

MASTER FILE

IN RE: ASBESTOS

IN THE DISTRICT COURTS

OF

HARRIS COUNTY, TEXAS

GARLOCK INC'S ANSWERS TO PLAINTIFF'S (S') MASTER SET OF
INTERROGATORIES

Respectfully submitted.

HENNESSEY & ZITO

BY

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DISTRICT CLERK
HARRIS COUNTY, TEXAS

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BY: *[Signature]* DEPUTY

ATTORNEY FOR GARLOCK INC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to all interested parties in the captioned cause via United States Mail, postage prepaid on this the 25 day of August 1992.

Notice was further given that the original of said document was being filed with the Clerk of Court herein.

[Signature]
VAN GARDNER

GENERAL OBJECTIONS

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

1. The interrogatories and Requests 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 and Requests 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 or Request 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 or Request 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 and Requests themselves are overly broad in that they tend to bunch 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 plaintiffs' alleged problems are not related to Garlock products.

INTERROGATORIES

1. Identify the registered name of answering defendant, as well as all prior names or predecessor entities by which defendant has existed.

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.

2. Identify all past and present divisions, subsidiaries or affiliated companies of the answering defendant, having any function which now or in the past engaged in any phase of mining, manufacturing, sale, supply, purchase, application, installation, relabeling, processing or distribution of asbestos or asbestos-containing products. With respect to each of such divisions, subsidiaries or companies, set forth with particularity the precise relationship with the answering defendant the dates thereof, and identify the nature and extent of such functions during the relevant periods of time in which such activities have or had occurred.

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 in past years, it 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.

Further, 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 Mechanical Packing Division.

3. List by brand name all of your asbestos-containing products. Your asbestos-containing products includes all products which contain any amount of asbestos manufactured, sold, designed, supplied, distributed, mined, milled, relabeled, resold, processed, applied or installed by you or for you by others. By you and yours, Plaintiffs refer to Defendant, to all your predecessors in interest, (whether by purchase, merger, consolidation or otherwise), to all of your subsidiaries, divisions joint ventures or affiliates. As to each product, state the following:

- a. type of product (e.g., acoustical plaster, fireproofing, etc.);
- b. the date the product first went into production;
- c. the last date the product was produced;
- d. the last date the product was sold;
- e. all manufacturing locations;
- f. dates of manufacture at each location;
- g. the percentage of asbestos (state if percentage is by volume or weight), and the dates and all reasons for any modification thereof;
- h. the type of asbestos;
- i. the specific source of asbestos with dates;
- j. the color, physical characteristic, and appearance of the product;
- k. a full and precise description of the package in which the product was sold, including, but not limited to, type of package, size, color(s), and writings thereon;
- l. all other names under which the product was sold;
- m. the number and dates of each patent or patent application as to the product;
- n. if the product continued to be produced after the deletion of asbestos, all reasons why the asbestos was deleted, the identity of the person who made the decision to delete the asbestos, and

the date the product was first produced without the asbestos;

o. if the product is no longer produced, all reasons it was discontinued, the identity of the person who made the decision to discontinue the product, the brand name of the replacement product, and the date the replacement product first went into production;

p. a precise description of your identifying logo or initials and the dates of inclusion on the product;

q. state during what period of time such product has been associated with defendant; identify all sales literature, including brochures, advertisements, pamphlets or other material describing such product, its uses and methods of application or installation.

r. identify any warning labels, inserts or other writings provided with such product and with every such printed warning, state what period of time it has or had accompanied the product, the exact wording of the warning, any amendments made to the wording, where the warning was located on each product or packaging, and on what.

s. asbestos products the warning appear(ed); geographic distribution range of each such product.

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 since at least as early as 1907, it has produced and sold asbestos-containing gasketing and packing products. Garlock is not, and has never been a manufacturer or seller of asbestos-containing thermal insulation materials as that term is commonly used and understood in this litigation. All of its products, both those containing asbestos and those containing no asbestos, have always been sold under the GARLOCK name. In addition, the Calipers and Scale trademark was used with all of its products from about 1900 until approximately 1968. A number of secondary trademarks have also been used over the years. Principal marks which have been used in connection with asbestos-containing products, as well as non-asbestos-containing products, have been BELMONT, GUARDIAN, CHEVRON LATTICE BRAID, PALMYRA and PAPERPAK.

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%.

Garlock 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.

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.

Introduction, distribution, improvement, modification and discontinuance of styles of all kinds has been a continuing process at Garlock. Over the years, Garlock has discontinued the manufacture and sale of numerous styles of asbestos-containing products. The reasons were basically economic in that the market for the particular product was such that the manufacture and sale was not profitable. Also, as new and better products have been introduced, older products have become obsolete and unprofitable.

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.

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 (several file cabinets full) are available for inspection and copying at plaintiffs' expense at Garlock Inc, 1666 Division Street, Palmyra, New York 14522.

Garlock states that its principal suppliers of raw asbestos have been Lake Asbestos of Quebec, Johns-Manville and Bell Asbestos Mines.

4. Did you claim your asbestos product(s) to be safe, effective and/or easy to handle? If so, identify all documents, which have made such assertions, including, but not limited to, brochures or advertisements (radio, television or printed), and revisions thereof by publication(s) and date. Your asbestos products includes all products which contain any amount of asbestos manufactured, sold, designed, supplied, distributed, mined, milled, relabeled, resold, processed, applied or installed by you or for you by others.

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 plaintiffs allege 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. See also answer to interrogatory No. 3.

5. Did you specifically inform the purchaser or user of your products at the time your product was sold, installed, used, supplied or subsequently, that your products could cause lung cancer, asbestosis, and mesothelioma? If so, identify the document containing such information by date and location.

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. See also answer to interrogatory No. 3.

6. Identify any and all labelling or relabelling agreements between answering defendant and other entities, including other Defendants concerning asbestos containing products and materials.

ANSWER:

Garlock has no record, knowledge or recollection of any such agreements relative to any of its asbestos-containing products.

7. Have you ever mined asbestos? If so, as to each mine and type of asbestos produced there, state the following:

a. the location;

b. the dates of operation by you;

- c. the type (e.g., chrysotile, amosite, etc., produced;
- d. the grade of each type of asbestos fiber produced, the percentage of each grade to the total fiber produced by year or other period, and the recommended use of the grade of fiber;
- e. the gross annual sales in dollars and in volume for each type and grade of asbestos fiber;
- f. a full and precise description of the package in which the asbestos fiber was sold, including, but not limited to, type of package, size, color(s), and writing thereon; g. all names under which the asbestos fiber was sold;
- h. the identity of all records reflecting the sale or transfer of said asbestos fiber;
- i. the identity of the present custodian of photographs of the burlap bags in which the asbestos fibers was stored and/or shipped;
- j. the address of each sales office and sales region for the sale of the asbestos fiber;
- k. the name of each authorized distributor of the asbestos fiber produced;
- l. the identity of each owner and operator of the mine prior to the date you first began operation of the mine, and the dates thereof, and
- m. the identity of each owner and operator of the mine subsequent to your ceasing operation of the mine.

ANSWER:

Garlock has never mined, supplied, distributed, marketed and/or sold raw asbestos fibers to others.

8. Is answering defendant aware of the possible connection between exposure to asbestos or asbestos products and:

Asbestosis?

Lung cancer, all cell types?

Mesothelioma?

Colon cancer?

Stomach cancer?

Laryngeal cancer?

g. Cancer of the Kidney?

h. Cancer of the Esophagus?

Other gastrointestinal cancers?

j. Pneumoconiosis?

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.

9. If your answer to the above interrogatory, as to any or all of its sub-parts, is affirmative, identify:

a. When and how defendant first learned of such connections;

b. If knowledge was obtained by attendance at any conference, lecture, convention, symposium or meeting, identify such meeting and provide the identity of person attending or documents obtained;

c. If knowledge was obtained from medical or scientific studies, or any other published work, identify same;

d. If otherwise obtained, identify manner of receipt of document or communication.

ANSWER:

See answer to interrogatory No. 8.

10. With regard to any knowledge obtained subsequent to that identified in the above interrogatory, and up until the time that you ceased to sell and/or manufacture asbestos products, identify:

a. All documents or other communications, oral or written, concerning the casual connection between exposure to asbestos or asbestos products and disease, and identify of persons so communicating;

b. Did answering defendant obtain from or transmit any such information to other defendants in this case? If so, identify:

1. manner of receipt or communication for each contact;
2. all documents and persons involved.

ANSWER:

See answer to interrogatory No. 8.

11. As to any knowledge possessed by answering defendant at any time referred to in answers to the preceding three interrogatories did you educate your employees, distributors, or purchasers about the hazards known to you and any safety precautions necessary to guard against cancer and other diseases arising from the use and handling of your asbestos containing products? If so, identify:

a. When and in what manner customers, insulators, non employee factory workers and the general public were so informed:

b. Documents communicating or otherwise disseminating such information:

c. Programs initiated or sponsored to establish or promote safety procedures, methods or usage of asbestos containing products:

d. Published articles or reports by employees (present or prior), including those of medical directors, scientists, engineers or other professionals:

e. Symposia or lectures sponsored for the benefit of asbestos workers and/or the general public.

ANSWER:

Garlock objects to this interrogatory on the grounds that the information sought is irrelevant in this case and is not reasonably calculated to lead to discovery of admissible evidence. The plaintiffs have never been Garlock employees and do not allege ever visiting any Garlock facility. The only relevant issues in this action pertain to finished asbestos-containing products after they have left the Garlock facilities. Notwithstanding and without waiving the foregoing objections, see answers to interrogatories No. 3 and No. 8.

12. When, before 1972, and by what manner were you first aware of the health hazards relating to exposure to asbestos or asbestos products for insulators, plasterers, pipefitters, boilermakers, operators, sheet metal workers, helpers, drywall finishers, mechanics, carpenters, shipfitters, machinist and bystanders exposed to inhalers.

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.

13. Did you perform, direct to be performed, finance, sponsor or receive the results of any studies or tests concerning potential health hazards involved with the use of asbestos containing materials? If so, identify such studies or tests and state:

- a. When, where and at what intervals such studies were performed;
- b. Were such studies in writing or reported at a later date in writing;
- c. Were the results of such studies published or otherwise disseminated? If so, state to whom and when;
- d. Who performed such studies;
- e. What were the results of such studies?

ANSWER:

See answer to interrogatory No. 12.

14. During the time period that you manufactured, sold, supplied, applied, distributed or installed asbestos containing products, what tests have been performed by any governmental agency, body, commission or health organization including, but not limited to, the U.S. Public Health Service, OSHA, or NIOSH, in your plants or on job sites owned or controlled by you concerning: specific hazards associated with the use and handling of asbestos and asbestos products; any restrictions in use of same; requirements for medical surveillance and examinations for your workers, dust monitoring or availability of safety equipment? If such findings were made, identify:

- a. The date or dates of such findings and by which organization or entity such findings were made;
- b. The form in which such findings were made and, if written, the exact wording of same or location in regulation, order, bulletin,

report or other writing:

c. What steps were taken to comply with such findings and the dates when such acts of compliance occurred;

d. How users of or bystanders exposed to asbestos or asbestos containing products were informed of such findings and if such information was written identifying same.

ANSWER:

Garlock objects to this interrogatory on the grounds that the information sought is irrelevant in this case and is not reasonably calculated to lead to discovery of admissible evidence. The plaintiffs have never been Garlock employees and do not allege ever visiting any Garlock facility. The only relevant issues in this action pertain to finished asbestos-containing products after they have left the Garlock facilities. Notwithstanding and without waiving the foregoing objections, Garlock has no record, knowledge or recollection of any such tests relative to any of its asbestos-containing products.

15. During the time that you manufactured, sold, designed, supplied, distributed, mined, milled, relabeled, resold, processed, applied or installed asbestos containing products, did you perform, direct to be performed, finance, sponsor or receive the results of any dust monitoring tests at job sites where asbestos-containing products were being applied and/or removed? If so, state:

a. The date and location of the first such test;

b. When, where and at what intervals subsequent tests were performed;

c. Who performed such tests;

d. Where the results of such tests are maintained;

e. What steps were taken by you to improve results of such tests, and dates when such improvements were made.

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.

16. If your answer to the above interrogatory is in the negative, state your reasons for not performing dust monitoring tests.

ANSWER:

See answer to interrogatory No. 15.

17. During the time that Defendant sold, manufactured, designed, supplied, distributed, mined, milled, relabeled, resold, processed, applied or installed asbestos containing products, did the Defendant ever have any inspectors or anyone from your company or hired by your company whose job it was to go to areas where your asbestos containing products were being used, removed or installed to make a dust level count? If so, state when this procedure started, the purpose of such procedure and the findings and what action, if any, was taken in response to the findings, and attach results.

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.

18. During the time that Defendant manufactured, sold, designed, supplied, distributed, mined, milled, relabeled, resold, processed, applied, or installed asbestos containing products, identify any medical examination programs offered or sponsored by answering defendant or its insurance carrier(s) for employees of its insured handling or otherwise exposed to asbestos and asbestos products. With respect to each program; state:

- a. Manner of communication with employees about such program;
- b. Whether examination was mandatory or optional;
- c. What percentage of workers permitted to undergo such examination participated;
- d. What percentage of workers were found to have asbestosis or mesothelioma;

With respect to (d), what percentage of such workers were paid disability or workmen's compensation benefits or for whose benefit medical expenses were paid to undergo treatment for such conditions.

ANSWER:

Garlock objects to this interrogatory on the grounds that the information sought is irrelevant in this case and is not reasonably calculated to lead to discovery of admissible evidence. The plaintiffs have never been Garlock employees and do not allege ever visiting any Garlock facility. The only relevant issues in this action pertain to finished asbestos-containing products after they have left the Garlock facilities.

19. Does the Defendant have or has it ever had, a Medical department, and/or a research department and/or an Industrial Hygiene department. If so, give the date upon which such medical department and/or Industrial Hygiene department was established, and whether or not such department has operated continuously since

being established.

a. Name each director, chief or head of your Medical department and/or Industrial Hygiene department year by year with the first year you had a director of such department. Give the last known address of each.

b. State in detail the duties, responsibilities and purpose of such department(s):

ANSWER:

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. Brammer (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 physical, 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.

20. Identify all asbestos related trade organizations, associations, or other entities including, but not limited to the Gypsum Association, Vermiculite Institute, Asbestos Textile Institute, Industrial Hygiene Foundation, Magnesia Insulation Manufacturers Association, National Insulation Manufacturers Association, Asbestos Information Association, National Insulation Contractors Association, Thermal Insulation Manufacturers

Association, Quebec Asbestos Manufacturers Association, Quebec Asbestos Producers Association to which you have belonged or in which you have participated and as to each respective organization, identify the dates of membership or participation.

ANSWER:

Garlock objects to this interrogatory on the grounds that it is overly broad. Notwithstanding and without waiving the foregoing objection, Garlock states that it has been a member of five organizations which may have dealt with asbestos-containing products:

1. The Fluid Sealing Association (formerly Mechanical Packing Association) (member from 1933 to present).
2. Asbestos Textile Institute, Inc. (member from approximately 1966 to 1979 - Garlock acknowledges that a review of ATI minutes discloses an earlier membership period during the 1940's, but Garlock has no other record or information as to such period.)
3. Asbestos Information Association of North America (member from approximately 1974 to 1980).
4. American Society for Testing and Materials (member from 1945 to present).
5. National Safety Council (member from 1922 to present).

21. Identify any documents, not currently on file in the Master Asbestos File of Harris County, either received by you from those trade organizations, associations or other entities identified in the preceding interrogatory or else submitted by you to those trade associations, organizations or other entities that relate to any relationship between asbestos exposure and disease.

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 no record, knowledge or recollection of any such documents relative to any of its asbestos-containing products.

22. Identify all agreements, oral or written, between you, any of the other defendants in this lawsuit, and/or any other organizations, associations or other entities identified in your answer to Interrogatory No. 20 and/or any medical or scientific

foundations, not currently on file in the Master Asbestos File of Harris County, relating to the standardization of:

a. Specifications for paper or burlap bags, or other packaging to be used for the transport and/or storage of asbestos-containing products during the time that you manufactured, sold, distributed, or applied asbestos containing products.

b. Warning or caution labels to be applied to asbestos products and/or their packaging, cartons, containers, or boxes during the time that you manufactured, sold, distributed, or applied asbestos-containing products.

c. Methods of dissemination of public relation information to defendant's purchasers, advertisers, distributors, factory workers, contractors, insulators, users, consumers of asbestos products and/or the general public pertaining to asbestos health hazards.

d. Safety equipment and/or protective clothing to be utilized while handling defendant's asbestos products.

e. Medical programs related to asbestos health hazards to be offered or sponsored by defendant.

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 no record, knowledge or recollection of any such agreements relative to any of its asbestos-containing products.

23. Did you direct to be performed, sponsor, finance or receive the results of any studies or tests performed by the Saranac Lake Laboratory to the Trudeau Foundation relating to asbestos exposure and its effects upon human life?

If so, identify:

a. All documents summarizing findings or results of those studies or tests which you have in your possession or control;

b. All communications, oral or written, between answering Defendant and Saranac personnel including, but not limited to, Gerrit W. H. Schepers, M.D. and George Wilbur Wright, M.D.;

c. All documents relating to Saranac Studies received or submitted by you whether directly, through associated or predecessor companies, through other companies, or through trade associations, organizations or other entities;

d. All recommendations or findings of such studies relating to:

1. adequacy or inadequacy of threshold limit values;

2. substitution of materials other than asbestos.

e. Medical programs related to asbestos health hazards to be offered or sponsored by defendant.

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 no record, knowledge or recollection of any such agreements relative to any of its asbestos-containing products.

23. Did you direct to be performed, sponsor, finance or receive the results of any studies or tests performed by the Saranac Lake Laboratory to the Trudeau Foundation relating to asbestos exposure and its effects upon human life? If so, identify:

a. All documents summarizing findings or results of those studies or tests which you have in your possession or control;

b. All communications, oral or written, between answering defendant and Saranac personnel including, but not limited to, Gerrit W. H. Schepers, M.D. and George Wilbur Wright, M.D.;

All documents relating to Saranac studies received or submitted by you whether directly, through associated or predecessor companies, through other companies, or through trade associations, organizations or other entities;

d. All recommendations or findings of such studies relating to:

1. adequacy or inadequacy of threshold limit values;

2. substitution of materials other than asbestos.

e. Where documents and/or communications identified in answers to (a) - (d) of this Interrogatory are maintained.

ANSWER:

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

24. Prior to December 31, 1989, has any employee of answering Defendant ever made a claim for any asbestos related disease under the Occupational Disease or Workmen's Compensation Statute of any state? If so, state:

- a. The date that Defendant first received notice of such claim;
- b. The total number of such claims per year received to date;
- c. The number of such claims for which disability benefits and/or medical expenses were paid by Defendant;
- d. Identify all persons to whom disability benefits and/or medical expenses were paid by Defendant and the exact medical diagnosis, disease and/or condition for which such benefits/expenses were paid.

ANSWER:

Garlock objects to this interrogatory on the grounds that the information sought is irrelevant in this case and is not reasonably calculated to lead to discovery of admissible evidence. The plaintiffs have never been Garlock employees and do not allege ever visiting any Garlock facility. The only relevant issues in this action pertain to finished asbestos-containing products after they have left the Garlock facilities.

25. Identify each and every magazine or trade publication in which answering Defendant advertised its asbestos products from 1950 until the time you ceased mining, milling, selling, distributing, and/or applying asbestos containing products.

ANSWER:

Garlock does not have those records which would be necessary for it to make a meaningful response to this interrogatory. See also answer to interrogatory No. 3.

26. As to the person(s) answering these interrogatories, state: a. name; b. title or position with defendant; c. length of time employed by defendants.

ANSWER:

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

27. Have you ever sold raw asbestos fiber? If so, state the dates you were involved in the sale of raw asbestos fiber.

ANSWER:

No.

28. State whether or not you have any information as to your relative market share regarding each of your asbestos containing products. If so, as to each year between 1940 or the time that you began mining, milling, selling, distributing and/or applying asbestos containing products until of same, and with respect to each type of product, provide such information or opinion as to your market share and identify each document which provides any information to assist you in this determination. Give the same answers as to asbestos containing products in the Texas Gulf Coast area.

ANSWER:

Garlock does not have those records which would be necessary for it to make a meaningful response to this interrogatory.

29. Have you designated distributors of your asbestos containing products in the State of Texas? If so, then state the name of all companies, their addresses, give the years that each was a designated distributor and the products each distributed.

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 plaintiffs allege 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.

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

30. If you did not have designated distributors in the State of Texas, then state by what method sales of asbestos containing materials were made. Give the name and addresses of all Defendant's

sales offices, relating to asbestos containing products, located in the State of Texas.

ANSWER:

Garlock has a sales office at 8027 Blankenship Drive, Houston, Texas. See also answer to interrogatory No. 29.

31. Did you ever have a division or subsidiary company engaged in the contracting business of applying insulation products? If so, give the name of such division or subsidiary company, the full address of the home office of such division or subsidiary company, and the dates such division or subsidiary company was engaged in the contracting business.

ANSWER:

No.

32. Based upon the contents of your products, the method of manufacturing and the method of application, could or can your products be generally applied or removed without liberating asbestos fibers? Your answer may be limited to those asbestos-containing products that have been identified in any Harris County asbestos case.

a. If there is a different answer concerning different products manufactured, sold, distributed, or used by your company then specify the different products by manufacturer's name and popular name.

b. If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and the year involved.

If there is a difference in your answer depending on the trade or type worker, then specify which type workers you are referring to.

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.

33. Was it anticipated that your asbestos containing products may have to be removed, stripped, disturbed, or replaced at any time after installation?

ANSWER:

It is anticipated that Garlock sealing products, of whatever material, will have to be replaced from time to time.

34. Did the defendant, during the time it mined, manufactured, milled, sold or applied asbestos-containing products, give users or other persons exposed to asbestos containing products or their employers who would be applying, using, removing your asbestos containing products instructions concerning safety precautions to use in applying, using or removing such products? If so, describe such instructions, to whom they were given, the dates they were given, and the manner of giving such instructions.

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 plaintiffs allege 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.

35. If you have pled that the Plaintiff misused Defendant's asbestos containing products, then state in what manner the defendant contends that Plaintiff misused its products? If "Yes", then state in what manner and under what circumstances each product was misused. Also state what Plaintiff could have done to avoid such misuse.

ANSWER:

Objection. The response of Garlock to plaintiffs' complaint speaks for itself. As to the factual basis for such contentions, discovery is continuing.

36. List all the job sites, contractors and/or facilities in the Gulf Coast area of Texas, including, but not limited to, oil refineries, chemical plants, power plants, shipyards, commercial

buildings, and manufacturing plants, where or to whom defendant's asbestos products were supplied, distributed, sold and/or used. Also, list which products were involved, of such sale, distribution, use or installation and if know, the physical location within the facility listed. Alternative, you may produce the documents requested in Request for Production No. 1.

ANSWER:

Garlock does not have those records which would be necessary for it to make a meaningful response to this interrogatory.

37. For the attached list of San Antonio job site or not Defendant's asbestos products were supplied, distributed, sold and/or used. Also, list which products were involved, the date or time period of such sale, distribution, use of installation and, if known, the physical location within the facility listed.

ANSWER:

Garlock does not have those records which would be necessary for it to make a meaningful response to this interrogatory.

38. Up until the time that you ceased to sell and/or manufacture asbestos containing products, had the defendant ever conducted or caused to be conducted any studies designed to minimize or eliminate the inhalation of asbestos dust or fibers by those exposed to the use of the defendant's asbestos containing products? If so, give the following:

a. Name of the person or firm conducting such studies; b. The date the studies began and the date completed;

c. Any publication or dissemination of the results of the studies;

d. The nature of any action to eliminate or minimize inhalation of asbestos dust or fibers;

e. Attach copies.

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.

39. Has the defendant ever directly advised any person or party to whom you sell your asbestos containing products of threshold limit values for exposure to asbestos dust recommended by the American Conference of Governmental Industrial Hygienists, or mandated by any governmental entity? If so, state the date that you so advised such person or party, the manner in which you advised such person or party, and the name of each.

ANSWER:

No.

40. State the year that this defendant was first advised of threshold limit values and 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 of the company receiving such information, the information received, the method of receipt of such information and attach copies of the instrument communicating 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. Notwithstanding and without waiving the foregoing objections, 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.

41. Was such threshold limit values of maximum allowable concentrations inquired about in the preceding interrogatory total dust or just asbestos dust?

ANSWER:

Unknown.

42. Up until the time that Defendant ceased to sell and/or manufacture asbestos containing products, state in detail what test, if any, your company or its predecessor(s) ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which users or bystanders were exposed while using your asbestos containing products.

a. If there were any such tests or studies, give the name or names of the person(s) conducting the tests, the date of the tests and attach true copies of any reports, findings or memoranda concerning such tests or studies.

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.

43. Does the Defendant possess or have in its control any written documents and/or written materials prior to 1980 which indicate that other manufacturers of asbestos containing products had any knowledge, information, or understanding that asbestos would, could, or might be harmful? If so, list each document and/or written material, and attach a copy.

ANSWER:

Garlock objects to this interrogatory on the grounds that it is vague, overly broad and unduly burdensome and oppressive and not calculated to lead to discovery of admissible evidence. Notwithstanding and without waiving the foregoing objections, Garlock states that although individual employees of Garlock Inc may have become aware of the alleged dangers of exposure to asbestos dust, Garlock states that its knowledge of the alleged hazards of asbestos inhalation cannot be equated with any knowledge of an existence of any hazardous potential of asbestos from use of its products, since there has never been any competent scientific or medical evidence that its products have caused or contributed to any hazardous conditions.

Furthermore, since the asbestos fibers in Garlock products are encapsulated and/or bonded and/or treated in such a manner as to not emit meaningful levels, if any, of asbestos fibers, the receipt of any such information by Garlock Inc would be irrelevant.

44. Did your company or its predecessor(s) ever place any warning directly on any of its asbestos containing products? (i.e. on insulation pipe covering itself). If so, state the wording of such

warning, the size, how it was marked and the dates of placement.

ANSWER:

Not applicable. See General Objection No. 3.

45. Did the Defendant ever provide a warning within its sales literature pertaining to asbestos containing products? If so, list the wording, the dates and what literature it was placed

ANSWER:

See answer to interrogatory No. 3.

46. Were any Material Safety Data sheets ever prepared by the Defendant for your asbestos products? If so, attach copies.

ANSWER:

Material Safety Data Sheets are prepared for any product upon request. To reproduce copies of all such sheets is objectionable as unduly burdensome and calling for masses of irrelevant material, since the only products at issue are those to which plaintiffs allege exposure. Notwithstanding and without waiving the foregoing objections, we attach as Exhibit __, Material Safety Data Sheets for our gasket styles 900 and 7021, as being the most likely Garlock products, if any, to which the plaintiff was exposed.

47. Does Defendant have insurance policies that might cover the claims made by Plaintiff in this case?

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, 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.

(Note: National Union coverage excludes asbestos-containing products.)

48. If the answer to the above interrogatory is affirmative, please state:

- a. the amounts of insurance coverage that is currently available as of the date you answer these interrogatories, and
- b. how much is in dispute.

ANSWER:

See answer to interrogatory No. 47.

49. If you have not previously supplied the requested information in the Master Asbestos File, then for each and every expert witness, medical or otherwise, whom you may call to testify during the trial of this cause, please state the following:

- a. Full name.
- b. Address.
- c. Phone number.
- d. Each subject matter on which the expert witness is expected to testify.
- e. The mental impressions and opinions held by the expert which relate to this case in any way, and
- f. The facts known to the expert (regardless of when the factual information was acquired) which relate to or form the basis of the mental impression and opinions held by the expert.
- g. Who will be paying each such expert and how much.

ANSWER:

Mr. Carl Mangold
3033 170th Place S.E.
Bellevue, Washington 98008

Mr. Mangold is an industrial hygienist who will testify as to background levels of airborne asbestos fiber and concerning testing and analysis of asbestos-containing products manufactured by Garlock, the actual fiber levels encountered during the use of Garlock asbestos-containing products and fiber counts sampled in connection with the application of Garlock materials in ships.

Stanley Fiel, M.D.
Medical College of Pennsylvania
The New Pavilion, Room 4051
3300 Henry Avenue
Philadelphia, Pennsylvania 19129

W. Clark Cooper, M.D.
2150 Shonuch Avenue
Berkeley, California 94704

Dr. Fiel and/or Dr. Cooper will testify concerning the levels of asbestos fibers necessary to cause various diseases associated with asbestos and will compare those levels to the levels encountered during the use of Garlock asbestos-containing products.

50. If you have previously supplied the requested information in the Master Asbestos File, then for each expert who will not be called as a witness, but whose work product forms the basis in whole or in part of the opinions of an expert who will be called as a witness, state:

a. the name, address and telephone number of the non testifying expert;
the subject matter of the work product on which the testifying expert will rely; the mental impression of the non-testifying expert; and the facts known to the non-testifying expert.

ANSWER:

Not applicable.

51. Identify the name, address and telephone number every person whom you intend to call as a witness at trial, who has not previously been listed as a witness in Defendant's Master Witness List on file in the Master Asbestos File.

ANSWER:

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

52. What is Defendant's present net worth?

ANSWER:

Garlock objects to this interrogatory on the grounds that it is overly broad, unduly bur ensome, irrelevant to any issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

33. Has this defendant, or its present directors or officers acting on its behalf, made monetary contributions in excess of \$5,000.00 within the past ten years to the following scientists or researchers who have written on the subject of asbestos-related diseases or to their employing universities on behalf of or at the request of the scientist or researcher:

Raymond Murphy - Harvard Medical School and Harvard School of Public Health.

Margaret Becklake - McGill University, Montreal, Canada.

Stuart Brooks - University of Florida at Tampa.

Edward A. Gaensler - Boston University of Medicine, Harvard Medical School, Tufts Medical School.

Bernard Gee - Yale University School of Medicine.

Allan Goldman - South Florida College of Medicine, Division of Pulmonary, Critical Care and Occupational Medicine.

Jerome Kleinerman - Case Western Reserve University School of Medicine.

Hilton Lewinsohn - University of Connecticut, Yale University.

Hans Weill - Tulane University

Morton Corn - John Hopkins

Brooke Mossman - University of Vermont.

John Craighead - University of Vermont.

J. Christopher Wagner

J. Corbett McDonald - McGill University Peter Elmes

Paul E. Wheeler - Johns Hopkins

Lee Reichman - University of Medical and Dentistry of New Jersey, Newark, New Jersey.

J.M.G. Davis - Institute of Occupational Medicine, Edinburgh, U.K. (England).

J.N.P. Davies - Albany Medical College, New York.

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.

53. In what year did this defendant first become aware of the 1938 Public Health Bulletin No. 241 entitled "A Study of Asbestosis in the Textile Industry"?

ANSWER:

(1) Garlock has no record, knowledge or recollection of any such contributions relative to any of its asbestos-containing products.

(2) Unknown. See answer to interrogatory No. 43.

54. In what year did this defendant first become aware of the 1946 article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels" by Fleischer, Drinker, et al.

ANSWER:

Unknown. See answer to interrogatory No. 43.

55. How many claims or lawsuits (other than workers' compensation claims) were filed against this Defendant in the 1930's alleging, in whole or in part injury, damage or disease from exposure to or inhalation of various dusts? This interrogatory includes cases of asbestosis, pneumoconiosis and silicosis due to the fact individuals were or may have been exposed to mixed types of dusts.

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 no record, knowledge or recollection of any such claims or law suits relative to any of its asbestos-containing products.

56. Has this Defendant in other litigation ever alleged or admitted that the health hazards of asbestos containing insulation products were known prior to 1945?

ANSWER:

Not applicable. See General Objection No. 3.

REQUEST FOR ADMISSIONS

1. Defendant, its predecessor(s) or acquired business(es), or any of its subsidiary companies are now in the business of manufacturing, relabeling, selling, or distributing products containing asbestos.

ADMIT OR DENY:

Garlock, as of this date, is still manufacturing, selling and distributing gasket products which contain fully encapsulated asbestos fibers.

2. Defendant, its predecessor(s) or acquired business(es), or any of its subsidiary companies have been in the past in the business of manufacturing, selling, relabeling or distributing products containing asbestos.

ADMIT OR DENY:

(a) This was true during a part of the time between 1940 and

(b) This was true since 1972.;

(c) Between 1940 and 1972, your products were sold and distributed in Texas.

ADMIT OR DENY:

Admitted.

3. Defendant, its predecessor(s) or acquired business(es), or any of its subsidiary companies knew its products inquired about above contained asbestos.

ADMIT OR DENY:

Admitted.

4. Defendant, its predecessor(s) or acquired business(es), or any of its subsidiary companies gave no warning to the plaintiff(s) in this case of the dangers of asbestos.

ADMIT OR DENY:

Objection, overly broad, vague. Not limited to any time, place or person. Further, it is unclear what dangers to which Plaintiff is referring. After reasonable investigation, Garlock states that it is without sufficient information to enable it to admit or deny this Request and it is, therefore, denied.

FILED
KATHLEEN J. LEE
US DISTRICT COURT
NORTH DAKOTA
92 AUG 25 PM 11:14
BY: [Signature]
CLERK

RESPONSES TO REQUEST FOR PRODUCTION

1. All documents invoices, and/or purchase orders that reflect all sales, purchases, for application or resale, payment and use of asbestos and/or asbestos containing products in the Texas Gulf Coast area from 1930 to the date of your last sale or purchase.

RESPONSE:

Garlock objects to this Request 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 it does not maintain separate compilations of sales records for its asbestos-containing products or for sales in specific states or sub-divisions thereof.

Such older records as still exist are retained in Palmyra in 40" x 40" x 40" cardboard boxes, each containing several cartons of records. These records will be made available to plaintiff for inspection and copying at plaintiff's expense and upon appropriate prior arrangements. It is believed that the oldest such records generally date from approximately 1978.

2. All internal or external memoranda or documents that identify the suppliers and/or distributors of your asbestos and asbestos containing products (limited to those asbestos containing products supplied and/or distributed in the Texas Gulf Coast area) from 1930 to the date of your last sale or purchase.

RESPONSE:

Garlock objects to this Request 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, a recent listing of Garlock distributors in Texas is attached as Exhibit A. See also answer to interrogatory No. 29.

3. All pictures of all products and/or pictures of all packaging of all products that contained asbestos.

RESPONSE:

Garlock objects to this Request 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, some product and product packaging photographs appear in Garlock product literature. Garlock states that over the years it has prepared hundreds of writings, 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 at plaintiffs' expense at Garlock Inc, 1666 Division Street, Palmyra, New York.

4 All sales brochures, and/or literature pertaining to asbestos containing products manufactured, purchased for designed, distributed, installed, applied, and/or sold by the Defendant, its predecessor(s) or subsidiaries in the Texas Gulf Coast area from 1930 until the date of your last sale.

RESPONSE:

See answer to Request for Production number three (3).

5. All documents reflecting how and when the Defendant or its employees first learned of the health hazards associated with asbestos exposure.

RESPONSE:

Garlock objects to this Request for Production on the grounds that it is overly broad and not reasonable limited to the specific asbestos-containing products manufactured by Garlock to which the Plaintiff was allegedly exposed. Notwithstanding and without waiving the foregoing objections, some Garlock personnel have been aware for a number of years that excessive exposure to asbestos dust may be hazardous to one's health. Garlock is unable to pinpoint when or how such personnel first became aware of the possible health hazard. However, there has never been any 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.

6(a). All documents from 1930 till the date of your last sale or purchase which indicate when other manufacturers of asbestos containing products, and Metropolitan Life Insurance Company had any knowledge, information or understanding that asbestos would, could, or might produce harmful effects to a person's health.

RESPONSE:

Garlock objects to this Request For Production 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 states that it does not have any record or information which would enable it to respond to this Request with any certainty. However, since other defendants' products are primarily asbestos thermal insulation or friable, unencapsulated asbestos-containing products, this defendant would have no reason to place the warnings of the products of other defendants on its own products in which asbestos fibers are fully encapsulated and/or bonded.

6(b). All documents from 1930 till the date of your last sale or purchase that indicate when other manufacturers of asbestos containing products and Metropolitan Life Insurance Company first issued health warnings associated with the use of their products.

RESPONSE:

Garlock objects to this Request For Production 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 states that it does not have any record or information which would enable it to respond to this Request with any certainty. However, since other defendants' products are primarily asbestos thermal insulation or friable, unencapsulated asbestos-containing products, this defendant would have no reason to place the warnings of the products of other defendants on its own products in which asbestos fibers are fully encapsulated and/or bonded.

7. All documents relating to research and testing of products containing asbestos conducted by the defendant's personnel pertaining to the health hazards to human beings from 1930 until the date of your last sale or purchase.

RESPONSE:

See answer to interrogatory number nineteen (19).

8. All books, pamphlets, memoranda, or written materials of any kind or character in the Defendant's possession, prior to 1972, that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Garlock objects to this Request on the grounds that it presumes 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 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.

9. All material safety data sheets pertaining to Defendants and/or its predecessor's asbestos and asbestos containing products.

RESPONSE:

See answer to interrogatory No. 46.

10. Any and all records which reflect the dollar value amount spent annually on medical research since 1930 by this defendant, including all subsidiaries, divisions, and predecessor entities pertaining to the health effects of asbestos.

RESPONSE:

See answer to interrogatory No. 19.

11a. All correspondence, in-house memos, correspondence to or from third parties, and/or correspondence between defendant and defendant's customers concerning the hazards of asbestos from 1930 until the date of your last sale or purchase.

RESPONSE:

See answer to Request No. 8.

11b. All correspondence, in-house memos, correspondence to and from third parties, and/or correspondence between defendant and defendant's customers regarding the content of defendant's asbestos-containing products from 1930 until the date of your last sale or purchase.

RESPONSE:

Garlock objects to this Request 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.

12. Copies of all photographs of warnings placed on the asbestos containing products manufactured by the defendant, or any products it sold, distributed, purchased, applied or installed

with reference to the date and product involved.

RESPONSE:

See attached Exhibit B and answer to interrogatory No. 3.

13. All records reflecting any warnings given to you by the mining companies or suppliers of raw asbestos.

RESPONSE:

Garlock objects to this Request 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 waiving the foregoing objections, annexed hereto as Exhibit C is a Warning Label from Lake Asbestos.

14. Any correspondence and/or records to or from purchasers, users of defendants' products or services, insurance carriers, distributors, suppliers, or subsidiary reflecting any warnings pertaining to asbestos, and/or asbestos-containing products.

RESPONSE:

Garlock objects to this Request 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 does not have any record, knowledge or recollection of any such correspondence or records relative to any of its asbestos-containing products.

15. All documents which indicate any instructions and/or safety precautions relating to the removal, replacement, application and/or installation of defendant's asbestos containing products from 1930 until the date of your last sale or purchase.

RESPONSE:

Garlock objects to this Request 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. See also answer to interrogatory No. 34.

16. All documents that indicate the location of the mine, identity of the mine, and/or present or prior ownership of the mine from

which the asbestos contained in the defendant's products was obtained.

RESPONSE:

See answer to interrogatory No. 3.

17. All documents and depositions containing information about worker's compensation claims or suits by employees of the defendant where there was a claim that the injury was due to asbestos exposure.

RESPONSE:

Garlock objects to this Request on the grounds that the information sought is irrelevant in these cases and is not reasonably calculated to lead to discovery of admissible evidence. The plaintiffs have never been Garlock employees and do 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's facilities.

18. All correspondence between the defendant and its worker's compensation agents or insurers that refers to changes in rates due to asbestos exposure for the period in which defendant's products containing asbestos were sold, used, supplied or installed.

RESPONSE:

Garlock objects to this Request on the grounds that the information sought is irrelevant in these cases and is not reasonably calculated to lead to discovery of admissible evidence. The plaintiffs have never been Garlock employees and do 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's facilities.

19. All Securities and Exchange Commission filings that refer to asbestos litigation against the defendant, its predecessor(s) or subsidiaries.

RESPONSE:

Garlock objects to this Request 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.

20. For each of the past five years, an annual report of this defendant or a balance sheet that reflects the defendant's corporate worth, and financial status.

RESPONSE:

Garlock objects to this Request 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.

21. Any and all documents referred to in your responses to Plaintiffs' Interrogatories:

RESPONSE:

Garlock objects to this Request 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.

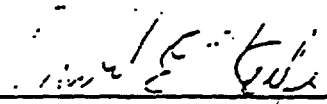
22. Any and all patents issued or assigned to this defendant for asbestos products.

RESPONSE:

Garlock holds no patents specific to asbestos-containing products.

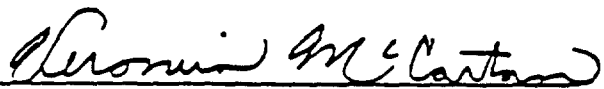
STATE OF NEW YORK
COUNTY OF NEW YORK

I hereby certify that I am authorized to respond to these 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
13th day of August, 1992



NOTARY PUBLIC
State of New York

My commission expires

VERONICA McCARTAN
Notary Public, State of New York
No. 31-7734225
Commission Expires August 31, 1992