

FILE NAME: GATX (GX)

DATE: 1998

DOC#: GX006

DOCUMENT DESCRIPTION: Legal - Deposition of David Berg

1 IN THE COURT OF COMMON PLEAS
2 TRUMBULL COUNTY, OHIO
3 LOIS J. MISSIK, Executrix,)
4 etc.,)
5 Plaintiff,)
6 vs.) No. 97-CV-303
7 OWENS-CORNING FIBERGLASS)
8 CORP., et al.,)
9 Defendants.)

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11 The videotaped discovery deposition of
12 DAVID BERG, taken in the above-entitled cause,
13 before DINA JACOBS, a notary public of Cook County,
14 Illinois, on the 16th day of July, 1998 at 500 West
15 Monroe Street, 43rd Floor, Chicago, Illinois,
16 pursuant to Notice.

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23 REPORTED BY: DINA JACOBS, CSR

24 LICENSE NO.: 084-003636

1 industrial health and safety matters for the time
2 period prior to you joining General American?

3 A. The knowledge I would have would be just
4 the knowledge I picked up doing it during my
5 inspections, just normal talking. You know, my job
6 required myself -- me to inspect the facility, ask
7 questions, what's being done; and I mean, you know,
8 there are probably -- there are documents that were
9 there.

10 You know, we're talking about 18 years ago
11 here. So I can't remember everything I did; but I
12 did review policies that they did have there. I
13 did review documents they had there, programs they
14 had there which were -- there were programs in
15 place before I showed up there, and I worked from
16 those.

17 Q. You have been offered to us as a witness
18 on behalf of General American to testify about
19 health and safety measures including equipment,
20 instructions and policy manuals. Is that your
21 understanding?

22 A. Yeah. The stuff I was going to talk about
23 that I concentrated on was the health and safety
24 measures that -- yes. I think that's exactly what

1 you just said; equipment, instructions, policy
2 manuals, correct.

3 Q. All right. Were you -- is it also your
4 understanding that you are here to testify on
5 behalf of General American concerning measures
6 undertaken to reduce or eliminate health hazards of
7 asbestos at GATX?

8 A. Yes.

9 Q. You're looking at the Deposition Notice.
10 You may not --

11 A. Right.

12 Q. -- know that that's --

13 A. Right.

14 Q. -- what it is called, but there's a --

15 A. I'm just looking at it; and if it's what
16 you're looking at, I'm really talking -- the things
17 that I concentrated on are Items 1, 2, 3 and 7.

18 Q. And the first two matters that I asked you
19 about, those are Items 1 and 2, is that correct?

20 A. Right.

21 Q. Item No. 3 is knowledge of health hazards
22 associated with asbestos or asbestos-containing
23 products is --

24 A. Yes.

1 BY MR. SWARTZ:

2 Q. I'm interested in the 17 years that
3 Mr. Missik worked at GATX prior to your arrival.
4 What was -- who, if anyone, was responsible to
5 know about health hazards that affected its
6 workers?

7 A. Well, I cannot answer for that time
8 period.

9 Q. All right. How did GATX first become
10 aware of health hazards associated with asbestos?

11 A. I cannot answer that.

12 Q. Of what health hazards, if any, was GATX
13 aware of in 1962?

14 A. I cannot answer that.

15 Q. 1968?

16 A. I can't answer that.

17 Q. 1975?

18 A. I can't answer that one.

19 Q. In 1962, was anybody at GATX responsible
20 of being aware of state or Federal regulations
21 relating to hazards of dust that contained
22 asbestos?

23 A. I can't answer that.

24 Q. Was GATX -- GATX aware of any state or

1 Federal regulations relating to health hazards
2 posed by asbestos?

3 A. In what time frame?

4 Q. In 1962.

5 MR. DANIELS: Object to the form. It assumes
6 there were any. You may answer.

7 THE WITNESS: I can't answer that.

8 BY MR. SWARTZ:

9 Q. Was GATOX (sic) aware of any Federal or
10 state regulations concerning health hazards of
11 asbestos in 1962?

12 MR. DANIELS: Objection.

13 THE WITNESS: I do not have information on
14 that.

15 MR. DANIELS: Objection.

16 MR. SWARTZ: What's the basis for the
17 objection?

18 MR. DANIELS: Same question you just asked
19 him.

20 BY MR. SWARTZ:

21 Q. All right, 1968?

22 A. I can't answer that.

23 Q. 1975?

24 A. I can't answer that.