flexible and durable gasketing material is handled, installed and removed in all intended applications without releasing meaningful quantities, if any, of asbestos fibers into the air. Garlock's compressed asbestos sheets and gaskets are treated with an anti-stick releasing agent which reduces any tendency of the gaskets to adhere to pipe flanges during removal and replacement. This anti-stick agent facilitates the removal of old gaskets without generating dust. Other Garlock products come in specific sizes for application or use. While Garlock objects to those portions of this Interrogatory that seek proprietary information without the appropriate protective order, Garlock states that from 95 percent to 98 percent of its asbestos-containing products have been made only with chrysotile asbestos fibers and that the remaining two percent to five percent of such products were made with crocidolite asbestos fiber. Depending upon the type of product involved, the percentage of asbestos contained in these products has ranged from about 10 percent to about 85 percent.

RESPONSE TO INTERROGATORY NO. 16:

Garlock objects to this Interrogatory on the basis that it is not limited to those products to which Plaintiffs claim exposure. Garlock further objects to the form of this Interrogatory on the basis that it improperly assumes that dust is created when Garlock products are used. Without

waiver of the foregoing objection, Garlock states that since 1907 it has produced and sold encapsulated asbestos-containing gasket and packing products which do not emit asbestos fibers into the air during use. Garlock products, by their nature, are encapsulated and/or bonded and/or coated with various materials, included elastomers, PTFE, and/or are impregnated with lubricants. Further responding and without waiver of the foregoing objections, yes.

RESPONSE TO INTERROGATORY NO. 17:

Yes.

17(a)-(c). Garlock objects to the production of these materials on the basis that the scope of this Interrogatory is over broad, would be unduly burdensome, and that Plaintiffs have not limited the scope of this Interrogatory to products to which they claim exposure. To the extent documents responsive to these Interrogatories exist, they are maintained by Garlock engineering management staff in Palmyra, New York.

RESPONSE TO INTERROGATORY NO. 18:

No.

18(a)-(c). Not applicable.

RESPONSE TO INTERROGATORY NO. 18.1:

Garlock objects to this Interrogatory on the basis that it seeks information which is not reasonably calculated to lead to the discovery of admissible evidence. Garlock states that there has never been any competent scientific or medical evidence or reason to believe that its asbestos containing products, upon reasonable use, release asbestos fibers in sufficient quantities, if any, to pose a health hazard, potential or otherwise, to persons using such products. Without waiver of the foregoing objections, no.

RESPONSE TO INTERROGATORY NO. 19:

No.

RESPONSE TO INTERROGATORY NO. 20:

No.

RESPONSE TO INTERROGATORY NO. 21:

Garlock states that there has never been any competent scientific or medical evidence or reason to believe that its asbestos containing products, upon reasonable use, release asbestos fibers in sufficient quantities, if any, to pose a health hazard, potential or otherwise, to persons using such products. Without waiver of this objection, no.

RESPONSE TO INTERROGATORY NO. 22:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, is not reasonably calculated to lead to the discovery of admissible evidence, and because this Interrogatory is not limited in scope to those products to which Plaintiffs claim exposure.

(a)-(g). Garlock has had the following studies conducted for it by industrial hygienists:

"The Actual Occupational Exposure To Airborne Asbestos Released By Garlock's Spiral Wound, Braided And Encapsulated Gaskets", Carl A. Mangold, C.I.H., December, 1982.

"The Actual Contribution Of Garlock Asbestos Gasket Materials To The Occupational Exposure To Asbestos Workers", Carl A. Mangold, C. I. H., October, 1982.

"Asbestos Fibers In The Ambient Air In The Greater San Francisco Area", Carl A. Mangold, C. I. H., March, 1983.

"Ambient Asbestos Fiber Levels In The Metropolitan Areas Of Norfolk, Portsmouth, Newport News, Virginia", Joseph D. Wendlick, C. I. H., December, 1983.

"The Actual Contribution Of Asbestos Fiber Exposure During Gasket Removal From Pipe Flanges Aboard Ship", Carl A. Mangold, C. I. H., November, 1983.

"The Actual Release Of Asbestos Fibers From New, Used And Flanged Garlock Inc Asbestos Gasket Materials", Carl A. Mangold, C. I. H., September, 1985.

"Occupational Exposures During Processing, Handling, Installation And Removal Of Garlock Asbestos-Containing Gaskets", Martin R. Bennett and Richard L. Hatfield, June, 1985.

"Garlock Inc Gasket Materials -- A Comparison On The Tyndall Phenomena To The Actual Concentration Of Asbestos Fibers In The Breathing Zone Of Workers", Carl A. Mangold, C. I. H., July, 1986.

"The Actual Contribution Of Airborne Asbestos Fibers To The Occupational Exposure Of Bystanders During Selective Processing Of Encapsulated Asbestos Gaskets", Carl A. Mangold, C. I. H., January, 1989 (with eight separate subdivisions titled as follows: Cutting Gaskets With A Circular Cutter; Gaskets Cutting With Hand Sheers; Gasket Cutting With A Ball Peen Hammer; Scribing Of Gasket Materials; Opening Of Old Flanges And Removal Of Asbestos Gaskets; Flange Face Scraping With Putty Knife; Hand Wire Brushing Of Asbestos Gas Residue From Flanges; Power Wire Brushing Of Flange Faces).

"The Actual Contribution Of Asbestos Fibers From Removal And Installation Of Asbestos Packing From Valves, Carl A. Mangold, C. I. H. and Robert L. Gay, Ph.D., May, 1991.

RESPONSE TO INTERROGATORY NO. 23:

Garlock states that there has never been any competent scientific or medical evidence or reason to believe that its asbestos containing products, upon reasonable use, release asbestos fibers in sufficient quantities, if any, to pose a health hazard, potential or otherwise, to persons using such products.

23(a)-(c). Not applicable.

RESPONSE TO INTERROGATORY NO. 24:

Garlock states that there has never been competent scientific or medical evidence or reason to believe that its asbestos containing products, upon reasonable use, release asbestos fibers in sufficient quantities, if any, to pose a health hazard, potential or otherwise, to persons using such products. Without waiver of this objection, no.

24(a)-(d). Not applicable.

RESPONSE TO INTERROGATORY NO. 25:

Yes.

25(a). Some Garlock personnel have been aware for a number of years that excessive exposure to asbestos dust may present a health hazard.

25(b). Garlock is unable to specify how this information was obtained.

25(c)-(e). Any information on this subject is not routinely maintained or distributed.

RESPONSE TO INTERROGATORY NO. 26:

Garlock objects to this Interrogatory on the basis that it calls for expert medical opinion which it is not qualified to give. Without waiver of this objection, some Garlock personnel have been aware for a number of years that excessive exposure to asbestos dust may be hazardous to one's health. Garlock is unable to pinpoint when or how such personnel became first aware of the possible health hazards associated with excessive asbestos dust exposure. Garlock asserts further that there is no competent scientific or medical evidence nor any reason to believe that Garlock products, through normal use, have caused or contributed to any hazardous condition, potential or otherwise, since they are bonded and/or encapsulated.

RESPONSE TO INTERROGATORY NO. 27:

Garlock has not employed, retained or otherwise engaged physicians, industrial hygienists or others to conduct medical research concerning asbestos-related disease. See Garlock's response to Interrogatory No. 22 relating to general studies done by industrial hygienists concerning asbestos, not asbestos-related disease.

RESPONSE TO INTERROGATORY NO. 28:

Garlock has not employed, retained or otherwise engaged physicians, industrial hygienists or others to conduct medical research as it relates to asbestos. Garlock has had six part-time plant physicians since 1920. They are as follows:

Dr. C. C. Nesbitt (Deceased) (8/30/20-8/1/56)

Dr. J. D. Bramer (Deceased) (8/1/56-7/24/72)

Dr. K. K. Kapur, 1269 Pittsford Palmyra Road, Macedon, NY 14502 (10/23/72-8/14/79)

Dr. William G. Fallon, 602 Seventh Street, Liverpool, NY 13088 (10/31/79-3/1/88)

Dr. B. Maureen Merritt, P. O. Box 477, Celeron, NY 14720 (9/15/88-8/28/90)

Dr. Tillman F. Farley, Garlock Inc, 1666 Division Street, Palmyra, NY 14522 (10/9/90-present).

All of these physicians served on a part-time basis and were at Garlock primarily for incoming employee physicals, treatment of minor injuries, etc. Any existing records, reports or memoranda written by any of these physicians which pertain to Garlock are in the hospital records which are maintained by patient name at Garlock.

RESPONSE TO INTERROGATORY NO. 29:

Garlock has no record, knowledge or recollection of any recommendation and/or suggestion ever having been made by any medical officer, industrial hygienist or medical consultant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products.

RESPONSE TO INTERROGATORY NO. 30.1:

No.

RESPONSE TO INTERROGATORY NO. 30.2:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of these objections, Garlock was a member of the Asbestos Textile Institute, Inc., from 1966 to 1979. Garlock acknowledges that a review of ATI minutes discloses an earlier membership period during the 1940's, but Garlock has no other record or information as to such period. Garlock was a member of the Asbestos Information Association of North America from approximately 1974 to 1980.

RESPONSE TO INTERROGATORY NO. 31:

None, other than the studies described in response to Interrogatory No. 22.

RESPONSE TO INTERROGATORY NO. 32:

See response to Interrogatory No. 22.

RESPONSE TO INTERROGATORY NO. 33:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly vague and is not specific as to circumstances, conditions and locations relevant to this litigation, and is further not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of this objection, Garlock states that upon information and belief in the early or mid 1950's, it became aware of the prevailing threshold limit value or safe limit for exposure to asbestos fibers. Garlock's products have always been within the accepted level or standard. Garlock products have never released asbestos fibers in excess of the presently prevailing TLV.

RESPONSE TO INTERROGATORY NO. 33.1:

No. Further answering, Garlock states that there has never been any competent scientific or medical evidence or reason to believe that its asbestos containing products, upon reasonable use, release asbestos fibers in sufficient quantities, if any, to pose a health hazard, potential or otherwise, to persons using such products.

RESPONSE TO INTERROGATORY NO. 34:

Garlock does not maintain a library with respect to medicine or industrial hygiene, medicine or health. It does maintain an informal, in-house depository of technical and engineering data for use by its technical and engineering staff.

34(a). Garlock cannot specify when its in-house depository was created. It does not maintain a library.

34(b). 1666 Division Street, Palmyra, NY.

34(c). Garlock does not designate a librarian.

34(d). Garlock objects to this Interrogatory on the basis that it is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of these objections, Garlock will make its depository materials available for inspection at a mutually convenient time.

34(e). None.

RESPONSE TO INTERROGATORY NO. 35:

No.

RESPONSE TO INTERROGATORY NO. 36:

See response to Interrogatory No. 35. Garlock believes that its awareness of the report referenced in this Interrogatory has come from asbestos litigation.

RESPONSE TO INTERROGATORY NO. 36.1:

No.

RESPONSE TO INTERROGATORY NO. 36.2:

No.

RESPONSE TO INTERROGATORY NO. 37:

Garlock objects to this Interrogatory on the basis that it is overly broad and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of the foregoing objection, Garlock states that it has been a member of five organizations which may have dealt with asbestos-containing products:

1. The Fluid Sealing Association (formerly Mechanical Packing Association), 2017 Walnut Street, Philadelphia, PA 19103 (member from 1933 to the present).
2. Asbestos Textile Institute, Inc., P. O. Box 471, 131 North York Road, Willow Grove, PA 19090 (member from approximately 1966 to 1979). Garlock acknowledges that a review of ATI minutes discloses an earlier membership period during the 1940's, but Garlock has no record or information as to the specifics of such membership.

3. Asbestos Information Association of North America, 1975 K Street, Washington, DC 20006 (member from approximately 1974 to 1980).

4. American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103 (member from 1945 to the present).

5. National Safety Council, 444 North Michigan Avenue, Chicago, IL 60611 (member from 1922 to the present).

RESPONSE TO INTERROGATORY NO. 38:

The information sought is beyond the scope of permissible discovery and seeks to require Garlock to create work product and turn it over to Plaintiffs' counsel, all of which would place an undue burden upon Garlock. Without waiver of the foregoing objection, it may have obtained documents responsive to this Interrogatory throughout the course of asbestos litigation, but these documents are irrelevant since they do not relate to this Defendant's knowledge, or are otherwise protected from discovery pursuant to the attorney work product privilege.

RESPONSE TO INTERROGATORY NO. 39:

Garlock subscribed to Asbestos Magazine during portions of the 1950's and 1960's, and from April, 1978 through April, 1980. Garlock has no knowledge of articles which were printed or were withheld from printing in this periodical.

39(a)-(e). Not applicable.

RESPONSE TO INTERROGATORY NO. 40:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of these objections, Garlock states that it has sponsored, from time to time, sales training programs for its sales personnel and those of its distributors. These meetings were conducted by Garlock marketing and training personnel and, if questions relative to

asbestos and health implications were raised, the subject was discussed. Garlock does not maintain records of the participants, dates and subject matter of these meetings. Further responding, Garlock has no record or knowledge of attending any meeting, seminar, conference or legislative hearing where the subject of occupational health and exposure to asbestos was discussed beyond those meetings previously described in this response.

RESPONSE TO INTERROGATORY NO. 41:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, and impermissibly assumes that there are health dangers associated with the use of Garlock products. Without waiver of the foregoing objections, Garlock states that the asbestos fibers in its products are encapsulated or are otherwise retained, and therefore fall within the exception provided in the OSHA regulations regarding warnings on asbestos products and materials. Nevertheless, Garlock places the warning set forth in Section 1910.1001, paragraph 2(ii) of the OSHA regulations on its asbestos-containing products. The warning reads: "CAUTION: CONTAINS ASBESTOS FIBERS. AVOID CREATING DUST. BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM." This warning has been present on all Garlock asbestos-containing products and/or the product packaging since late 1977.

41(a)-(i). See response to Interrogatory No. 41. Further answering, a similar notice has been contained in product literature published since 1977 that describes one or more asbestos-containing product.

RESPONSE TO INTERROGATORY NO. 42:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of this objection, Garlock states that over the years it has prepared hundreds of writings, instruction sheets, brochures and the like regarding its products, the majority of which have long since been discarded. All existing writings are available for inspection and copying, in

Rochester, New York, at Plaintiffs' expense and upon appropriate prior arrangements through Garlock's counsel.

42(a)-(d). See response to Interrogatory No. 42.

RESPONSE TO INTERROGATORY NO. 43:

Garlock objects to this Interrogatory on the basis that it is overly broad and is unduly burdensome and is further beyond the scope of those Garlock products to which Plaintiffs herein claim exposure. Without waiver of this objection, Garlock has continually provided its customers with instruction as to the proper handling, installation and use of its products. This information has come in various forms, including instruction sheets, advertising literature and user seminars.

43(a)-(c). See response to Interrogatory No. 43.

RESPONSE TO INTERROGATORY NO. 44:

Not applicable.

RESPONSE TO INTERROGATORY NO. 45:

Garlock objects to this Interrogatory on the basis that it calls for expert medical opinion which it is not qualified to give. Garlock objects to making a general review of literature having no relevance to Garlock asbestos-containing products on the grounds that to do so would put Garlock in the position of doing Plaintiffs' work. Without waiver of these objections, Garlock states that there is no competent scientific or medical evidence nor any reason to believe that its asbestos-containing products, upon reasonable use, release asbestos fibers in sufficient quantities, if any, to pose a potential health hazard to persons using such products. Garlock denies that exposure to asbestos-containing products poses any health hazard or any significant possibility of inhalation of asbestos fibers. Further responding, Garlock does not know of nor does it have in its possession any books, pamphlets, memoranda or other written materials of any kind or character which present any evidence which would otherwise indicate

that Garlock asbestos-containing products, upon reasonable use, release asbestos fibers in sufficient quantities, if any, to pose a health hazard, potential or otherwise, to persons using such products. Garlock has no knowledge about any products other than gaskets and packing and cannot answer with respect to products manufactured or sold by other companies. Garlock objects further to this Interrogatory on the basis that it impermissibly assumes that use of its products presents a potential hazard of any type, without limitation or specificity.

45(a)-(e). Without waiver of the foregoing objections, Garlock states that it has, in the past decade, developed a variety of gasket and packing products which can resist high temperatures without the use of fully encapsulated asbestos fibers.

RESPONSE TO INTERROGATORY NO. 46:

Garlock objects to this Interrogatory on the basis that it impermissibly assumes that use of its asbestos-containing products necessarily creates a potential health hazard. Without waiver of this objection, no.

46(a)-(d). Not applicable.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, and that the information sought is not reasonably calculated to lead to the discovery of admissible evidence. Further objecting, Garlock states that none of the Plaintiffs herein has never been a Garlock employee and there are no allegations of any exposure while visiting any Garlock manufacturing facility.

47(a)-(d). Not applicable.

RESPONSE TO INTERROGATORY NO. 47.1:

Garlock objects to this Interrogatory on the basis that it is not reasonably calculated to lead to the discovery of admissible evidence. Further answering, Garlock continues to manufacture and sell asbestos-containing products. There has never been any competent

scientific or medical evidence or reason to believe that its asbestos containing products, upon reasonable use, release sufficient quantities of asbestos fibers, if any, to pose a health hazard, potential or otherwise, to persons using such products.

RESPONSE TO INTERROGATORY NO. 47.2:

Upon information and belief, no.

RESPONSE TO INTERROGATORY NO. 47.3.:

Garlock objects to this Interrogatory on the basis that it is not reasonably calculated to lead to the discovery of admissible evidence. None of the Plaintiffs herein claim any exposure while employed by Garlock.

RESPONSE TO INTERROGATORY NO. 47.4.:

Garlock states that there has never been any competent scientific or medical evidence or reason to believe that its asbestos containing products, upon reasonable use, release sufficient quantities of asbestos fibers, if any, to pose a health hazard, potential or otherwise, to persons using such products. Without waiver of these objections, Garlock began placing warning labels on its packaging in 1975.

RESPONSE TO INTERROGATORY NO. 48:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of this objection, Garlock did not receive notice prior to 1968 that any person claimed injury as a result of using Garlock products.

48(a)-(g). Not applicable.

RESPONSE TO INTERROGATORY NO. 48.1:

Garlock objects to this Interrogatory on the grounds that the Interrogatory is overly broad, unduly burdensome, is not relevant to any issue presented in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of these

objections, Garlock states that it does have a record retention policy. Garlock does not possess records which would enable it to state when its record retention policy, or predecessor policies, went into effect.

RESPONSE TO INTERROGATORY NO. 48.2:

Garlock records are maintained, stored and destroyed by the operating organizational units of interest. Such records are in the custody of, or are available to, such units, all in accordance with Garlock's record retention policy.

RESPONSE TO INTERROGATORY NO. 48.3:

Garlock objects to this interrogatory on the basis that it is not reasonably calculated to lead to the discovery of admissible evidence and seeks information and/or materials which may be privileged as attorney work product. Without waiver of these objections, Garlock does not maintain an index.

RESPONSE TO INTERROGATORY NO. 48.4:

Garlock incorporates its response to Interrogatory No. 48.3 hereinabove.

RESPONSE TO INTERROGATORY NO. 49:

Garlock objects to this Interrogatory on the basis that it seeks information which may be protected as attorney work product. Without waiver of this objection, Garlock has not obtained statements from any Plaintiffs herein, other than depositions.

RESPONSE TO INTERROGATORY NO. 50:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly vague and is premature. Discovery has not been completed in this litigation.

RESPONSE TO INTERROGATORY NO. 51:

Garlock objects to this Interrogatory on the basis that it is overly broad, unduly vague and is premature. Discovery in this litigation has not been completed.

51(a)-(b). See response to Interrogatory No. 51.

RESPONSE TO INTERROGATORY NO. 52:

Garlock objects to this Interrogatory on the basis that it improperly assumes that use of its products presents potential health hazards. Without waiver of this objection, Garlock states that respirators are not required while working with, installing or removing Garlock products. There has never been any competent scientific or medical evidence or reason to believe that Garlock's asbestos containing products, upon reasonable use, release asbestos fibers in sufficient quantities, if any, to pose a health hazard, potential or otherwise, to persons using such products.

52(a)-(e). See response to Interrogatory No. 52.

RESPONSE TO INTERROGATORY NO. 53:

While Garlock expects to call expert witnesses at trial, it has not yet designated such experts, and will do so in a timely fashion pursuant to this Court's trial order and/or case management order.

53(a)-(g). See response to Interrogatory No. 53.

RESPONSE TO INTERROGATORY NO. 54:

Garlock has not yet determined the identity of any trial witnesses. This information will be timely provided to Plaintiffs' counsel in accordance with this Court's trial order and/or case management order.

RESPONSE TO INTERROGATORY NO. 55:

Yes.

RESPONSE TO INTERROGATORY NO. 55.1:

55.1(a) Discovery in these cases is ongoing and Garlock will be unaware of all facts necessary to establish its affirmative defenses until such discovery is completed.

55.1(b) Discovery in these cases has not yet been completed and Garlock has not yet determined which documents will be used to establish its affirmative defenses.

55.1(c) Discovery in these cases has not been completed and Garlock has not yet determined which witnesses will be called upon to testify at trial.

55.1(d) Discovery in this matter has not yet been completed and Garlock has not yet determined the anticipated testimony of any of its trial witnesses.

RESPONSE TO INTERROGATORY NO. 56:

Yes.

56(a). Product liability insurance coverage for Garlock has been available under various policies, including the following primary policies:

Travelers Insurance Company (1951-1961)

Employers Mutual of Wausau (1961-1976)

Aetna Life & Casualty (1975-1986)

National Union (1986-present).

RESPONSE TO INTERROGATORY NO. 56.1:

Garlock is not presently involved in any such litigation concerning potential insurance coverage.

RESPONSE TO INTERROGATORY NO. 57:

Garlock objects to this Interrogatory on the basis that it seeks information which may be protected as attorney work product. Without waiver, Garlock is without sufficient knowledge to respond to this question presently. This response will be supplemented as discovery progresses.

RESPONSE TO INTERROGATORY NO. 58:

Garlock, as of this date, still manufactures, sells and distributes gasket products which contain fully encapsulated asbestos fibers. Garlock no longer produces any packing products which contain asbestos fibers.

As to all objections.



Matthew C. O'Connell (0029043)

REMINING & REMINGER CO., L.P.A.



MATTHEW C. O'CONNELL (0029043)

The 113 St. Clair Building
Cleveland, Ohio 44114
(216) 687-1311

Attorney for Defendant
Garlock Inc

CERTIFICATE OF SERVICE

The original Responses and Objections of Defendant, Garlock Inc, to Plaintiffs' Master Set of Interrogatories has been sent this 5th day of January, 1998 to Attorneys for Plaintiffs, Steven D. Wolens and Ladd Gibke, BARON & BUDD, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219 and Bruce Carter, BARON & BUDD, P.C., 43-B New Garver Road, Monroe, Ohio 45050 and to all defense counsel of record.



Matthew C. O'Connell