

STATE OF MISSOURI)
) SS.
CITY OF ST. LOUIS)

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

RAY C. ANDERSON,	)	
	)	
Plaintiff,	)	
	)	Cause No. 812-11605
vs.	)	
	)	Division No. 1
THE CELOTEX CORPORATION,	)	
et al.,	)	
	)	
Defendants.	)	

PLAINTIFFS' INTERROGATORIES
TO DEFENDANT GARLOCK, INC.

COMES NOW plaintiff, in the above captioned matter, pursuant to Rule 57.01 of the Missouri Rules of Civil Procedure, demand that the above named defendant, answer the following Interrogatories separately, fully and in writing, under oath, within twenty (20) days of service thereof:

1. When did the defendant first manufacture any product containing asbestos or asbestos components?

ANSWER: Garlock has made and sold asbestos-containing products since at least as early as 1907.

2. When did the defendant first sell any product containing asbestos or asbestos components?

ANSWER: See answer to Interrogatory No. 1.

Garlock's
General Objections

Garlock Inc poses the following objections to plaintiff's Interrogatories:

1. The interrogatories are overly broad, unduly burdensome, vague and ambiguous in that they utilize terms of excessive breadth (e.g., "asbestos products"), are often multiple or compound in form, frequently assume the truth of matters in dispute and are not sufficiently limited in time. Garlock manufactures many styles of asbestos-containing products, the vast majority of which are not conceivably related to this litigation and none of which present a health hazard to the user thereof. Garlock does not manufacture or sell and has never manufactured or sold asbestos-containing "insulation products" as that term is commonly used. Therefore, Garlock objects to any interrogatory referring or relating to such products.

2. Many of the interrogatories presuppose that the products of Garlock emit harmful levels of asbestos dust and fiber. The products of Garlock are bonded and/or incapsulated and/or impregnated with lubricants and/or treated in such other manner as to prevent the emission of harmful levels of asbestos dust and fiber when used in the manner for which they were intended.

3. The burden is upon plaintiff to establish his exposure to products manufactured by Garlock in order to recover under his allegations against Garlock. To the extent that plaintiff has not identified any product of Garlock to which he has been exposed, the interrogatories herein are irrelevant and immaterial to any issue in this litigation and are not calculated to lead to the discovery of admissible evidence.

Further, to require Garlock, under such circumstances, to respond to questions requiring disclosure of masses of irrelevant information is beyond the scope of permissible discovery.

3. Does the defendant now manufacture any product containing asbestos or asbestos components?

ANSWER: Yes.

4. Does the defendant now sell any product containing asbestos or asbestos components?

ANSWER: Yes.

5. Please state each and every product, including trade name, manufactured and sold by the defendant which contain asbestos in any form and the percentage of asbestos between when defendant first began manufacturing and selling asbestos containing products to the present time.

ANSWER: See general objections 1, 2 and 3.

6. From the date of the first manufacture of asbestos containing products by the defendant until the present time, did the asbestos products manufactured and/or sold by the defendant contain any caution, warning, caveat or other statement or explanation on the product or its packaging?

- (a) If so, when did the warning or statement first appear?
- (b) What was the precise wording of the warning or other statement when it first appeared?
- (c) Has the warning or statement been altered, amended or changed in any manner? If so, how and when was it amended;
- (d) Where was the warning or statement located on each product or packaging;
- (e) On what asbestos products did the caution, warnings and caveat appear;

(f) For each product, when did the warning first appear?

ANSWER: See general objections 1, 2 and 3. Subject to those objections, Garlock states that all Garlock asbestos-containing products have carried warning labels since at least 1977. A sample of a current label is set forth below:

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

(continued on page 3A)

7. Do the asbestos products now manufactured and/or sold by the defendant contain any caution, warning, caveat or other statement or explanation on the product or its packaging? If so, when did the warning or other statement first appear?

ANSWER: See objections and answer to Interrogatory No. 6.

8. What now is the precise wording of the warning or statement and where is it located on each product or packaging?

ANSWER: See objections and answer to Interrogatory No. 6.

9. Please state if the defendant or anybody on behalf of the defendant ever conducted any studies or research to determine if the inhalation of asbestos fibers may be harmful. If so, please state:

- (a) By whom the research was conducted, giving complete names and addresses;
- (b) The dates that each such test was conducted;
- (c) The complete results of each test or study.

ANSWER: (See answer on page 3A)

(Continuation of Answer to Interrogatory No. 6)

These warning labels were placed on asbestos-containing products so that customers would be aware of the fact that they were receiving products containing asbestos. The decision to warn was made even though it is the position of Garlock that its current products are exempt from OSHA labelling requirements in that they contain only asbestos fibers which "have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing or transportation no airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in [the OSHA labelling requirement, 29 CFR §1901.1001(g)(2)(i)] will be released."

(Answer to Interrogatory No. 9)

Garlock objects to this interrogatory on the grounds that it is vague and ambiguous and to the extent that it calls for privileged work product and privileged information prepared in anticipation of litigation. Garlock further objects to this interrogatory in that it presupposes that Garlock products give off asbestos dust or fibers which might be inhaled in sufficient quantity to have an effect on one's physical condition. Subject to and without waiving these objections, Garlock states that, through continuous investigation, observation, experience and study of its products and their use, Garlock learned and knew that its products pose no health hazard, potential or otherwise, to persons using such products.

10. Please state the names and addresses of the defendant's chief medical officers from the date when defendant first manufactured any asbestos containing products until the present time, listing the periods of time each such medical officer was employed by the defendant in that capacity.

ANSWER: Garlock has never had a chief medical officer.

11. Please state the duties and responsibilities of the corporation's chief medical officer.

ANSWER: See answer to Interrogatory No. 10.

12. Did the defendant itself or through any insurance carrier, conduct or otherwise engage in studies at any laboratory or entity anytime since defendant first manufactured and/or sold products containing asbestos. If so, please provide the details of periods of time that defendant and/or its insurance carrier conducted and/or participated in such work and the results of any such findings of the studies conducted with respect to the relationship between the inhalation of asbestos dust and fibers and any resulting pulmonary pathologies.

ANSWER: See objections and answer to Interrogatory No. 9.

13. Please state the names and addresses of all physicians who were employed, retained or otherwise engaged by the defendant at any of its facilities from the date when defendant first manufactured any asbestos containing products until the present time.

ANSWER: Garlock has employed part-time plant physicians as follows:

(continued on page 5A)

14. Please state if the defendant or anyone on behalf of the defendant ever engaged in any research of asbestos fibers and their effect, if any, on the persons coming in contact with the asbestos fibers. If so, please state:

- (a) The names and addresses of the individuals or groups engaged in such research;
- (b) The complete results of said research;
- (c) What recommendations, if any, were made as a result of said research;
- (d) If either the results or recommendations of such research were written, please attach copies of either or both.

ANSWER: See objections and answer to Interrogatory No. 9.

15. Please state if the defendant's medical officers ever made at any time any recommendation and/or suggestions to the defendant pertaining to the risks of hazards to persons involved in the manufacturing or use of asbestos products. If so, please state:

- (a) When were such recommendations and/or suggestions made;

(Continuation of Answer to Interrogatory No. 13)

<u>Physicians</u>	<u>Date of Service</u>
Dr. C. C. Nesbitt (deceased)	1920 to 1956
Dr. J.D. Bramer (deceased)	1956 to 1972
Dr. K. K. Kapur 1265 Pittsford-Palmyra Road Macedon, New York 14502	1972 to 1979.
Dr. W. G. Fallon c/o Garlock Inc 1666 Division Street Palmyra, New York 14522	1979 to the present

- (b) To whom were such recommendations and/or suggestions made;
- (c) By whom were these recommendations and/or suggestions made;
- (d) The substance of the recommendations and/or suggestions.

ANSWER: Garlock has no record of such recommendations and/or suggestions being made by its part-time physicians.

16. Please state what organizations, groups, inter-company or industrial organizations to which the defendant belongs or belonged which conducted studies or researched the relationship between exposure to asbestos dust and fibers, and specifically those asbestos containing products manufactured by defendant, and any resulting pulmonary pathologies.

ANSWER: See general objections 1, 2 and 3 and objections and answer to Interrogatory No. 9.

17. In reference to Interrogatory No. 16, please state:

- (a) The type or nature of the studies;
- (b) When the studies were conducted;
- (c) The complete results of the studies;
- (d) The recommendations of the studies;
- (e) The resulting implementation of the studies by defendant;
- (f) The date when first implemented.

ANSWER: See objection to Interrogatory No. 16.

18. Please state whether the defendant has a department, division or section devoted to scientific and/or medical research during that period when defendant first manufactured any asbestos containing products until the present time. If so, please state when it was first formed.

ANSWER: See general objections 1, 2 and 3. Subject to these objections, Garlock states that it had a Research & Development Department during most of the 1960's (exact dates unknown), which department was concerned with product development and improvement and not with medical research.

19. Please state the scientific or medical periodicals to which the defendant, its medical department or industrial hygiene division subscribed during the period when defendant first manufactured any asbestos containing products until the present time.

ANSWER: Records do not exist which would permit Garlock to respond to this interrogatory.

20. Does the defendant manufacture any asbestos products under any tradenames, brandnames or registered trademarks? If so, please state:

- (a) The name or tradename and with whom it was registered and when.

ANSWER: See general objections 1, 2 and 3. Subject to those objections, Garlock states that it has always sold all of its products under the Garlock name. Further, Garlock states that it used the calipers and scale mark in association with all its products from about 1900 to about 1968. A number of other secondary trademarks have also been used with both asbestos-containing and non-asbestos containing products.

21. Please state the distributor(s) of the defendant's asbestos products in the states of Missouri, Illinois, and Iowa during the past thirty years.

ANSWER: See general objections 1, 2 and 3. Garlock also objects to Interrogatory No. 21 on the basis that it is overly broad and burdensome in that it relates to three entire states without a showing that plaintiff was, or could have been, exposed to products sold by distributors in all three states. Without waiving those objections, Garlock states that, upon a showing that said information is relevant and necessary, Garlock could supply plaintiff with a list of current distributors in a specified, but limited and relevant geographical area, since Garlock maintains no records of former distributors.

22. Please state whether any of the distributors were provided with any special instructions, oral or written, in regard to the use of the defendant's asbestos products. If so, please state:

- (a) When these instructions were given;
- (b) By whom these instructions were given;
- (c) Were the instructions oral or written;
- (d) The precise content of the instructions;
- (e) If the instructions were written, please attach a copy of the instructions.

ANSWER: See general objections 1, 2 and 3. Subject to and without waiving said objections, Garlock states that it has no record of providing any special instructions with regard to the use of asbestos-containing products except to the extent that the use of the warning labels referred to in response to Interrogatory No. 6 would constitute such special instruction. Garlock has always provided information on the proper application of all of its products.

23. Please state the location and name of each and every facility owned or controlled by the defendant or any of its divisions or subsidiaries or contract units which manufactured any asbestos product.

ANSWER: Garlock facilities in the United States that have manufactured or do manufacture asbestos-containing products have operated under the Garlock name in Palmyra and Sodus, New York and Gastonia, North Carolina. Former facilities manufacturing asbestos-containing products were U. S. Gasket Company located in Camden, New Jersey and The Belmont Packing & Rubber Company located in Philadelphia, Pennsylvania. Garlock has never had or otherwise operated "contract units".

24. Please state whether any employee of the defendant has ever made a claim for asbestosis under the Occupational Disease or Workman's Compensation Statute of any state. If so, please state the date that the defendant first received notice of any claim for asbestosis under the Occupational Disease or Workman's Compensation Statute of any state.

ANSWER: Garlock objects to this interrogatory on the grounds that there is no allegation that plaintiff ever was a Garlock employee nor that he ever visited any Garlock facility. What transpired within the facilities of Garlock is totally irrelevant to this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence.

25. Please state whether any employee of the defendant has ever made a claim for mesothelioma and/or bronchogenic carcinoma under the Occupational Disease or Workman's Compensation Statute of any state. If so, please state the date that the defendant first received notice of any claim for mesothelioma and/or bronchogenic carcinoma under the Occupational Disease or Workman's Compensation Statute of any state.

ANSWER: See objections to Interrogatory No. 24.

26. Please state the total number of employees of the defendant receiving benefits under any Occupational Disease or Workman's Compensation Statute for asbestosis or any lung pathology for each year from the date that defendant first manufactured any asbestos containing products until the present time.

ANSWER: See objections to Interrogatory No. 24.

27. Is the defendant a member of the Asbestos Textile Institute? If so, when did it first become a member?

ANSWER: Although it is no longer a member, Garlock's records indicate that it was a member of the Asbestos Textile Institute from approximately 1966 until about 1979.

28. Has the defendant ever been a member of the American Health Foundation or the Industrial Health Foundation? If so, please state the years it was a member of the organization.

ANSWER: No.

29. Please state each and every magazine or trade publication in which the defendant advertised its asbestos products from the date defendant first manufactured any asbestos containing products until the present time.

ANSWER: (See answer on page 9A)

(Answer to Interrogatory No. 29)

See general objections 1, 2 and 3. Additionally, Garlock objects to this interrogatory on the grounds that it is overly broad and burdensome in that there is no allegation that plaintiff ever saw, or was in a position to see, advertisements of Garlock products in any magazine or trade publication or that the contents of those advertisements could in any way be related to the matters in this litigation or could lead to the discovery of admissible evidence. Subject to those objections, Garlock states that it has no complete record of such advertisements although, upon suitable prior arrangements, it will permit counsel for plaintiff to examine the files which it does have concerning old advertising records, which said file is located at Garlock's Palmyra facility.

30. Please state how many employees of the defendant are known by the defendant to be suffering from, have suffered from or whose deaths have been caused by asbestosis, giving the date such disease of any employee was first known by the defendant.

ANSWER: See objection to Interrogatory No. 24.

31. Please state how many employees of the defendant are known by the defendant to be suffering from, have suffered from or whose deaths have been caused by lung cancer or asbestosis, giving the date when such disease of any employee was first known by the defendant.

ANSWER: See objection to Interrogatory No. 24.

32. Please state how many employees of the defendant are known by the defendant to be suffering from, have suffered from or whose deaths have been caused by mesothelioma or asbestosis, giving the date when such disease of any employee was first known by the defendant.

ANSWER: See objection to Interrogatory No. 24.

33. Does the defendant recognize the relationship between the inhalation of asbestos fibers and dust and the resulting pleural and/or peritoneal cancer known as mesothelioma or asbestosis.

ANSWER: Garlock objects to this interrogatory in that it calls for an expert medical opinion or conclusion which Garlock is not qualified to give.

34. If the defendant recognizes such relationship between the inhalation of asbestos fibers and dust and mesothelioma or asbestosis, please state the date when defendant first recognized such relationship, also stating what specific persons within the corporate structure now and at what points in time recognized such relationship.

ANSWER: See objection to Interrogatory No. 33.

35. Please state each person who provided the information in answer to these Interrogatories, indicating with specificity what person(s) was(were) responsible for each such answer.

ANSWER: The answers and objections to these interrogatories were prepared by counsel for Garlock utilizing information gathered by Garlock employees and/or counsel for Garlock. The final answers were reviewed by Missouri counsel, Harold D. Retting, General Counsel of Garlock, and Richard W. Watson, Patent Agent and Paralegal for Garlock."

36. Did the defendant-company at any time manufacture asbestos-containing products which were sold to another manufacturer of asbestos-containing products? If so, please state:

- (a) Manufacturer with whom agreement was made;
- (b) Product or products involved:
- (c) Dates agreements were in effect.

ANSWER: See general objections 1, 2 and 3. In addition, Garlock objects to this interrogatory in that the material sought is irrelevant to any issue in this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Garlock states that it has no information concerning any "agreements" with other manufacturers, although it is possible that there were such agreements many, many years ago.

37. Did defendant-company ever purchase asbestos-containing products of any manufacturer for distribution? If so, please state:

- (a) Manufacturer from whom products were purchased;
- (b) Names of products;
- (c) Dates of such purchase and distribution.

ANSWER: Garlock has never acted as a distributor for any other manufacturer of asbestos-containing products.

38. Did defendant-company ever enter into national distribution agreements with any manufacturer of asbestos-containing products? If so, please state:

- (a) Manufacturers with whom agreement was entered into;
- (b) Effective dates of agreements;
- (c) Products involved;
- (d) Geographic areas where product was distributed.

ANSWER: Garlock has never entered into national distribution agreements with any other manufacturer of asbestos-containing products.

39. Did defendant-company ever purchase asbestos-containing products and rebrand the products? If so, please state:

- (a) Original brand name and manufacturer from whom purchased;
- (b) Brand name applied by defendant;
- (c) Dates involved in the purchase, rebranding and resale of products.

ANSWER: See general objections 1, 2 and 3. Garlock further objects to this interrogatory in that the material sought by said interrogatory is irrelevant to any issue in this litigation and is not calculated to lead to discovery of admissible evidence.

40. Identify each expert witness which you expect to call at the time of trial and please state:

- (a) The subject matter on which the expert is expected to testify;
- (b) The substance of facts and opinions to which the expert is expected to testify;
- (c) A summary of the grounds for each opinion;
- (d) The address of each such person and his field of expertise.

ANSWER: Expert witnesses to be used by Garlock at the trial of this matter have not yet been determined. This information will be provided when such a determination has been made.

41. State the date of your incorporation or formation, the manner in which your corporation came into existence, i.e, merger, consolidation incorporation, purchasing or being purchased by another corporation. If your answer is that your corporation was merged into or purchased by another corporation, or that your corporation purchased a corporation or entity or the assets thereof, which previously manufactured asbestos insulation products, please state:

- (a) The dates of said merger or purchase;
- (b) The name of said corporation merged, purchased, or with whom you became associated as stated above;
- (c) The asbestos-containing product line acquired if these products have not been listed in response to Interrogatory No. 1.

ANSWER: The Garlock Packing Company was incorporated in New York on March 27, 1905. On April 25, 1960, the name was changed to Garlock Inc. On May 12, 1975, it was merged into a Delaware corporation of the same name which had been incorporated on March 3, 1975. It was merged into Colt Industries of Ohio on January 28, 1976, which immediately changed its name to Garlock Inc.

42. If any person or company carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action, or to indemnify or reimburse for payments made to satisfy the judgment, identify their name and address, the effective dates of the policy, the policy number, the name of the insured and the limits of the policy.

ANSWER: The following carriers provided coverage to Garlock during the years indicated: Travelers Insurance Company, 1951 to 1961; Employers of Wausau, 1961 to 1976; and Aetna Life & Casualty Company, 1975 to 1981. The full amount of coverage provided by these carriers is subject to different views between the insured and the insurers.

43. If you are aware of the existence of any statements or writings of plaintiff pertaining to the occurrence alleged in plaintiff's petition, please state the date of each statement, whether written or oral, the name and address of the person presently possessing same, and attach a copy to your answers.

ANSWER: Garlock is aware of no statements or writings of plaintiff pertaining to any occurrence alleged in plaintiff's petition herein.

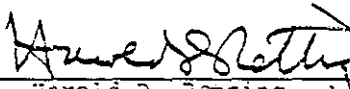
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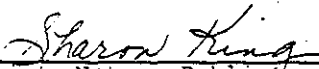
STATE OF TEXAS)
) ss.
County of Harrison)

Harold D. Retting, being duly sworn on his oath,
states that he is the General Counsel of Garlock Inc; that
in that capacity, he has read the foregoing answers to
interrogatories; and that the facts contained in those answers
were derived from the files and records of Garlock Inc and are
true to the best of his knowledge, information and belief.



Harold D. Retting

Subscribed and sworn to before me, a Notary Public,
this 4th day of May, 1982.

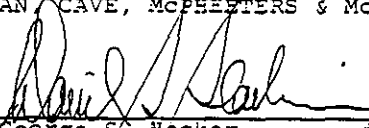


Notary Public

My Commission expires:

11-4-85

BRYAN, CAVE, MCPHEETERS & MCROBERTS

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IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

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RAY C. ANDERSON,	)	
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Plaintiff,	)	
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v.	)	Cause No. 812-11605
	)	
THE CELOTEX CORPORATION,	)	Division No. 1
et al.,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

Defendant Garlock Inc files herewith its Answers and
Objections to Plaintiff's Interrogatories directed to it
and certifies that copies thereof were mailed, first class,
postage prepaid, to Mark I. Bronson, counsel for plaintiff,
and to counsel for defendants this 17th day of May,
1982.

BRYAN, CAVE, MCPHEETERS & McROBERTS

By David Slavkin

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