

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

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

Plaintiff,)

vs.)

GARLOCK INC,)

Defendant.)

CIVIL ACTION NO. EP-83-CA-288

ANSWERS OF DEFENDANT GARLOCK INC
TO PLAINTIFF'S INTERROGATORIES

The Defendant, GARLOCK INC (Garlock), hereby answers and objects to the Plaintiff's interrogatories as follows:

GENERAL OBJECTIONS

Garlock poses the following general objections to Plaintiff's interrogatories and incorporates each of these objections by reference to every answer provided hereinafter:

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. Records destruction policies followed by Garlock requiring destruction of documents further complicate this task. The answers provided herein are based upon the present facts known or believed to be true by Garlock at the time of its answer.

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2. The interrogatories are overly broad, burdensome, and, in some instances, 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. Garlock does not produce, manufacture, or sell, and has never produced, manufactured or sold, asbestos-containing "insulation products" as that term is commonly used and understood. Therefore, Garlock objects to any interrogatory referring to or assuming such products are manufactured by Garlock and/or sold by Garlock and presumes that questions referring to insulation materials are thus not applicable to Garlock.

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

ANSWER: Harold D. Retting, General Counsel
Garlock Inc, P. O. Box 8090, Longview, Texas 75601

Clayton M. Jewett, Manager of Marketing-Gasket Products
Garlock Inc, 1666 Division St., Palmyra, New York 14522

Richard W. Watson, Paralegal
Garlock Inc, 1666 Division St., Palmyra, New York 14522

2. Please state whether or not you are a corporation; if so, please state your correct corporate name, the state of your incorporation, the date of your incorporation and the address of your principal place of business.

ANSWER: Garlock Inc is an Ohio corporation formed on November 25, 1975. Garlock Inc has a principal place of business at 1666 Division St., Palmyra, New York 14522.

3. Please describe the corporate history of the Defendant.

ANSWER: 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 May 12, 1975, the New York corporation was merged into a Delaware corporation of the same name. On November 25, 1975, Colt Industries of Ohio was incorporated in the State of Ohio and on January 28, 1976, Garlock Inc, the Delaware corporation, was merged into Colt Industries of Ohio which immediately changed its name to Garlock Inc.

4. Please state whether or not Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity engaged in the mining of asbestos or the manufacturing, marketing, or distribution of asbestos products.

ANSWER: Over the years, Garlock acquired four companies which made and/or sold some asbestos-containing products. Those companies were the Belmont Packing and Rubber Company, Crandall Packing Company, Dealers' Steam Packing Company and U. S. Gasket Company. Ultimately, each of these subsidiary companies was merged or otherwise absorbed into Garlock with all assets and liabilities thereof.

5. Please identify by trade and/or brand name each and every asbestos-containing product sold by Defendant from 1954 through 1960. For each product identified please state also:

(a) The name of the company that manufactured the product;

(b) The address of the facility that manufactured the product;

(c) The dates that Defendant sold the product;

(d) A description of the chemical composition of the product, including the type of asbestos (i.e., amosite,

crysotile, or crocidolite) contained in the product and the percentage of asbestos contained in the product;

(e) A description of the physical appearance of the product;

(f) A description of the packaging of the product;

(g) A description of the intended use of the product;

(h) Whether or not Defendant made many changes in the product, and if so, the changes made;

(i) The amount of the product sold to the American Smelting and Refining Company in El Paso, Texas in each year from 1954 through 1960 inclusive (by dollar sales);

(j) A description of warnings, if any, that appeared on the product or on the packaging of the product in the years 1954 through 1960.

ANSWER: Objections for the reasons set forth in General Objections 1 and 2 and for the further reason that the only Garlock products at issue in this case are those to which Plaintiff alleges the deceased to have been exposed and Plaintiff has not indicated the Garlock products to which the deceased is alleged to have been exposed. The many "styles" of products manufactured by Garlock are thus neither material nor relevant.

Garlock objects for the further reason that production of the requested information would be unduly burdensome in as much as over the years hundreds of such products have been discontinued. In addition, sales records for the period 1954 through 1960 have been destroyed pursuant to records destruction policies of the corporation.

Subject to the above objection and others previously noted Garlock states that Garlock manufactures and sells gaskets and gasketing materials. Information furnished to Garlock by Plaintiff indicates the following Garlock asbestos-containing products were

purchased by American Smelting and Refining Company in El Paso, Texas over a period of years:

<u>Garlock Style</u>	<u>Product Description</u>
117-T	lubricated and graphited twisted asbestos packing
150	lubricated and graphited folded asbestos cloth and rubber packing
234	lubricated and graphited braided asbestos packing
605	rubber impregnated asbestos cloth gasketing sheet
607	gaskets cut from style 605 material
701	rubber impregnated asbestos cloth, folded and vulcanized, industrial, brake lining material

Garlock asbestos packing materials consist of braided or woven asbestos encapsulated in either elastomeric compounds or metal foils and/or impregnated with lubricants.

Garlock gasketing products are suitable for sealing joints between two conduits through which fluids flow. Garlock asbestos packing materials are used to seal machinery.

Each of the products identified above is or was made with chrysotile asbestos and is or was thoroughly impregnated with elastomeric material or thoroughly lubricated and graphited. Garlock style 701 was discontinued more than 20 years ago due to lack of sales.

6. Identify by name, job title, and current address each and every individual ever employed by Defendant who had responsibility for the sale and distribution of asbestos-

containing products in the El Paso, Texas area from 1954 through 1960 inclusive. Indicate also the dates that each such individual had such responsibility.

ANSWER: During the period of 1954 through 1960, the vast majority of Garlock sales were made on a direct basis. Garlock does not have any records to identify any salesman and/or salesmen who might have called on American Smelting and Refining Company. Garlock does not have any records to indicate whether or not there was a distributor in the El Paso area from 1954 through 1960.

7. Identify by name and address each and every company from which Defendant purchased asbestos fibers and/or raw asbestos from 1954 through 1960.

ANSWER: Lake Asbestos, P. O. Box 608, Black Lake, Quebec, Canada
Ruberiod Co., current or past address unknown.
Bell Asbestos Mines, current or past address unknown.

8. Identify by name and address all companies that have served as distributors or franchised dealers for products manufactured by Defendant. Please indicate in your answer the dates that such companies served as distributors or franchised dealers.

ANSWER: Objection. Garlock objects for the reasons set forth in general objections 1 and 2 and for the further reason that the only Garlock products at issue in this action are those to which Plaintiff alleges the deceased to have been exposed and Plaintiff has not identified the Garlock products to which she alleges the deceased to have been exposed. Any other products manufactured by Garlock are thus neither material nor relevant. Furthermore, as noted in response to interrogatory number 6, Garlock has no record of having had a distributor in the El Paso, Texas area from the period 1954 to 1960.

9. Please give the style, case number, and jurisdiction of every suit filed against Defendant based on injuries caused by exposure to asbestos-containing products.

ANSWER: Objection. Garlock objects for the reasons set forth in General Objections 1 and 2 and for the further reason that the only Garlock products at issue in this action are those to which Plaintiff alleges the deceased to have been exposed and Plaintiff has not identified the Garlock products to which she alleges the deceased to have been exposed.

10. Please identify by name and current address all medical advisors, health directors, industrial hygienists, and/or any other health personnel employed by Defendant from the date of its inception through 1960.

ANSWER: Dr. C. C. Nesbitt (Deceased) - 8/30/20-8/1/56
Dr. J. D. Bramer (Deceased) - 8/1/56-7/24/72
Sila J. Wulfrank - 9/16/35-1/1/78, Sunset Dr.,
Palmyra, New York 14522.

The above identified physicians were employed by Garlock on a part time basis.

11. Please state whether or not Defendant ever obtained any information concerning the health hazard created by exposure to asbestos. If so, please state also when Defendant first became aware of the hazardous potential to exposure to asbestos, and the manner in which Defendant first obtained this information and the source from which this information was obtained.

ANSWER: Garlock is aware that some experts have maintained that large quantities of asbestos dust might possibly cause some forms of disease when an individual is subjected to exposure to large quantities in a confined area over a long period of time. Garlock further believes that the prevailing view in the medical community is that

small quantities of asbestos are not dangerous to human beings, particularly when exposure to asbestos is on a casual basis and not in a confined area. Garlock's asbestos-containing products, upon reasonable use, do not release asbestos fibers in sufficient quantity, if any, to pose a health hazard, potential or otherwise, to persons using such products. Garlock has never learned or obtained any information that a health hazard is created by exposure to Garlock asbestos-containing products. Many Garlock products contain no asbestos, and furthermore, those that do contain asbestos, are encapsulated and/or impregnated to the extent that fibers cannot be released in such a fashion or in such a quantity to pose health hazards.

12. Please list by name and date all trade periodicals, technical periodicals and medical periodicals to which Defendant subscribed during its existence.

ANSWER: From time to time, Garlock has subscribed to many periodical publications related to its business operations. No comprehensive listing of the publications is available nor does Garlock have information as to the time periods when subscriptions were in effect.

13. Please list by title, date and author all books, manuals, pamphlets, and/or any other literature in Defendant's possession dealing in any way with insulation and/or packing products.

ANSWER: Objection. Garlock objects for the reasons set forth in General Objections 1 and 2 and for the further reason that the only Garlock products at issue in this action are those to which Plaintiff alleges the deceased to have been exposed and Plaintiff has not identified the Garlock products which she alleges the deceased to have been exposed. Garlock further objects for the reason that the interrogatory refers to "insulation and/or packing products" without any reference to whether or not the products contain asbestos. Garlock has never manufactured and/or sold asbestos-containing insulation products.

14. Please state whether Defendant has at any time been a member of any trade organization or trade association composed of other manufacturers, miners, 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 each such association or organization.

ANSWER: Yes.

Fluid Sealing Association (Formally Mechanical Packing Association, 2017 Walnut Street, Philadelphia, Pennsylvania 19103 (1933 to present); Asbestos Textile Institute, Inc., P. O. Box 471, North York Road, Willowgrove, Pennsylvania 19090 (approximately 1966 to approximately 1979); Asbestos Information Association of North America, 1975 K Street, Washington, DC 20006 (approximately 1974 to 1980); American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103 (1945 to present). Garlock does not maintain any listing of publications issued or written by any of the organizations identified above. If the above identified associations or organizations are responsible for publishing any publications or writings, the information can be obtained directly from the associations or organizations.

15. With respect to each trade organization or association listed in answer to Interrogatory No. 14, please state whether or not copies of minutes of the meetings and correspondence to and from such groups are in the possession or control of Defendant. -

ANSWER: For the period 1954 until 1960, Garlock does not have copies of minutes of meetings of the associations or organizations identified in answer to interrogatory number 14, with the possible exception of copies of one or two meeting minutes which may have been obtained by Garlock in preparation for defense of litigation.

Garlock may have in its possession or control copies of minutes, but such records are not usually maintained in the ordinary course of business. Garlock may have in its possession or control copies of correspondence between Garlock and the associations or organizations identified in answer to interrogatory number 14, but such records are not maintained for a long period of time. The best source for obtaining such documents would be the associations or organizations identified in answer to interrogatory number 14.

16. Does Defendant have policies of insurance that might cover the claims against Defendant made by Plaintiff herein? If so, please list the name of each insurance carrier that has issued such coverage, the amount of such coverage, and the date of each policy.

ANSWER: Yes.

<u>Carrier</u>	<u>Years</u>
Travelers Insurance Company	1951-1961
Employers Mutual of Wausau	1961-1976
Aetna Life & Casualty	1975-1981

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

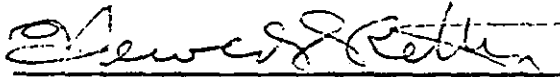


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(915) 532-4931
State Bar No. 09088000

AFFIDAVIT

STATE OF TEXAS)
)
COUNTY OF GREGG)

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


HAROLD D. RETTING

The foregoing was subscribed and sworn to before me this 5th day of December, 1983.


Notary Public in and for
Gregg County, Texas

My commission expires:

11-4-85

CERTIFICATE OF SERVICE

I, Ralph E. Harris, hereby certify that on this 21 day of December, 1983, a copy of the foregoing Answers of Defendant Garlock Inc to Plaintiff's Interrogatories was mailed to Mr. Brent M. Rosenthal, Attorney for Plaintiff, 8333 Douglas Ave., Suite 1050, Dallas, Texas 75225.


RALPH E. HARRIS