

NO. 90-13212-B

~~ARMSTRONG WORLD INDUSTRIES, INC.~~ and
LINDA THRAPP

VS.

ARMSTRONG WORLD INDUSTRIES,
INC., ET AL

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

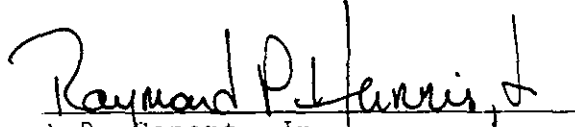
44TH JUDICIAL DISTRICT

DEFENDANT GARLOCK INC'S ANSWERS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES

COMES NOW, GARLOCK INC, one of the Defendants in the above-referenced cause (hereinafter referred to as Garlock) and files this its answers to Plaintiff's First Set of Interrogatories, pursuant to Rule 168 of the Texas Rules of Civil Procedure.

Respectfully Submitted,

CONANT WHITTENBURG WHITTENBURG &
SCHACHTER
A PROFESSIONAL CORPORATION



A.B. Conant, Jr.
State Bar No. 04655000
Raymond P. Harris, Jr.
State Bar No. 09088050

3800 Texas Commerce Tower
2200 Ross Avenue
Dallas, Texas 75201
Tel. No. (214) 978-3800
Fax. No. (214) 978-3838

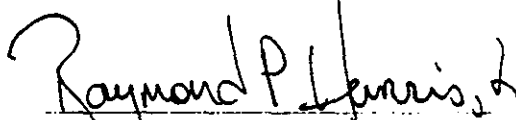
ATTORNEYS FOR DEFENDANT
GARLOCK INC

DEFENDANT GARLOCK INC'S ANSWERS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES-Page 1



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was mailed via Certified Mail, Return Receipt Requested to Plaintiffs' counsel and by regular mail to all known counsel of record on this 28th day of February 1991.


Raymond P. Harris, Jr.

GENERAL OBJECTIONS

Garlock poses the following general objections to plaintiffs' interrogatories and incorporates each of these objections by reference to every answer provided hereafter.

1. The 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 given are based on the present facts known or believed by Garlock at the time of its answer.
2. The interrogatories are overly broad, burdensome, and in places, 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 products as that term is commonly used and understood in this litigation. Therefore, Garlock objects to any interrogatory referring to or assuming that such products are or have been manufactured by Garlock. Garlock presumes that questions referring to insulation products are thus not applicable to Garlock.
4. Garlock does not now manufacture or sell, and has never manufactured or sold, asbestos-containing building products as that term is commonly used and understood in this litigation. Therefore, Garlock objects to any interrogatory referring to or assuming that such products are or have been manufactured by Garlock. Garlock presumes that questions referring to building products are thus not applicable to Garlock.
5. The interrogatories themselves are overly broad in that they tend to bunch together all of the defendants. There has never been any evidence or 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. Furthermore, the plaintiff's alleged problems are not related to Garlock products.

INTERROGATORIES

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

ANSWER:

Information used to answer these interrogatories was gathered from answers to interrogatories previously filed in this and other jurisdictions over the last several years and involved obtaining and confirming information from many present and former employees. The names of the individuals who provided information include:

Clayton M. Jewett, formerly Manager of Marketing - Gasket Products, Garlock Inc, P.O. Box 3401, Incline Village, Nevada 89450, Roy L. Whittaker, Director, Engineering, Industrial Packing, Garlock Inc, 1666 Division Street, Palmyra, New York 14522 and Richard W. Watson, Paralegal and Patent Agent, 1666 Division Street, Palmyra, New York 14522. Garlock objects to the remainder of the interrogatory on the grounds that it is unduly burdensome, unnecessary and harassing.

2. Has Defendant, Defendant's predecessor or any of Defendant's subsidiary companies at any time engaged in the marketing, distribution, and/or sale of any commercial and/or industrial products containing asbestos fibers? If yes, please state as to each the following:

a. The name of the company manufacturing, mining, marketing, distributing or selling such products.

ANSWER:

Garlock objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, irrelevant to any issue in this case, not reasonably calculated to lead to discovery of admissible evidence and for the further reason that the only Garlock products at issue in this case are those to which plaintiff alleges to have been exposed. Notwithstanding and without waiving the foregoing objections, Garlock has never mined, supplied, distributed, marketed and/or sold raw asbestos fibers to others. Garlock states that since at least as early as 1907, it has produced and sold asbestos-containing gasketing and packing products. Garlock is not, and has never been a manufacturer or seller of asbestos-containing thermal insulation materials as that term is commonly used and understood in this litigation. 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.

Garlock states that the specific products which Garlock has and does manufacture are asbestos sheet (from which the purchaser cuts gaskets), asbestos gaskets and asbestos packing. 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 material that looks like linoleum.

Other gasket materials are 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 gaskets 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 used 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 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% to 98% of its asbestos-containing products have been made only with

chrysotile asbestos fibers and that the remaining 1% to 5% 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% to about 85%.

b. The trade or brand name of each such product mined, manufactured, and/or marketed.

ANSWER:

See answer to Interrogatory No. 2(a).

c. The dates each of such products was placed on and removed from the market.

ANSWER:

See answer to Interrogatory No. 2(a).

d. A description of the physical (chemical) composition of each such product or material including the type of asbestos contained in each product (e.g. amosite, chrysotile, or crocidolite), and the quantitative percentage of asbestos in each product.

ANSWER:

See answer to Interrogatory No. 2(a).

3. Has Defendant, Defendant's processors, and/or Defendant's subsidiary companies, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or seller, concerning asbestos materials. If so, please describe the agreement.

ANSWER:

Garlock objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, irrelevant to any issue in this case, not reasonably calculated to lead to discovery of admissible evidence and for the further reason that the only Garlock products at issue in this case are those to which plaintiff alleges to have been exposed. Notwithstanding and without waiving the foregoing objections, Garlock has no record, knowledge or recollection of any such agreement.

4. Identify by name and address every expert witness you intend to call at the trial of this case. For each such expert witness state:

a. The subject matter on which the expert is expected to testify;

ANSWER:

A list of expert witnesses which Garlock expects to call at trial will be supplied when that determination is made.

b. The substance of the facts and opinions to which the expert is expected to testify:

ANSWER:

See answer to Interrogatory No. 4(a).

c. A summary of the grounds for each opinion.

ANSWER:

See answer to Interrogatory No. 4(a).

5. Identify by name, address and telephone number every factual witness that Defendant may call to testify in the trial of this case.

ANSWER:

A list of witnesses which Garlock expects to call at trial will be supplied when that determination is made.

6. Before placing your asbestos-containing products or materials or substances on the market, did you make or cause to be made, any studies to determine whether your products would be hazardous to people? If so, please state the date of said studies and what studies were done.

ANSWER:

Garlock objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, irrelevant to any issue in this case, not reasonably calculated to lead to discovery of admissible evidence and for the further reason that the only Garlock products at issue in this case are those to which plaintiff alleges to have been exposed. Notwithstanding and without waiving the foregoing objections, Garlock states that during the course of continuous investigation, observation, experience and study of its

products and their use, there has never been any evidence or reason to believe that Garlock products pose any health hazard, potential or otherwise, to persons using said products. Garlock products pose no health hazard, potential or otherwise, to persons using such products. Garlock has had the following studies conducted for it by industrial hygienists: "The Actual Occupational Exposure to Airborne Asbestos Released by Garlock Spiral Wound, Braided and Encapsulated Gaskets" by Carl A. Mangold, CIH (December 1982); "The Actual Contribution of Garlock Asbestos Gasket Materials to the Occupational Exposure to Asbestos Workers" by Carl A. Mangold, CIH (October 1982); "Asbestos Fibers in the Ambient Air in the Greater San Francisco Area": by Carl A. Mangold, CIH (March 1983); "Ambient Asbestos Fiber Levels in the Metropolitan Areas of Norfolk-Portsmouth-Newport News, Virginia" by Joseph D. Wendlick, CIH (December 1983); "The Actual Contribution of Asbestos Fiber Exposure During Gasket Removal from Pipe Flanges Aboard Ship" by Carl A. Mangold, CIH (November 1983); "The Actual Release of Asbestos Fibers from New, Used and Flanged Garlock Inc Asbestos Gasket Materials" by Carl A. Mangold, CIH (September 1985); "Occupational Exposures During Processing, Handling, Installation and Removal of Garlock Asbestos-Containing Gaskets" by Martin R. Bennett and Richard L. Hatfield (June 1985); "Garlock Inc Gasket Materials - A Comparison of the Tyndall Phenomena to the Actual Concentration of Asbestos Fibers in the Breathing Zone of Workers" by Carl A. Mangold, CIH (July 1986); "The Actual Contribution of Airborne Asbestos Fibers to the Occupational Exposure of By-Standers During Selected Processing of Encapsulated Asbestos Gaskets" by Carl A. Mangold, CIH (January 1989) - Eight separate sub-divisions titled as follows: Cutting Gaskets with a Circular Cutter; Gasket Cutting with Hand Shears; Gasket Cutting with Ball Pien (sic) 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 Gasket Residual from Flanges; Power Wire Brushing of Flange Faces.

7. Based upon the material contents of your products, the method of manufacturing, and the method of application for the purpose of which it was intended, can your asbestos products or materials be generally applied or used without creating dust?

ANSWER:

Yes

8. Please list any written memoranda, specifications, recommendations or any other written materials of any kind or character existing which relate to the potential health hazards of said asbestos-containing products or materials.

ANSWER:

Garlock objects to this interrogatory on the grounds that it is **overly** broad, unduly burdensome, irrelevant to any issue in this case, not reasonably calculated to lead to discovery of admissible evidence and for the further reason that it assumes the truth of matters in dispute in this litigation, specifically that there are dangers associated with the use of Garlock products. Notwithstanding and without waiving the foregoing objections, this defendant is aware of literature concerning asbestos fiber and opinions that excessive exposure to asbestos dust may be hazardous to one's health. This defendant does not know of or have in its possession any books, pamphlets, memoranda or other written materials of any kind or character which present any evidence or 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 denies that use of, or exposure to, its asbestos-containing products pose any health hazard or any significant possibility of inhalation of asbestos fiber. 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 defendant in the position of doing the plaintiff's work.

9. Has Defendant, Defendant's predecessors or any of Defendant's subsidiary companies at any time, published and/or distributed any brochures, pamphlets, packaging or any other written materials of any kind or character that contained warnings, cautions, caveats or directions concerning the possibility of injury resulting from the use of products listed in your answer to Interrogatory No. 3? If so, please state:

a. The wording of such warnings.

ANSWER:

Garlock objects to this interrogatory on the grounds that it is **overly** broad, unduly burdensome and assumes the truth of **matters** in dispute in this litigation, specifically that there **are dangers** associated with the use of Garlock products. **Notwithstanding** and without waiving the foregoing objections, **Garlock states** that there has never been any 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. 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. The asbestos fibers in Garlock products are encapsulated or otherwise retained, and, therefore, fall within the exception provided in the OSHA regulations requiring 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 product packaging since late 1977. A similar warning notice has been contained in product literature published since 1977 that describes one or more asbestos-containing products. See attached Exhibit A.

b. The date such warning was issued.

ANSWER:

See answer to Interrogatory 9(a)

c. Whether any such warning accompanied any of your asbestos-containing products or materials, sales literature, handouts or pamphlets.

ANSWER:

See answer to Interrogatory 9(a)

10. Did Defendant, Defendant's predecessors, or any of Defendant's subsidiary companies receive notice before 1968 that any person was claiming an injury as a result of using asbestos-containing products, manufactured, and/or sold or marketed by Defendant, Defendant's predecessors or any of Defendant's subsidiary companies? If so, please state:

a. The name and address of each claimant.

ANSWER:

Garlock objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and that the information sought is irrelevant in this case and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections, Garlock states that it had no such personal injury claims alleging asbestos-related disease or injury based on product handling or use.

b. The date of notice of each claim.

ANSWER:

See answer to Interrogatory 10(a).

11. Please state whether or not Defendant, Defendant's predecessors, or Defendant's subsidiary companies, ever conducted any test in the field (i.e., where the asbestos-containing products of Defendant, Defendant's predecessors, or Defendant's subsidiary companies, were being applied, removed or used) to determine the nature and extent of asbestos fiber exposure to insurers, applicators or fellow employees working in the vicinity thereof.

ANSWER:

Not applicable. See General Objection No. 3.

12. Please state whether or not Defendant, Defendant's predecessors, or Defendant's subsidiary companies ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

a. When Defendant, Defendant's predecessors, or Defendant's subsidiary companies first became aware of the hazardous potential of asbestos dust and asbestos fibers.

ANSWER:

Garlock objects to this interrogatory on the grounds that it seeks an expert medical opinion which Garlock is not qualified to give. Notwithstanding and without waiving the foregoing objections, 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 first became aware of the possible health hazard. However, there has never been any evidence or 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.

b. The manner in which the Defendant, Defendant's predecessors, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source **this** information was obtained.

ANSWER:

See answer to Interrogatory 12(a).

13. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any

recommendations and/or suggestions to the Defendant, Defendant's predecessors, or Defendant's subsidiary companies pertaining to the risk or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom and to who such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER:

Garlock objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant to any issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Further, Garlock objects to this interrogatory on the grounds that the only relevant issues in this action pertain to finished asbestos-containing products after they have left the Garlock facilities. Notwithstanding and without waiving the foregoing objections, Garlock has no record, knowledge, or recollection of any such recommendations or suggestions relative to any of its asbestos-containing products.

14. Please state whether the Defendant, Defendant's predecessors, or Defendant's subsidiary companies at any time have been members of any trade organizations or trade associations composed of other manufacturers, miners, sellers, or distributors of asbestos products, and if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications listed or written by such association or organization.

ANSWER:

Garlock objects to this interrogatory on the grounds that it is overly broad. Notwithstanding and without waiving 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) (member from 1933 to present).
2. Asbestos Textile Institute, Inc. (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 other record or information as to such period.)
3. Asbestos Information Association of North America (member from approximately 1974 to 1980).

4. American Society for Testing and Materials (member from 1945 to present).

5. National Safety Council (member from 1922 to present).

15. Does Defendant's products which previously contained asbestos now perform satisfactorily without asbestos?

ANSWER:

Garlock objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant to any issue in this case, not reasonably calculated to lead to discovery of admissible evidence and for the further reason that the only Garlock products at issue in this case are those to which plaintiff alleges to have been exposed. Notwithstanding and without waiving the foregoing objections, introduction, distribution, improvement, modification and discontinuance of styles of all kinds has been a continuing process at Garlock. Over the years, Garlock has discontinued the manufacture and sale of numerous styles of asbestos-containing products. The reasons were basically economic in that the market for the particular product was such that the manufacture and sale was not profitable. Also, as new and better products have been introduced, older products have become obsolete and unprofitable.

16. Prior to 1972, were Defendants or any of Defendants' predecessors, subsidiaries or contracting divisions, a party to any claim for compensation for injuries allegedly caused by inhalation of asbestos dust or fibers. A "claim" includes, but is not limited to, personally injury lawsuits, worker's compensation claims, or other administrative claims, brought under any theory whatsoever.

If "yes", please state:

a. a description of the claim;

ANSWER:

Garlock objects to this interrogatory insofar as it pertains to ~~Workmen's~~ Workmen's Compensation claims on the grounds that it is **overly** broad, unduly burdensome and that the information sought is irrelevant in this case and is not reasonably calculated to lead to discovery of admissible evidence. The plaintiff has never been a Garlock employee and does not allege ever visiting any Garlock facility. The only relevant issues in this action pertain to finished asbestos-containing products after they have left Garlock facilities. Further, Garlock objects to this interrogatory insofar as it relates to

personal injury claims on the grounds that it is overly broad, unduly burdensome and that the information sought is irrelevant in this case and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections, Garlock states that it had no such personal injury claims alleging asbestos-related disease or injury based on product handling or use. Garlock has never owned or operated a "contract unit".

b. the name and address of each claimant;

ANSWER:

See answer to Interrogatory 16(a).

ANSWER:

See answer to Interrogatory 16(a).

c. the date Defendant received notice of each claim;

ANSWER:

See answer to Interrogatory 16(a).

d. the nature of the injuries alleged in each claim;

ANSWER:

See answer to Interrogatory 16(a).

e. the name and address of the attorneys representing each claimant;

ANSWER:

See answer to Interrogatory 16(a).

f. the style and case number of each claim;

ANSWER:

See answer to Interrogatory 16(a).

g. the resolution of each claim;

ANSWER:

See answer to Interrogatory 16(a).

h. the name and address of the attorneys, or firm employed by or retained by Defendant to defend or otherwise handle each claim;

ANSWER:

See answer to Interrogatory 16(a).

i. Please attach a copy of each claim.

ANSWER:

See answer to Interrogatory 16(a).

17. Has defendant ever shown Dr. Corwin Hinshaw any internal memoranda or corporate documents that mention or discuss the Defendant's knowledge of the hazards of asbestos before 1983?

ANSWER:

Garlock has no record, knowledge or recollection of any such occurrence.

18. At any time prior to 1983, has Dr. Corwin Hinshaw ever spoken with any corporate official or employee of Defendants regarding the hazards of asbestos? If your answer to this Interrogatory is yes, please state when such conversation occurred, state who was present or spoke with Dr. Hinshaw and describe what was discussed.

ANSWER:

Garlock has no record, knowledge or recollection of any such conversation.

EXHIBIT "A"

ONIA-18 / 11/18
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Breathing Apparatus
just may cause

GARY

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Garlock	Garlock	Garlock	Garlock	(
Garlock	Garlock	Garlock	Garlock	(
Garlock	CAUTION: Contains Asbestos fibers. Avoid creating dust. Breathing Asbestos dust may cause			(
Garlock			Garlock	(

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

AFFIDAVIT

STATE OF NEW YORK §
 § SS.
COUNTY OF NEW YORK §

Donald E. O'Keefe, being first duly sworn, deposes and says that he is Assistant Secretary of Garlock Inc, that he has personal knowledge of the information contained in these Answers, that he is authorized to make this Affidavit on behalf of Garlock Inc, and that the foregoing answers are true to the best of his knowledge, information and belief.

Donald E. O'Keefe
DONALD O'KEEFE

SUBSCRIBED AND SWORN TO before me this 15th day of February, 1991, to which witness my hand and seal of office.

CHRISTINE M. CANAVAN
Notary Public, State of New York
No. 30-4956534
Qualified in Nassau County
Certificate filed in New York County
Commission Expires September 25, 1991

Christine M. Canavan
Notary Public in and for
the State of New York
CHRISTINE M. CANAVAN
Printed Name of Notary

My Commission Expires:

9/25/91