

Page 281

1 already described? He may testify about
2 them specifically.

3 MR. GIANARIS: We can agree to
4 that, but I want to know what his
5 opinions are. I've got to know before
6 he shows up at trial.

7 A. My opinions about the public --
8 the available literature, include claims about
9 the medical scientific literature, the
10 governmental literature, the union literature,
11 the general purpose, media literature and also
12 state and public health materials as well as
13 some trade commentary about asbestos. And in
14 addition to that, within the publicly available
15 matter, we have both television and print media
16 as well as a few examples of citizens
17 confronting it.

18 My conclusion about all of them
19 is what I already said. When I misspoke, I was
20 saying there is some elaborations or
21 illustrations that I have used which shows one
22 or another point, but there's no general
23 conclusion that is not reflected in the kind of
24 breakdown that I gave that was in the exhibits
25 in West Virginia. That's what I'm saying.

Page 282

1 Q. You've given me all your
2 opinions. You simply have some illustrations
3 that we haven't talked about thus far; is that
4 fair?

5 A. I've given you my opinions about
6 publicly available knowledge generally and
7 there will be some illustrations that I would
8 want to spend more time on.

9 Q. But the illustrations will simply
10 illustrate the opinions I've already heard?

11 A. Yes, I think generally that's
12 right.

13 Q. As long as I know you're not
14 going to surprise me with an opinion at trial.
15 I've heard your opinions. I've seen the vast
16 majority of the documents you brought with you,
17 either through your previous testimony or we
18 talked about them today. They illustrate those
19 opinions. There are a few documents that we
20 have not talked about that illustrate those
21 opinions, but you're not going to change your
22 opinions one iota; is that fair?

23 A. I think it's fair to say that
24 that's the case. You've got a view about what
25 I think of this subject.

Page 283

1 Q. That's all I need. Thank you.
2 How much are you charging for testifying here
3 today?

4 A. The same thing I do the rest of
5 the time.

6 Q. 450 an hour?

7 A. Yes.

8 Q. Come to trial the same thing?

9 A. Yes.

10 Q. That's all I have. Thank you,
11 sir.

12 THE VIDEO OPERATOR: Going off
13 the record 4:35.

14 MS. ROSENBERG: Let's mark this
15 as Union Carbide 4 deposition
16 transcripts for the following witnesses
17 Thomas Hall. John Myers M-Y-E-R-S.
18 James Rawlings. William Thurber,
19 T-H-U-R-B-E-R. Ian S-A-Y-E-R-S. John
20 Walsh. Marked as Union Carbide 4.

21 (Whereupon deposition transcripts
22 was marked Union Carbide Exhibit 4 for
23 identification as of this date.)

24 (Whereupon, the witness was
25 excused.)

Page 284

1 CERTIFICATE

2 I, VILMA TORRES-JENKS, hereby certify that
3 the Deposition of THEODORE MARMOR was held before me
4 on the 1st day of April, 2003; that said witness was
5 duly sworn before the commencement of his testimony;
6 that the testimony was taken stenographically by
7 myself and then transcribed by myself; that the party
8 was represented by counsel as appears herein;

9 That the within transcript is a true record
10 of the Deposition of said witness;

11 That I am not connected by blood or marriage
12 with any of the parties; that I am not interested
13 directly or indirectly in the outcome of this matter;
14 that I am not in the employ of any of the counsel.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand this 3rd day of April, 2003.

17
18

VILMA TORRES-JENKS

19
20
21
22
23
24
25