

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

ROGER DALE BLAKE, et al.,

Plaintiffs,

v.

A-BEST PRODUCTS COMPANY, et al.,

Defendants.

) CASE NO. CV96 01 0191
)
)
) JUDGE GEORGE ELLIOTT
)
)
) SUPPLEMENTAL RESPONSES OF
) DEFENDANT, GARLOCK INC TO
) TO PLAINTIFFS' MASTER SET OF
) INTERROGATORIES
)

Preliminary Statement and General Objections

Defendant, Garlock Inc (Garlock), through counsel, hereby submits its Supplemental Responses to Plaintiffs' Master Set of Interrogatories. Garlock incorporates by reference its objections and responses set forth in its initial Responses to Plaintiffs' Master Set of Interrogatories. Further, Garlock objects to the Instructions and Definitions contained in Plaintiffs' Master Set of Interrogatories to the extent that they exceed the permissible scope of discovery pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure.

Matthew C. O'Connell (0029043)
REMINER & REMINGER CO., L.P.A.
The 113 St. Clair Building
Cleveland, Ohio 44114
(216) 687-1311

Attorney for Defendant
Garlock Inc

1. Donald E. O'Keefe has relocated to: Four Stamford Plaza, 107 Elm Street, Stamford, CT 06904.
3. The Garlock Packing Company was originally incorporated on March 27, 1905 in New York. On April 25, 1960 the name 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 Inc of Ohio was incorporated in Ohio and on January 28, 1976 Garlock Inc was merged into Colt Industries Inc of Ohio, which immediately changed its name to Garlock Inc.
 - 3(a). Ultimately, each of the four subsidiaries listed were merger or otherwise absorbed into Garlock, including all assets and liabilities.
 - 3(b). See answer to Interrogatory #3(a) above.
 - 3(c). Not Applicable.
 - 3(d). Garlock acquired four subsidiary companies: Belmont Packing and Rubber Company, Crandall Packing Company, Dealers' Steam Packing Company, and U.S. Gasket Company. In June of 1987 Garlock acquired the Anchor Packing Company.
 - 3(e). Not applicable.
4. See response to Interrogatory No. 3.
5. Garlock does not mine asbestos, it does however manufacture, market and/or distribute asbestos-containing products.
 - 5(a)-(g). Garlock will make available for inspection and copying at plaintiffs' expense, sales catalogs and other records responsive to this interrogatory at a mutually convenient time and date.
- 7(a)-(c). Garlock objects to this Interrogatory on the basis that is ambiguous, overly broad, is 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 many changes in its products amounting to a change in chemistry. Some of these changes may be detailed in writing but a records search would be unduly burdensome.

- 7(d). Changes were made for many reasons, including cost reduction, improved performance, or because materials were no longer available.
8. 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 of such products.
- 8(a)-(g). See response to Interrogatory #8 above.
- 8.1. Garlock does not maintain separate compilations of sales records for its asbestos-containing products or for sales in specific states or subdivisions thereof. Garlock has no record of sales of asbestos containing products to Armco/AK Steel Middletown plant and/or the Armco/AK Steel Hamilton plant during the years in question to the extent that records still exist.
- 8.2. See answer to Interrogatory #8.1 above.
- 8.3. See answer to Interrogatory #8.1 above.
- 8.4. See answer to Interrogatory #8.1 above.
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. Without waiver of the foregoing objection, Garlock states that the vast majority of its asbestos-containing sealing products have been designed, manufactured and sold by its facilities in Palmyra, New York.
13. See response to Interrogatories 8 and 8(a)-(g).
14. Without waiver of the previously stated 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 engineering management staff.

15. 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 plaintiff alleges 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 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 P.T.F.E. (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. 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 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. 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 2% 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%.

16. Garlock objects to this Interrogatory on the basis that it is not limited to those products which plaintiffs allege to have been exposed. 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. See answer to Interrogatory #15 above.
17. Garlock objects to this Interrogatory on the basis that it is overbroad. Garlock has literally manufactured hundreds of products during its 90 year history, and further, plaintiffs have not identified any specific Garlock products to which they claim injurious exposure. Further, to the extent Garlock has documents responsive to this Interrogatory, certain information contained therein may be proprietary or confidential and is not subject to disclosure absent a protective order.
 - 17(a). See objection and response to Interrogatory #17 above.
 - 17(b). See objection and response to Interrogatory #17 above.
 - 17(c). Any documents responsive to this Interrogatory are maintained at Garlock's facility in Palmyra, NY.
18. No.
19. No.
20. No.
21. Garlock objects to this Interrogatory on the basis that it assumes the truth of matters in dispute in this litigation, specifically, that there are dangers associated with the use of Garlock asbestos containing products. Without waiver of the foregoing objection, 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, the persons using such products.
22. See objection and response to Interrogatory #19 above.
 - 22(a). See objection and response to Interrogatory #19 above.
 - 22(b). See objection and response to Interrogatory #19 above.

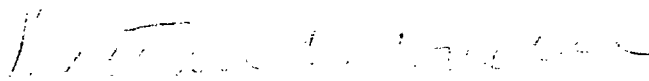
- 22(c). See objection and response to Interrogatory #19 above.
- 22(d). See objection and response to Interrogatory #19 above.
- 22(e). See objection and response to Interrogatory #19 above.
- 22(f). Not applicable.
- 22(g). Copies of the reports will be made available at a mutually convenient date and time to plaintiffs' counsel.
23. Garlock objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and for the further reason that it presupposes that the asbestos-containing products of Garlock emit dust at levels harmful to the human body. Notwithstanding are without waiving the foregoing objections, Garlock states that it is unaware of any investigations, tests, examinations or experiment concerning the asbestos-containing products of Garlock and any effect thereof on the human body.
24. See response to Interrogatory # 19 above.
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.

27. Garlock has not employed, retained or otherwise engaged in physicians, industrial hygienists or others to conduct medical research concerning asbestos-related disease. Further, see answer to Interrogatory #22 relating to general studies done by industrial hygienists concerning asbestos, not asbestos-related diseases.
28. No.
29. Garlock has no record, knowledge or recollection of any recommendation and/or suggestions 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.
30. Garlock has no record, knowledge or recollection of subscribing to any scientific and/or medical periodicals.
31. See answer to Interrogatory # 19 above.
32. This information is contained in the response to Interrogatory #22, set forth herein above. Garlock will make available copies of the tests noted in its response to Interrogatory #22 at a mutually convenient date, place and time.
33. Upon information and belief, Garlock states that in the early or mid 1950's, it became aware of the prevailing threshold limit value for exposure to asbestos fibers.
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.
- 34(b). Palmyra, NY.
- 34(c). Garlock does not designate a librarian.
- 34(d)(e). 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 available for inspection at a mutually agreeable time.

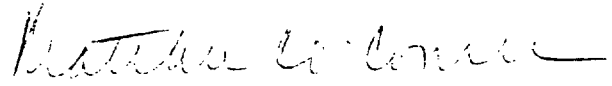
- 34(e). None.
38. The information sought is beyond the scope of permissible discovery and seeks to require Garlock to create work product and to turn it over to plaintiffs' counsel, all of which would place an undo burden upon Garlock. Subject to and without waiving of the foregoing objections, Garlock states that it may have obtained documents responsive to this request 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 work product privilege.
39. Garlock subscribed to Asbestos magazine during portions of the 1950's and 1960's and from April 1978 through April 1980. It has no knowledge of articles which were printed or withheld from printing in this periodical.
- 39(a). Not applicable. See response to Interrogatory # 39 above.
40. Garlock objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and that the information sought is not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of the foregoing 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 its health implications were raised, the subject was discussed. Garlock has no records of the participants, dates and subject matter of these meetings.
41. 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. 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 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 read: "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.
44. Not applicable.

45. Garlock objects to Interrogatory on the grounds that it calls for an expert medical opinion which Garlock 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 defendant in the position of doing the plaintiffs' work. Subject to and without waiving the foregoing objections, Garlock states that there has never been any competent scientific or medical evidence or reason to believe that is 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, it asbestos-containing products pose any health hazard or any significant possibility of inhalation of asbestos fiber. 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 has no knowledge about any products other than gaskets and packing and cannot answer with respect to products manufactured or sold by other companies.
46. 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. None of the plaintiffs in this action has ever been a Garlock employee and there are no allegations of any exposure while visiting any Garlock manufacturing facility.
57. Garlock is without sufficient knowledge to respond to this question presently. This Interrogatory response will be supplemented as discovery progresses.
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



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Attorney for Defendant
Garlock Inc

CERTIFICATE OF SERVICE

A copy of the foregoing Supplemental Responses of Defendant, Garlock Inc to Plaintiffs' Master Set of Interrogatories were sent by regular U.S. Mail this 18th day of July, 1997 to all counsel of record.



Matthew C. O'Connell

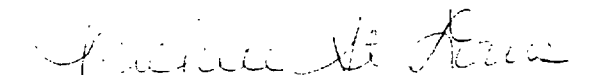
**STATE OF CONNECTICUT
COUNTY OF FAIRFIELD**

I hereby certify that I am authorized to respond to these Supplemental Interrogatories on behalf of Garlock Inc in my capacity as Assistant Secretary and that to the extent that I am personally familiar with the information set forth in the answers, I certify that the answers are correct, and to the extent that I am not personally familiar with the information provided in the said answers, I certify that the information is correct to the best of my information and belief based on my investigation of these matters.


DONALD E. O'KEEFE

Sworn to and subscribed before me this

17th day of July, 1997


NOTARY PUBLIC

State of Connecticut

My commission expires

MICHELE ST. LOUIS
NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 31, 1998

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 group together all of the defendants. There has never been any competent scientific or medical 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.

CORPORATE NAME

1. For each interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include job title, length of time employed by Defendant and a year by year list of all other positions, titles or jobs held when working for Defendant.

Answer:

Donald E. O'Keefe, Esq.
Assistant Secretary, Garlock Inc (no punctuation) (since 1975)
430 Park Avenue
New York, New York 10022

2. Please state whether or not Defendant is a corporation. If so, please state:

- a. Your correct corporate name;
- b. The state of your incorporation;
- c. The address of your principal place of business;
- d. Your registered agent for service in the state of Ohio.

Answer:

Defendant's legal name is Garlock Inc (no punctuation). Garlock Inc is an Ohio corporation with offices located at 430 Park Avenue, New York, New York 10022 and a principal manufacturing facility and sales office at 1666 Division Street, Palmyra, New York 14522.

The Garlock Packing Company was originally incorporated in New York on March 27, 1905. On April 25, 1960, the name 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 Inc of Ohio was incorporated in the state of Ohio and on January 28, 1976, Garlock Inc was merged into Colt Industries Inc of Ohio which immediately changed its name to Garlock Inc.

3. Please describe Defendant's corporate history including any:

- a. Mergers;
- b. Consolidations;
- c. Asset purchases;
- d. Acquisitions;
- e. Spinoffs.

Answer:

In past years, Garlock acquired four subsidiary companies which made and/or sold at least some asbestos-containing products. Those companies were the Belmont Packing & Rubber Company, Crandall Packing Company, Dealers' Steam Packing Company and U.S. Gasket Company. The only asbestos-containing products of which Garlock is aware that were made and/or sold by these companies were sealing products substantially equivalent to similar such products made and sold by Garlock. The Belmont Packing & Rubber Company was located in Philadelphia, Pennsylvania; Crandall Packing Company and Dealers' Steam Packing Company were located in Palmyra, New York and U.S. Gasket Company was located in Camden, New Jersey. Ultimately, each of the four subsidiaries was merged or otherwise absorbed into Garlock, including all assets and liabilities. As far as Garlock is aware, all business records of these former subsidiaries were destroyed many years ago in accordance with Garlock's long-standing record retention and destruction program. It is probable that old corporate minute books still exist, but Garlock would not expect them to contain any information pertinent to this litigation. In June, 1987, Garlock Inc acquired The Anchor Packing Company of Philadelphia, Pennsylvania which has sold asbestos-containing gaskets, gasket materials and packing.

4. Please state whether or not the Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products) If so, please state the following:

- a. The name of each such corporation or entity;
- b. Date of acquisition;
- c. The nature of the company as it relates to asbestos.

Answer:

See answer to Interrogatory No. 3.

Ever Sell Asbestos

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- a. The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, or Defendant's subsidiary);
- b. As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:
 1. The trade or brand name.
 2. Its identification number (model, serial number, etc.)

3. The time period it was manufactured, mined, marketed, distributed or sold.
 4. Its physical description including color, general composition and form.
 5. A detailed description of its intended use and purpose.
 6. A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
 7. The percentage of asbestos which it contained.
 8. The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite).
- c. The time period during which each of these products were on the market;
 - d. A description of the physical composition of each product;
 - e. How each of these asbestos-containing products can be distinguished from those of competitors;
 - f. A description of the physical appearance of such product;
 - g. A detailed description of the intended uses.

Answer:

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 plaintiff alleges 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 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 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 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 2% 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%.

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 50 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.

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

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

Answer:

Garlock holds no patents specific to asbestos-containing products.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

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

Answer:

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

8. Have any of the asbestos-containing products listed in Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- a. The name and address of each such company.
- b. The names and address of Defendant's distributors in Ohio and Illinois since 1940.
- c. The date of each sale.
- d. The name of the person at each location with whom you primarily dealt with;
- e. A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- f. The amount of each asbestos product sold to each location during this period.

- g. Please identify all documents relating to this distributor for the particular location.

Answer:

Garlock objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, does not call for relevant evidence and is not calculated to lead to the discovery of admissible evidence and 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 most of its product sales were on a direct basis until the mid-1960's. At that time, the decision was made to utilize distributors for sales to maintenance and repair customers and after a conversion period of several years, the majority of Garlock product sales are made through distributors. Garlock has continued to sell directly to original equipment manufacturers who use Garlock products in making their products.

A recent listing of Garlock distributors in (Illinois & Ohio) is attached as Exhibit A.

Further, Garlock does not have records of its direct sales prior to the utilization of distributors nor of sales by its distributors to specific customers.

8.1 Does Defendant have reason to believe that the asbestos-containing products listed in response to Interrogatory No. 5 were used at the ARMCO/A.K. Steel Middletown Plant and/or the ARMCO/A.K. Steel Hamilton Plant. If your answer is "yes", please state the basis of your answer.

Answer:

Garlock objects to this interrogatory on the grounds that it is overly broad, vague as to a defined time frame and unduly burdensome and for the further reason that the only products at issue in this case are those to which plaintiff alleges to have been exposed. Discovery continues.

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold, those products listed in response to Interrogatory No. 5 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the following:

- a. The name and address of each such company;
- b. The date of each sale from Defendant to such other company;

- c. The name of the person at each other company with whom Defendant primarily dealt;
- d. Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.
- e. Please identify all documents relating to the sales to each such company.

Answer:

Garlock has no records regarding specific sales during the year(s) in question. See also answer to Interrogatory No. 8.

8.3 If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in Interrogatory No. 5 to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Hamilton Plant, please state the names and last known addresses of those companies who Defendant knows marketed, distributed and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- a. Name and address of each such company;
- b. The dates of each sale from Defendant to such other company;
- c. The name of the person at each other company with whom Defendant primarily dealt;
- d. The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

Answer:

Garlock has no records regarding specific sales during the year(s) in question. See also answer to Interrogatory No. 8.

8.4 Does Defendant have records and/or knowledge that reflects sales of their asbestos-containing products to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant? If so, please state:

- a. The names and last known addresses of those people with such knowledge.
- b. The location of such records.

Answer:

Garlock objects to this interrogatory on the grounds that it is overly broad, vague as to a defined time frame and unduly burdensome and for the further reason that the only products at issue in this case are those to which plaintiff alleges to have been exposed.

9. Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1945 to 1975? If your response is yes, as to each facility, please state the following:

- a. The name and last known address of each such representative and whether they are still employed by Defendant;
- b. The period of time they acted as your representative;
- c. Their general responsibility as to each facility; and
- d. Whether that person is still alive.

Answer:

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 plaintiff alleges to have been exposed.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying asbestos-containing products? If so, please state:

- a. The name of each subdivision;
- b. The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- c. Whether said division or subsidiary conducted such business at ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1945 to 1975?
If so, please state:
 1. The dates of such contracts;
 2. The specific asbestos-containing products that were used in each contract.

Answer:

Not applicable to this defendant. Garlock has never maintained or operated a "contract business".

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

Answer:

Not applicable to this defendant.

12. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

Answer:

Garlock objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence and for the further reason that the only 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 the vast majority of its asbestos-containing sealing products have been designed, made and sold by its facilities in Palmyra, New York, now identified as the Garlock Sealing Technologies.

13. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- a. The name of the company manufacturing the asbestos products under such agreement;
- b. The trade name affixed to such products;
- c. The periods of time covered by each such agreement;
- d. The volume (in dollars) of each such transaction;
- e. The purchaser of such products;
- f. Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

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 the 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 the vast majority of its products have been self-manufactured; however, from time to time, Garlock has purchased a few asbestos-containing products from other manufacturers for resale, but there is no reason to believe that such products are germane to this litigation. Garlock does not have records of its direct sales prior to the utilization of distributors nor of sales by its distributors to specific customers.

Information about Design/Testing

14. What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed above in answer to Interrogatory No. 5?

Answer:

Garlock objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive and not reasonably calculated to lead to the discovery of admissible evidence and for the further reason that the only 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 the design and/or development of new products and the improvement of existing Garlock products has been the responsibility of the technical staff involved in each particular project. Any records which remain in the possession of Garlock would be in the custody of, or available to, the Garlock engineering management staff.

15. As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. (In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste).

Answer:

Garlock objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive and not reasonably calculated to lead to the discovery of admissible evidence and for the further reason that the only products at issue in this case are those to which plaintiff alleges to have been exposed. Notwithstanding and without waiving the foregoing objections, the manner in which Garlock products were used varied, dependent upon that use, would determine whether Garlock products were to be cut, scribed, etc., by the ultimate end user. Garlock sells gasket sheets and other packing materials that may be cut to proper size by the user or per-cut by Garlock or others. Discovery continues as to the products plaintiff allegedly used. Garlock will supplement this response once it has been determined which, if any, plaintiff was exposed to.

16. Based upon the material contents of the asbestos-containing products, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

Answer:

Garlock objects to this interrogatory on the grounds that it presupposes that a "method" was necessary to restrict release of asbestos dust, fibers or materials out of the transport containers or from the products themselves. Garlock products, by their nature, are encapsulated and/or bonded and/or coated with various materials, including elastomers, polytetrafluoroethylene and/or impregnated with lubricants.

See also answer to Interrogatory No. 5

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? if so, please:

- a. List each such written material or document;
- b. Identify the person or persons presently in possession of each such document;
- c. State where each such document is located.

Answer:

See answer to Interrogatory No. 14.

18. Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- a. The name of the products tested and the date of each test.
- b. The name, address and job classification of each individual who conducted such tests;
- c. The results of such test.

Answer:

Garlock objects to this interrogatory on the grounds 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 objection, 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. 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.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 herinabove?

- a. Identify each such written material or document;
- b. Identify each person who presently has possession of each such document;
- c. State where each such document is located.

Answer:

See answer to Interrogatory No. 14.

20. Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 herinabove? If so, please state:

- a. The trade name of the product changed or modified;
- b. The nature of the change made and the date of such changes or modifications;
- c. The name, address, and job classification of each person in charge of making a change.

Answer:

See answer to Interrogatory No. 18.

21. After releasing for sale, distribution or making the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animal or humans) to determine potential health hazards involved in the use of said materials and/or products?

- a. The names of the products tested and the dates of said tests;
- b. The name, address and job classification of each personand/or agency conducting said tests;
- c. The results of said test.
- d. Whether as a result of any tests conducted, any products were removed from the market;
- e. The names of all products removed from the market as a result of said tests.

Answer:

Garlock objects to this interrogatory on the grounds 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 objection, 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. 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.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

- a. The dates and nature of such studies;
- b. The names and addresses of persons conducting such studies;
- c. The purpose of such studies;
- d. Identify and list those persons to whom such reports were given and the date of such dissemination;
- e. State any publication or other written dissemination of the results of such studies;
- f. State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and
- g. Attach a copy of reports based upon such studies.

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 plaintiffs allege 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 competent scientific or medical 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; "The Actual Contribution of Asbestos Fibers from Removal and Installation of Asbestos Packing from Valves" by Carl A. Mangold, CIH and Robert L. Gay, Ph.D. (May 1991).

Information About Safety

23. Before placing in the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- a. The date of said studies;
- b. What studies were done; and
- c. The titles of each study.

Answer:

Garlock objects to this interrogatory on the grounds 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 objection, 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. 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.

24. Please state whether or not Defendant ever conducted or caused to be conducted any test in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- a. The date, place and nature of each and every test;
- b. The particular asbestos-containing products to which each test applied;
- c. The results of each test with particular reference to number of asbestos fibers per cubic centimeter of air found at each site;
- d. The persons to whom the results were given and the date of such dissemination.

Answer:

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 litigation 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 competent scientific or medical evidence or reason to believe that Garlock asbestos-containing products pose a health hazard, potential or otherwise to persons using said products. Garlock products pose no health hazard, potential or otherwise to persons using such products.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- a. When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- b. The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- c. What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- d. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form;
- e. The name, address and job classification of the custodian of such information.

Answer:

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

26. Please state when Defendant first became aware of the possible association between inhalation of dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

Answer:

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

27. Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related disease.

Answer:

Garlock has not employed, retained or otherwise engaged physicians, industrial hygienists or others to conduct medical research.

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

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. Notwithstanding and without waiving the foregoing objections, Garlock has not employed, retained or otherwise engaged physicians, industrial hygienists or others to conduct medical research. Garlock has had six part-time plant physicians since 1920. They are as follows:

<u>Name</u>	<u>Dates of Service</u>
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, New York 14502	10/23/72 - 8/14/79
Dr. William G. Fallon 602 7th Street Liverpool, New York 13088	10/31/79 - 3/ 1/88
Dr. B. Maureen Merritt P. O. Box 477 Celoron, New York 14720	9/15/88 - 8/28/90
Dr. Tillman F. Farley Garlock Inc 1666 Division Street Palmyra, New York 14522	10/9/90 to 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 and pertaining to Garlock are in the hospital records which are all maintained by patient name at Garlock.

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products

and, if so, please state when, by whom or to whom 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 and unduly burdensome and for the further reason that the only products at issue in this litigation 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 competent scientific or medical evidence or reason to believe that Garlock asbestos-containing products pose a health hazard, potential or otherwise to persons using said products. Garlock products pose no health hazard, potential or otherwise to persons using such products.

30. Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

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. 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.

31. State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold values of asbestos dust, fibers or particles to which workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

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 plaintiffs allege 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 competent scientific or medical 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 numerous studies conducted for it. See also, answer to Interrogatory No. 22.

32. For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests.

Answer:

See answer to Interrogatory No. 31.

33. Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/offical of the company receiving such advice.

Answer:

Garlock objects to this Interrogatory on the grounds that it is overly broad and vague, in that it makes no reference to the circumstances, conditions and locations relevant to this litigation, and is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to this objection, Garlock states upon information and belief that in the early or mid-1950's, Garlock became aware of the prevailing TLV or safe limit for exposure to asbestos fibers. Further, 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.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engeineering and/or research? If so, state:

- a. The date each such library was established;
- b. The location of each library;
- c. The name(s) of the librarian(s) since 1930;

- d. List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety and/or engineering;
- e. List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

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 the discovery of admissible evidence, the information sought is beyond the scope of permissible discovery. Notwithstanding and without waiving the foregoing objections, Garlock states that it has, for many years, maintained in Palmyra, New York, an informal, in-house depository of technical and engineering data for use by the technical and engineering staff of Garlock. Garlock does not have information as to when such library was established. Garlock has had no librarians as such. However, clerical personnel performed, on a part-time basis, some of the functions normally handled by a librarian. From the records available to Garlock names of these employees or their supervisors cannot be determined. Garlock has not maintained a card catalog or any other list of such information.

35. Did Defendant in the 1920's or 1930's commission. or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

Answer:

Garlock states that it was not involved in any studies and/or tests performed by the Saranac Lake Laboratory or the Trudeau Foundation.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers", by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 (Lanza Report)?

Answer:

See answer to Interrogatory No. 35. Additionally, Garlock believes that its awareness of the "Lanza Report", has come from the asbestos litigation.

37. Please state whether Defendant at any time has been a member of any "trade organization" or "trade association" composed by other manufacturers, miners, distributors, and/or sellers of

asbestos-containing 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 issued 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), 2017 Walnut Street, Philadelphia, Pennsylvania 19103 (member from 1933 to present).

2. Asbestos Textile Institute, Inc., P.O. Box 471, 131 North York Road, Willow Grove, Pennsylvania 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 other record or information as to such period.)

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

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

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

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meeting and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

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 the discovery of admissible evidence

39. Please identify by name the technical and trade association periodicals to which the Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld

from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- a. The title of each such article;
- b. The periodical in which each such article was published;
- c. The date each such article was published;
- d. A detailed explanation of the reason for withholding any such article for printing;
- e. Produce documentation which refers, alludes or mentions articles which were withheld for publication.

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. Without waiving said objections, Garlock did subscribe to the Asbestos magazine at least during portions of the 1950's and 1960's and from April, 1978 through April, 1980. Garlock does not have information to enable it to respond as to other period of time.

40. Please state whether, prior to 1975, the Defendant sponsored, or attended any meeting, seminar, conference or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

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.

Warnings/Sales Promotion

41. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- a. The name of each relevant product;
- b. The wording of each such warning;
- c. A description of each such printed material;
- d. The method used to distribute the warning to persons who are likely to use the products;
- e. The date each such warning was issued;
- f. Whether any warning accompanied any of your asbestos-containing products' sale literature, handout or pamphlets;
- g. Please attach a copy of the warning and dates said warning was issued;
- h. The name, address and job classification of each person who presently has possession of the above-described documents;
- i. The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with warnings appeared.

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 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. 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 the 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.

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to No. 5? If so, please state:

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

Answer:

Garlock objects to this interrogatory as being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding and without waiving the foregoing objections, Garlock states that over the years it has prepared hundreds of writings, instruction sheets, brochures and the like regarding its products. The majority of said writings have long since been discarded. All existing writings are available for inspection and copying, in Rochester, NY, at plaintiff's expense upon appropriate prior arrangements through Garlock's counsel.

43. Has any written material of any kind or character been prepared by defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user? If so, please state the following:

- a. The name, address and job classification of each person who prepared same;
- b. The name, address and job classification of each person who presently has possession of same;
- c. The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

Answer:

Garlock objects to this interrogatory on the grounds that it is overly broad and unduly burdensome 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 it has continually 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.

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- a. Identify the written material by content and date;
- b. To whom was it delivered.

Answer:

Garlock objects to this interrogatory on the grounds that it is overly broad and unduly burdensome 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.

45. Does Defendant contend that asbestos-containing products can be manufacutred so as to eliminate all potential hazards to persons working with or around, installing or applying same? If so, please state the following:

- a. The date that Defendant first determined that another product could be used in place of asbestos;
- b. The chemical of the substitue;
- c. Whether the substitue is suitable for the purpose for which they are to be used;
- d. Whether Defendant used the substitue for asbestos to 1971;
- e. Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

Answer:

Garlock objects to this interrogatory on the grounds that it is irrelevant to any issue in this case, not reasonably calculated to lead to the discovery of admissible evidence, and exceeds the scope of permissible discovery. Notwithstanding and without waiving the foregoing objections, Garlock states that its asbestos-containing sealing products are safe and do not emit asbestos fibers in sufficient quantities, if any, to pose a health hazard to persons using such products. Further, 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.

46. Did Defendant give any warnings to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1945 to 1975 regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- a. Name of person most knowledgeable about this communication;
- b. Name of person at ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant most knowledgeable about his communication;
- c. Dates of each communication;
- d. Contents of each communication.

Answer:

Garlock objects to this interrogatory on the grounds 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 objection, 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. 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.

Knowledge of Previous Injuries

47. Did any person prior to 1970, file a claim against any Worker's Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- a. A list of each such claim by claimant's name, date filed, the caption and jurisdiction;
- b. The disease alleged in each such claim;
- c. A brief summary of the disposition of each such claim; and
- d. The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

Answer:

Garlock objects to this interrogatory insofar as it pertains to Workers' 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.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- a. The name and address of each claimant;
- b. The date of notice of each claim;
- c. A description of the claim;
- d. The type of injuries allegedly sustained;
- e. The name and address of each attorney representing the individuals making such claims;
- f. The style and court number of each such claim;
- g. The resolution of each claim.

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.

Plaintiff/Decedent

49. Has Defendant obtained statement from any witnesses including the Plaintiffs? If so, please:

- a. list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

Answer:

Garlock objects to this interrogatory on the grounds that it is overly broad, vague and premature. Garlock does not know who plaintiffs are or what illnesses, if any, they may have or what Garlock products, if any, they used. Neither does Garlock know who plaintiffs' experts will be. Discovery continues.

50. Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set out in detail in what respect the product was improperly used.

Answer:

Garlock objects to this interrogatory on the grounds that it is overly broad, vague and premature. Garlock does not know who plaintiffs are or what illnesses, if any, they may have or what Garlock products, if any, they used. Neither does Garlock know who plaintiffs' experts will be. Discovery continues.

51. As to the ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other

than asbestos which contributed or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- a. The facts upon which you rely;
- b. The identity of the sources upon which you rely which substantiate these facts.

Answer:

Garlock objects to this interrogatory on the grounds that it is overly broad, vague and premature. Discovery continues.

Respirators

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- a. When the respirator was sold;
- b. A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- c. The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- d. Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- e. List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

Answer:

Garlock objects to this interrogatory on the grounds that it assumes the truth of matters in dispute in this litigation, specifically that there are dangers associated with the use of Garlock asbestos-containing products. Notwithstanding and without waiving the foregoing objection, 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. Respirators are not required while working with, installing or removing Garlock products since said products pose no health hazard.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- a. Their identity, last known address;
- b. The subject matter on which the expert is expected to testify;
- c. The expert's specific conclusion and specific opinions and the specific basis thereof;
- d. The expert's qualifications to render the opinions set forth above;

- e. Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- f. Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- g. Describe in detail the education and work history of, and identify any books, treatises, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to sub-paragraph (a) above. Alternatively, in lieu, of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

Answer:

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

54. Please state the name and last known address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

Answer:

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

55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

Answer:

Yes.

56. Does Defendant have policies of insurance that might cover the claims that have been made by the Plaintiffs herein?

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

Answer:

Product liability insurance coverage for Garlock has been available under various policies, including the following primary policies:

<u>Carrier</u>	<u>Year</u>
Travelers Insurance Company	1951 - 1961
Employers Mutual of Wausau	1961 - 1976
Aetna Life and Casualty Company	1975 - 1986
National Union	1986 - Present

The full amount of coverage available under such policies is subject to differing views between the insured and the insurers.

57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

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.

58. State the last date that this Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

Answer:

Garlock as of this date, is still manufacturing, selling and distributing gasket products which contain fully encapsulated asbestos fibers. Garlock no longer produces any packing products which contain asbestos fibers.

DISTRIBUTORS OF GARLOCK PRODUCTS-ILLINOIS
(AS OF 11/7/90)

Alert Mfg & Supply Company
7300 W Montrose Avenue
Norridge, Illinois 60656

Sealco Inc
483 W Fullerton Ave
Elmhurst, Illinois 60126

Black Industrial Supply Corp
3200 E 92nd Street
Chicago, Illinois 60617

Chambers Gasket & Mfg Co
4701 W Rice Street
Chicago, Illinois 60651

Chicago Gasket Co
1285 West North Street
Chicago, Illinois 60622

Chicago Wilcox Mfg Co
16928 State Street
P. O. Box 126
S Holland, Illinois 60473

Courtin Gasket & Rubber Co
680 S River Street
P. O. Box 5090
Aurora, Illinois 60507

D H Die Cutting Corporation
218 N. Elizabeth Street
Chicago, Illinois 60607

Hennig Packing & Gasket Corp
200 South Des Plaines Street
Chicago, Illinois 60606

J D Mott Inc
4250 McFarland Road
Loves Park, Illinois 61111-4406

J. D. Mott Inc.
3500 Industrial Drive
Peru, Illinois 61354

Mechanical Rubber & Supply Co
512 S W Washington Street
Peoria, Illinois 61602

CURRENT GARLOCK DISTRIBUTORS IN OHIO

Akron Gasket and Packing Ent.
1244 Home Avenue
Akron, OH 44310

Cincinnati Gasket, Pkg. & Mfg.
40 Illinois Avenue
Cincinnati, OH 45215-5586

Columbus Gasket Co.
1875 Lone Eagle
Columbus, OH 43228

Custom Clutch, Jt. & Hydraulic
3537 St. Clair Avenue
Cleveland, OH 44114

Disch, Jno. J. Company
1616 Coutant Avenue
Cleveland, OH 44107

Durox Equipment Company
12351 Prospect Road
P. O. Box 8858
Strongsville, OH 44136

Elledge Gasketing & Supply Co.
2579 Ferris Road
P. O. Box 24161
Columbus, OH 43224

Fluid Sealing, Inc.
4840 Imperial Drive
P. O. Box 2743
Toledo, OH 43606

G.M.I., Inc.
4822 East 355th Street
Willoughby, OH 44094-4634

Gaskets Inc.
23940 Mercantile Road
Cleveland, OH 44122

Gasko Fabricated Products Co.
4049 Ridge Road
Medina, OH 44256

Hersh Packing & Rubber Company
312 North High Street
P. O. Box 186
Canal Winchester, OH 43110-018

M.V.G. (Mahoning Valley Gskt.)
3014 Republic Street, S.E.
Warren, OH 44484

Manufactures Gasket Company
13700 York Road
N. Royalton, OH 44133

Miles Rubber & Packing Company
9020 Dutton Drive
Twinsburg, OH 44087

Murdock, M. F. Inc.
310 Water Street
P. O. Box 1438
Akron, OH 44308

Ohio Transmission & Pump Co.
666 Parsons Avenue
Columbus, OH 43206

Route 16 East & Dayton Road
P. O. Box 550
Newark, OH 43055-0435

201 Garver Road
P. O. Box 436
Monroe, OH 45050

Packings & Gaskets, Inc.
16774 Park Circle
P. O. Box 359
Chagrin Falls, OH 44022-0359

Philpott Rubber Company
2077 E. 30th Street
Cleveland, OH 44115

Sterling Rubber Products Co.
3190 Kettering Blvd.
Dayton, OH 45439-1938

Wright, F. B. Company
4582 Willow Parkway
Cuyahoga Heights, OH 44125

4689 Ashley Drive
Hamilton, OH 45011

5242 Angola Road
Toledo, OH 43615

CERTIFICATE OF SERVICE

The foregoing Answers and Objections of Defendants Garlock Inc and Anchor Packing Company to Plaintiffs' Master Set of Interrogatories have been forwarded this 27th day of February, 1997 to:

Steven D. Wolens, Esq.
BARON & BUDD
A Professional Corporation
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, TX 75219

and all counsel of record were notified that copies are available upon request.

Matthew C. O'Connell

Matthew C. O'Connell (0029043)
Mark D. Amaddio (0041276)
Michelle J. Sheehan (0062548)