



V I R G I N I A :

IN THE CIRCUIT COURT OF THE CITY OF NEWPORT NEWS

WILLIAM B. TOWNSEND and
GERALDINE C. TOWNSEND,

Plaintiffs,

v.

At Law No. 10543-FB/S

H. K. PORTER CO., INC., et als,

Defendants.

RESPONSES OF GARLOCK INC
TO PLAINTIFF'S INITIAL INTERROGATORIES

Comes now the defendant Garlock Inc and submits the following in response to the plaintiff's Interrogatories. All answers given are without waiver of any objection previously filed or stated herein. Any objection stated herein are in addition to, not in lieu of, any objection previously filed.

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H. K. PORTER CO., INC., et al,

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**PLAINTIFF'S INITIAL INTERROGATORIES
PROPOUNDED TO GARLOCK, INC., PRECISION SEAL DIVISION**

NOW COMES the Plaintiff, William B. Townsend, by counsel, and propounds to the Defendant, GARLOCK, INC., PRECISION SEAL DIVISION (hereinafter referred to as Garlock), the following interrogatories pursuant to Rule 4:8 of the Rules of the Supreme Court of Virginia, sworn answers to which must be served on the Plaintiff on or before April 1, 1986.

1. If Garlock or any predecessor or subsidiary corporation of Garlock has, at any time, been engaged in the mining, manufacturing, producing, processing, compounding or converting (hereinafter commonly referred to as "manufacturing" or "manufactured"), selling, merchandising, supplying, distribution, and/or otherwise placing in the stream of commerce (hereinafter commonly referred to as "distributing", "distributed" or "distribution") of asbestos, material containing asbestos, asbestos products and compounds (hereinafter commonly referred to as "product(s) containing asbestos"), then:

State the trade name(s) of each product containing asbestos manufactured and/or distributed by Garlock;

State the dates during which Garlock manufactured and/or distributed said products containing asbestos;

State in detail all of the uses of each product containing asbestos manufactured and/or distributed by Garlock;

(1) ANSWER: See Supplemental Sheet.

2. State in detail the labeling, licensing and/or product line sales history for each product containing asbestos which Garlock manufactured and/or distributed. Include identification of all other manufacturers, repackagers or distributors of each product containing asbestos from whom you bought asbestos products, with whom you traded raw materials or finished products and/or to whom you sold for relabeled resale asbestos-containing products, stating the beginning and ending dates that you did so. Your response shall completely detail the history of each and every asbestos containing product in which your company or companies dealt in during its operational history.

(2) OBJECTION. This interrogatory is vague, overly broad, unduly and unreasonably burdensome and oppressive and is beyond the scope of permissible discovery in that it requests an unreasonable and onerous volume of material and information completely unrelated to plaintiff's claim, both in terms of products and time periods. Thus, this interrogatory is not calculated to lead to the discovery of admissible evidence.

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3. Describe in detail Garlock's complete corporate history, including any mergers, consolidations, asset purchases, acquisitions or spin-offs having to do with the manufacture or distribution of asbestos-containing products. In addition:

If you have bought or sold any asbestos product line or stock in a company dealing in asbestos-containing products, state the date of the sale and identify the seller or purchaser;

Identify each document related to the history or transaction(s) set forth above.

State whether Garlock agreed to be or has been held to be legally responsible for the past liabilities of any nature of any other such corporation or entity.

(3) ANSWER: See Supplemental Sheet.

4. State in detail and with complete descriptions all components (with percentage amounts) for each product containing asbestos manufactured and/or distributed by Garlock. Include all product specifications, formulas, and technical descriptions for each product. For any product containing asbestos with particular colors and/or designs, provide accurate representations in color of all products, including photographs, if available.

(4) OBJECTION. This interrogatory is overly broad and is unduly and unreasonably burdensome and oppressive in that it requires an unreasonable investigation on the part of this defendant into information not readily accessible to this defendant and without limit as to time. Furthermore, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and seeks information with respect to a great number of products to which plaintiff does not allege to have been exposed. Furthermore, this interrogatory seeks information with respect to a great number of time periods during which plaintiff could not have been exposed. In addition, the records related to the subject matter of this interrogatory are too voluminous and/or inadequate and/or unavailable to answer the interrogatory in its present form.

Notwithstanding and without waiving the foregoing objection, this defendant states that it has manufactured and sold several hundred styles of packing and gaskets in one form or the other, many of which have contained asbestos. Many of these have not contained asbestos. These products fall into four general categories: compression packing, expansion joints, gasket and hydraulic components. Garlock gasket products are used to seal the ends of adjacent pieces of pipe. The gaskets and gasket material manufactured by Garlock which have contained asbestos have been approximately 50 percent to 80 percent asbestos by weight. Furthermore, more than 95 percent of the asbestos used in these products has been the chrysotile type. The remainder was crocidolite. Defendant Garlock Inc states that it has been marketing asbestos-containing gaskets and gasket material since at least 1907, and thus, various styles have been added and deleted over time. The records needed to prepare a complete answer to this interrogatory do not exist. Introduction, distribution and discontinuance of styles 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 gasket products. Also, as new and better products have been introduced, older products have become obsolete and unprofitable.

Continuation of answer to No. 4.

Garlock Styles 900 and 7021 are compressed asbestos sheet. For Style 900, the percentage of asbestos fiber has ranged from about 75% to 85%, and for Style 7021 from approximately 72% to 83%. The basic formulation has not changed substantially since at least the 1940's. When these styles were originally developed, they were made with natural rubber. During World War II, SBR elastomer (synthetic rubber) was developed as natural rubber was in very short supply. At some point which Garlock cannot specifically identify, but probably during World War II, the SBR elastomer was substituted for natural rubber. These styles have always contained only chrysotile asbestos fiber.

Style G100 packing contains no asbestos fiber and never has contained any such fiber.

Samples of Garlock Inc's gasket products have previously been provided to plaintiff's counsel in prior litigation, specifically, but not limited to Peggy E. Lawrence, Admx. of the Estate of Edward Delaware Lawrence v. Raymark Industries, Inc., et al.

5. Please state the name and address of each entity from whom Garlock has ever bought or received raw asbestos fiber, and as to each such transaction please state the following:

The date and amount of each purchase or receipt of asbestos fiber;

The seller or provider of the asbestos fiber;

The type of asbestos fiber sold or provided (e.g., amosite, chrysotile or crocidolite);

The use (including the type of product the asbestos fiber was used in) made of each sale or supply of asbestos fiber.

(5) OBJECTION: This interrogatory is beyond the scope of permissible discovery, irrelevant and not calculated to lead to the discovery of admissible evidence.

Without waiving the foregoing objection, answering defendant, by way of further answer, states that the principal suppliers of raw asbestos were Johns-Manville, Bell Asbestos Corporation, and Lake Asbestos Corporation.

6. If Garlock has, at any time, been a member of any "trade organization" or "association" composed of other miners, manufacturers, producers, processors, compounders, converters, sellers, merchandisers, suppliers, distributors and/or anyone otherwise placing in the stream of commerce products containing asbestos, state:

The name and address of each such association or organization;

The dates during which time you were a member;

The names of any publications published by or written by such association or organization; *and the time that Garlock was a member.*

The names and dates of membership of all other members of such association or organization.

(6) A. ANSWER: Answering defendant has been a member of the following associations: Asbestos Textile Institute, P. O. Box 471, 131 North York Road, Willow Grove, Pennsylvania, from approximately 1966 to 1979; Asbestos Information Association, from approximately 1974 to 1980; Fluid Sealing Association (formerly Mechanical Packing Association), 2017 Walnut Street, Philadelphia, Pennsylvania, from 1933 up to the present; American Society of Testing Materials, 1960 Race Street, Philadelphia, Pennsylvania, from 1945 to the present time.

B. ANSWER: See No. (6)A.

C. OBJECTION. This interrogatory is overly broad, unduly and unreasonably burdensome and oppressive and not calculated to lead to the discovery of admissible evidence in that this interrogatory requests information readily accessible to plaintiff from sources other than this answering defendant.

D. OBJECTION. This interrogatory is overly broad, unduly and unreasonably burdensome and oppressive, and not calculated to lead to the discovery of admissible evidence in that this interrogatory requests information readily accessible to the plaintiff from sources other than this answering defendant. Furthermore, this interrogatory is beyond the scope of permissible discovery in that it requests information completely unrelated to plaintiff's claim against this defendant.

7. If Garlock has ever made any changes in the work practices and/or equipment used by Garlock's employees to limit their exposure to asbestos, state:

The specific nature of each such change;

The date(s) said changes were put into effect;

The reason the changes were made;

What, if anything, was communicated to your employees concerning these changes.

(7) OBJECTION: This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. The manufacturing methods of this defendant are not equivalent to the methods employed by end users or installers.

However, without waiver of the Objection, answering defendant says with regard to Garlock's textile operation in Palmyra, New York, the following alterations have been documented:

Pre-1928	Installed hoods over carding machines; installed exhaust fans.
1928	Piping connected to exhaust hoods.
1939	Further improvement to carding dust control.

Continuation of answer to No. 7

- 1956 Altered pneumafil system (vacuum system) installed on spinning frames to bring dust levels down from 5 or 6 mppcf to 1 to 1.5 mppcf; dust hoods designed for looms.
- 1957 Collecting cyclones with outdoor exhaust installed.
- 1970-1973 Studies regarding alterations to Palmyra plant to meet newest standards resulted in the decision that it was impractical to make the existing equipment meet the new standards. Garlock decided to build a new plant in Canada, equipped with all new machinery especially designed to meet the new standards.

With regard to the compressed asbestos sheet operation in Palmyra, New York, Garlock purchased equipment consisting generally of an enclosed automatic bag opener and emptier, an enclosed fluffing device, an enclosed bag handling apparatus, an enclosed conveyer apparatus for transferring asbestos to appropriate mixers and blenders, and associated dust collection equipment. This equipment was purchased in 1977.

8. If Garlock has ever given any information to Garlock's employees concerning any potential hazards of exposure to asbestos, state:

The specific information given;

The date(s) on which said information was given;

The manner in which said information was given;

By whom was said information given (give names and current addresses);

To whom was said information given (give names and current addresses);

The name and current address of the custodian of any records concerning the information given.

(8) ANSWER: Such information has been produced to plaintiff's counsel pursuant to Requests for Production in the case of Peggy E. Lawrence, Admx. of the Estate of Edward Delaware Lawrence v. Raymark Industries, Inc., et al, Circuit Court of the City of Chesapeake, At Law No. 19513-M.

Continuation of answer to No. 8

In addition, since Garlock has used raw asbestos in various manufacturing processes since the early 1900's, upon information and belief, oral warnings and instructions regarding housekeeping have been given to employees for many years. Respirators have been available and their use encouraged in dusty areas since the 1930's. Respirators became mandatory for all in dusty areas by the early 1970's, as did the wearing of disposable, then cloth coveralls. Warning signs advising workers of the hazard of inhaling asbestos fibers were placed at plant entrances in the early 1970's and per the OSHA requirement.

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9. Has Garlock ever given medical examinations to Garlock's employees who were exposed to asbestos?

If so, state:

When said examinations were given;

Whether chest x-rays were included in the examination;

The names and current addresses of the persons who conducted these examinations;

Whether any employees who were found to have any abnormality were so advised.

(9) ANSWER: A and B. For many years, Garlock's practice has been to get a pre-employment physical. Since the late 1940's, employees who worked with asbestos fibers have received regular x-rays. From approximately 1948 to approximately 1970, such x-rays were biannual, becoming annual thereafter. In approximately 1980, vital capacity tests were administered as well. The x-rays are read by an independent "B" reader.

C. Garlock's retained part-time physicians have been:

C. C. Nesbitt, 1920-1956 (deceased)

J. D. Bramer, 8/1/56-7/24/72 (deceased)

Continuation of answer to No. 9.

K. K. Kapur, 10/23/72-8/14/79, 1269 Pittsford-Palmyra
Road, Macedon, New York 14502

William G. Fallon, 10/31/79-present, 1666 Division
Street, Palmyra, New York 14522

The pre-employment physicals have generally been done by the retained physician although certain portions of the examination and/or tests may have been administered by other than those physicians including nurses and/or personal at hospitals in the Palmyra, New York area. Until approximately 1979, x-rays were taken at the Clifton Hospital in Clifton Springs, New York, the Meyers Community Hospital in Sodus, New York, and/or the Newark Hospital in Newark, New York. In 1979, x-ray equipment was purchased for use in Garlock's infirmary.

D. Yes.

10. Identify with particularity each lawsuit (including actions in which appeals are or may be pending, actions in which appeals are concluded, and actions which were subsequently settled) wherein the finder of fact, either Judge or jury, has found that Garlock is liable for punitive damages due to an asbestos-induced injury (including death) or disease that was alleged to have been caused, in whole or in part, by asbestos-containing products that were alleged to have been manufactured, sold or distributed by Garlock.

(10) OBJECTION. This interrogatory is overly broad and unduly and unreasonably burdensome and oppressive and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, this interrogatory requests information that is readily accessible to the plaintiff in this matter as to answering defendant.

Without waiver of its Objection, this defendant states that the answer is none.

11. State when Garlock received notice of any claim for illness, disease or death to any of Garlock's employees or members of their immediate families as a result of their exposure to asbestos.

As to each claim state:

The date said notice was received;

The name and current address for each claimant;

The specific disease or illness complained of;

The disposition of said claim, including benefits paid, if any;

The name and current address of the custodian of any and all documents concerning any such claim.

- (11) ANSWER: The following Worker's Compensation claims have been made by Garlock employees which appear to involve exposure to asbestos fibers:

Continuation of answer to No. 11.

<u>Name</u>	<u>Date of Claim</u>	<u>Diagnosis</u>	<u>Payment/ benefit total</u>	<u>Job or Work Place</u>	<u>Dates</u>
Baylord, Grace	11/14/57	Pulmonary Fibrosis; Pulmonary Asbestosis	\$ 2,400	Textile Dept.	1923-1957 (Employment intermittent - Total 22 years)
Bacon, Clara	1/20/71	Asbestosis	\$18,000	Textile Dept.	1943-1970
Bohner, Elsie	6/7/73	Secondary Asbestosis	No Payment	Braiding Dept.	1951-1973
Honore, Martin D.	3/13/80	Thickened #11	Case Pending	No records - Probably misc. + fee in San	1959-1960
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Bills, Arthur	6/4/82				
In addition, the apparently relating diagnosed to be rel:					
Beadle, Harold	9/22/75	Melanoma- Carcinoma- tosis	non work- related illness	Dept. Textile Dept.	1965-1974
Gross, William	5/22/79	Unknown	Case Pending	Plastics Div. - Molding Dept.	1956-1977
Brown, Harold	2/26/80	First - Bronchitis due to asbes- tos inhala- tion. Later- no evidence of asbestosis	No Payment	High Pressure Sheet Finisher	1979-1980
DiStefano, Angelo	4/11/80	Unknown	\$25,000	Plastics Div. - Spiral Wound Gasket Dept.	1947-1979

12. State in detail the following concerning the first occurrence wherein Garlock was named as a defendant in an action to recover for disease or death as a result of exposure to asbestos.

The date you were notified of the claim;

The name and current address of the claimant;

The name and location of the court in which the action was filed and the number of the action;

The specific disease or illness complained of;

The name and address of the attorney for the claimant;

The disposition of such action, whether settled, verdict or appeal; if funds paid, the total amount thereof and the amount contributed by each co-defendant;

The name and current address of the custodian of the files involving the above actions.

(12) ANSWER:

<u>Plaintiff</u>	<u>State</u>	<u>Court</u>	<u>Number</u>	<u>Date of Service</u>
Featherstone	Tx.	U.S. Dist. Court, Eastern District	M-74-44-CA (Marshall) B-76-167-CA (Beaumont)	7/28/75

13. Please state whether Garlock at any time ever discussed or considered the possible impact that warning users about asbestos hazards would or could have on sales as well as what impact greater public knowledge of asbestos hazards would or could have on sales.

If so, please identify and produce all documents pertaining to each such discussion or consideration.

(13) ANSWER: Defendant is not aware of any such discussions or considerations.

14. As to each product containing asbestos manufactured and/or distributed by Garlock, state whether any of said products were shipped by Garlock with any cautionary language on the product itself.

(14) ANSWER: See No. 15 below.

15. If any cautionary language ever appeared on the package of any product containing asbestos manufactured and/or distributed by Garlock, state the specific dates during which said cautionary language appeared and state in detail the specific language that was used giving its size and location on the package.

(15) ANSWER: All Garlock asbestos-containing products have carried a warning label since late 1977. The warning label states as follows:

"CAUTION: contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause serious bodily harm."

The aforesaid warning comes in a variety of sizes depending on the size and style of the product to which it is attached. The aforesaid warning has a white background with black lettering. Usually, a warning has been displayed by way of an oval, stick-on label, appended to the product or package. In addition, compressed asbestos sheet material which carries the Garlock brand has the aforesaid warning statement printed on the face of the sheet at regular intervals.

16. With regard to any product containing asbestos manufactured and/or distributed by Garlock without cautionary language on the package or on the product itself, has Garlock ever recalled the product for the purpose of affixing cautionary language describing the health hazards of exposure of human beings to asbestos and/or how the product could be safely used.

(16) ANSWER: No. Since the asbestos-containing products of Garlock Inc are bonded and/or coated and/or encapsulated in elastomers and/or treated in such other manner as to prevent the emission of meaningful levels, if any, of asbestos dust and fiber when used in the manner for which they are intended, no such recall would be necessary.

17. State in detail the instructions on safe use, warnings and cautionary notes supplied to the end user by Garlock with each product containing asbestos manufactured and/or distributed by Garlock, including the date(s) supplied and how supplied.

(17) ANSWER: Since Garlock Inc's products are bonded, encapsulated or otherwise treated and thus do not emit meaningful levels, if any, of asbestos dust and fiber, they fall within the exception to OSHA regulations otherwise requiring warnings on asbestos products and materials. Nevertheless, Garlock places the warning otherwise required by 1910.1001, paragraph 2 (ii) of OSHA regulations on its products. The warning reads as follows:

"CAUTION: contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause serious bodily harm."

The above warning has been applied to all Garlock asbestos-containing products since late 1977. In addition, answering defendant has issued advertising flyers and brochures for some of its asbestos-containing products. See No. 15 above.

18. Does Garlock contend that Plaintiff or any employer of the Plaintiff improperly used products containing asbestos manufactured and/or distributed by Garlock?

If so, please set out in detail in which respect each said product containing asbestos was improperly used.

(18) ANSWER: Investigation is continuing; further information will be provided.

19. When did GARLOCK first receive any information that exposure to asbestos might cause any illness or disease.

(19) OBJECTION. This interrogatory is vague, overly broad and unduly and unreasonably burdensome and oppressive and is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding and without waiving the foregoing Objection, this defendant answers that although individual employees of Garlock Inc through membership in various trade organizations, such as the Asbestos Textile Institute, may have been aware of the alleged dangers of exposure to asbestos dust, this defendant states that its knowledge of the alleged hazards of asbestos inhalation cannot be equated with any knowledge of an existence of a hazardous potential asbestos from the use of its products, since there has never been any evidence that its products have caused or contributed to any hazardous condition. Furthermore, since the asbestos fibers in Garlock's products are encapsulated and/or bonded and/or treated in such a manner as not to emit meaningful levels, if any, of asbestos fibers, the receipt of any such information of Garlock Inc would be irrelevant.

Garlock has contacted its pertinent management and sales executives to determine if information beyond that documented in Garlock's files is available. No such individual contacted has any personal recollection of the receipt of such information to exposure hazards in the minutes of the ...

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20. As to each asbestos associated disease (asbestosis, lung cancer, mesothelioma, etc.) of which GARLOCK is presently aware, state the date that GARLOCK first received any information that said disease process might be caused by exposure to asbestos.

(20) ANSWER: See No. 19 above.

In addition, no such individual contacted can recall when he first learned which particular diseases have been related to excessive exposure to asbestos fibers.

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21. Has Garlock ever consulted with any entity or medical experts in order to determine the existence of any potential hazard of exposure to asbestos. If so, state:

The date(s) of the consultation(s);

The names and current addresses of said entities or medical experts;

What was learned from said consultation;

What was done as a result of said consultation;

The name and current address of the custodian of the information received;

(21) ANSWER: No. Since the asbestos-containing products of Garlock Inc are bonded and/or coated and/or encapsulated in elastomers and/or treated in such other manner as to prevent the emission of meaningful levels, if any, of asbestos dust and fiber when used in the manner for which they were intended, no such consultation has been necessary with regard to Garlock products.

22. State whether or not any research or tests were ever conducted by Garlock, or at Garlock's request, to determine the health hazards associated with the exposure of human beings to asbestos.

If so, state the date(s) of the research; the name and current address of anyone connected with conducting said research; and the results of said research.

(22) OBJECTION. This interrogatory requests attorney work product and information prepared in anticipation of litigation; contains a presumption of health hazards associated with this defendant's products.

Subject to the foregoing objection, defendant Garlock Inc, by way of further answer, states that because the defendant's asbestos products are bonded and/or encapsulated, and do not, therefore, emit harmful levels of asbestos dust, if any, no such tests, other than those performed in preparation for asbestos litigation, were necessary, and no tests were conducted.

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23. List all published literature or medical articles of which Garlock is aware which deal with illness, sickness or disease due to exposure to asbestos. Specify the date, month and year of each such article and how long after publication Garlock became aware of the existence of the article.

(23) OBJECTION. This interrogatory is overly broad, unduly and unreasonably oppressive and is not reasonably calculated to lead to the discovery of admissible evidence in that it seeks information with respect to literature and research, much of which is, as to the products manufactured by Garlock Inc, irrelevant, since the asbestos products of the answering defendant are bonded and/or encapsulated and/or treated in such a manner as not to emit meaningful levels, if any, of asbestos fibers.

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24. If any employee or agent of Garlock has ever testified before any governmental agency or body regarding the health hazards associated with the exposure of human beings to asbestos?

(24) ANSWER: Yes.

State:

The name(s) and current address(es) of the person(s) giving such testimony;

(24) A. ANSWER: Alexander Kuzmuk, 31 Selborne Chase, Fairport, New York 14450, presented a prepared statement setting forth the position of ATI. At the time, he was an employee of Garlock.

The governmental agency or body before whom such testimony was given and the date(s) of such testimony;

(24) B. ANSWER: United States Department of Labor, Office of the Secretary, Washington, D. C.

Whether the person(s) testifying prepared a written statement of Garlock's position;

(24) C. See Attachment.

The present location of such prepared statement, including the name and current address of the custodian of such statement;

(24) D. See Attachment.

Whether a transcript was made of the testimony given;

(24) E. ANSWER: Unknown.

If a transcript of such testimony was made, attach copies of all such transcripts.

25. Has Garlock manufactured for and/or distributed to H. K. Porter Company, Inc., Owens-Corning Fiberglas Corp., Pittsburgh Corning Corporation, Eagle-Picher Industries, Inc., Raymark Industries, Inc., Celotex Corporation, Porter-Hayden Company, C. E. Thurston & Sons, Inc., Waco, Inc., Newport News Shipbuilding and Dry Dock Company, Stone and Webster Company, B. F. Shaw Company, and J. A. Jones Construction Company any products containing asbestos.

If your answer to the preceding interrogatory is in the affirmative, state:

The name of the company to which products containing asbestos were distributed;

Whether said product(s) was manufactured and/or distributed by Garlock directly or through an agent, subsidiary, or other company;

The date(s) said product containing asbestos was manufactured and/or distributed;

The trade name of said product(s) manufactured and/or distributed;

The quantity of said product(s) distributed;

The manufacturer(s) of said products containing asbestos;

The name(s) and current address(es) of any individual(s) employed by you or formerly employed by you who have knowledge of such distribution.

(25) See Supplemental Sheet.

26. As to the products containing asbestos manufactured and/or distributed by Garlock, has Garlock ever advised H. K. Porter Company, Inc., Owens-Corning Fiberglas Corp., Pittsburgh Corning Corporation, Eagle-Picher Industries, Inc., Raymark Industries, Inc., Celotex Corporation, Porter-Hayden Company, C. E. Thurston & Sons, Inc., Waco, Inc., Stone and Webster Company, B. F. Shaw Company, J. A. Jones Construction Company, and Newport News Shipbuilding and Dry Dock Company, or the employees of the above companies, businesses or entities of any potential hazards of exposure of human beings to asbestos or how to safely use products manufactured and/or distributed by Garlock containing asbestos?

If so, please summarize the advice given and state the name(s) and address(es) of all persons employed or formerly employed by Garlock who have knowledge of said advice; the name(s) and address(es) of all persons employed or formerly employed by the above companies, businesses or entities who have knowledge of said advice; and the date(s) said advice was first given.

(26) OBJECTION. This interrogatory is so unduly vague as to the meaning of "safely use" that the answering defendant is without knowledge or information sufficient to answer this interrogatory.

- . Subject to and without waiving the foregoing Objection, answering defendant states that over the years, it has always provided its customers with instructions as to the proper handling, installation and use of its products. Such instructions have been in various forms, including instruction sheets, advertising literature and user seminars. Also see Nos. 15 and 17 above.

27. What information, if any, was ever given by H. K. Porter Company, Inc., Owens-Corning Fiberglas Corp., Pittsburgh Corning Corporation, Eagle-Picher Industries, Inc., Raymark Industries, Inc., Celotex Corporation, Porter-Hayden Company, C. E. Thurston & Sons, Inc., and Waco, Inc. to Garlock regarding the potential health hazards of exposure to asbestos?

(27) ANSWER: None. Since the asbestos products of answering defendant are bonded and/or encapsulated and/or treated in such a manner as to prevent the emission of meaningful level, if any, of asbestos dust and fiber when used in the manner for which they were intended, no such communication would be relevant or applicable.

28. What information, if any, was ever given by Garlock to H. K. Porter Company, Inc., Owens-Corning Fiberglas Corp., Pittsburgh Corning Corporation, Eagle-Picher Industries, Inc., Raymark Industries, Inc., Celotex Corporation, Porter-Hayden Company, C. E. Thurston & Sons, Inc., and Waco, Inc. regarding the potential health hazards of exposure to asbestos?

(28) OBJECTION. This interrogatory is overly broad and unduly and unreasonably burdensome and oppressive and is not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this interrogatory is unreasonably and excessively vague as to the meaning of the terminology "potential health hazards of exposure to asbestos".

Subject to and without waiving the foregoing Objection, answering defendant states that since the asbestos products of answering defendant are bonded and/or encapsulated and/or treated in such a manner as to not emit meaningful levels, if any, of asbestos fibers, when used in the manner for which they were intended and any and all communications regarding potential health hazards of exposure to asbestos are not applicable to answering defendant.

Respectfully submitted,

William B. Townsend

By: _____

Donald N. Patten

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CERTIFICATION

I hereby certify that a true copy of the foregoing pleading was mailed or hand-delivered to counsel of record this 28th day of February, 1986.

Donald N. Patten

Donald N. Patten

SUPPLEMENTAL SHEET

1. OBJECTION. This interrogatory is overly broad, unduly and unreasonably burdensome and oppressive and not calculated to lead to the discovery of admissible evidence in that it seeks information with respect to numerous products many of which the plaintiff does not allege to and could not have been exposed. Subject to and without waiving the foregoing Objection, Garlock Inc answers as follows: Answering defendant has manufactured and sold asbestos-containing packing and gasket materials. The asbestos contained in these products is bonded and/or encapsulated in elastomers and/or coated and/or treated in such other manner as to prevent the emission of meaningful levels, if any, of asbestos dust and fiber when used in the manner for which they are intended. Furthermore, Garlock Inc has never been engaged in the mining of asbestos or any material containing asbestos.

A. ANSWER: All asbestos-containing products or packages of answering defendant have borne the name Garlock. Secondary trademarks used include Belmont, Paperpak, Lattice Braid, Chevron and Guardian.

B. ANSWER: Although the exact dates of manufacture of each product are unknown, Garlock Inc has been marketing asbestos-containing gaskets and gasket materials since at least 1907. Any records pertaining thereto would have been destroyed in accordance with Garlock's record retention and destruction policy.

C. ANSWER: Garlock gaskets are and have been used primarily for sealing the ends of adjacent pieces of pipe and/or other equipment in fluid lines.

3. OBJECTION. This interrogatory is overly broad, unduly and unreasonably burdensome and oppressive and is beyond the scope of permissible discovery in that it requests an unreasonable and onerous volume of material and information completely unrelated to plaintiff's claim, both in terms of products and time periods. Thus, this interrogatory is not calculated to lead to the discovery of admissible evidence.

Notwithstanding and without waiving the foregoing Objection, this defendant states that 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 some asbestos-containing sealing products substantially similar to those made and/or sold by Garlock: The Belmont Packing and Rubber Company, Crandall

Packing Company, Dealers Steam Packing Company and U. S. Gasket Company. Ultimately, each of these subsidiaries was merged or otherwise absorbed into Garlock, including all assets and liabilities. 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.

25. OBJECTION. This interrogatory is overly broad, unduly and unreasonably burdensome and oppressive, beyond the scope of permissible discovery and is not reasonably calculated to lead to the discovery of admissible evidence in that it requests information with respect to a great number of products and time periods to which, and during which, plaintiff could not have been exposed. Further, the term "and/or any other business or entity, etc." is vague and does not give sufficient information to allow an intelligent answer.

Without waiver of the foregoing Objection, answering defendant states that it has made sales of gasket material to Newport News Shipbuilding and Dry Dock Company. This defendant has no record of any sales earlier than 1974 and this defendant is unable, within the time provided, to collect said records and provide the requested information. It will, however, attempt to review available records and provide the requested information.

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