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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA/SOLANO
- - -

IN RE RELATED ASBESTOS CASES : NO: 603286-1 (ALAMEDA)
CONSOLIDATED FOR DISCOVERY : NO: 88602 (SOLANO)
(LAW OFFICES OF JACK K. CLAPPER): NO: 804416 (S.F.)

- - -
January 13, 1987
- - -

The Oral Deposition of ROBERT HARTMAN was
taken in the above captioned matter and on the
above date, commencing at or about 2:20 P.M., in
the offices of Certain-teed, Valley Forge,
Pennsylvania, before Carol L. Skipper, Court
Reporter and Notary Public for the Commonwealth
of Pennsylvania.

- - -
APPEARANCES:

JACK K. CLAPPER, A Professional Corporation
BY: JOE VISSE, ESQUIRE.
100 SHORELINE HIGHWAY, BUILDING B, SUITE 300
MILL VALLEY, CA. 94941
FOR THE PLAINTIFFS,
TURNER AND NEWALL AND OTHERS

BROBECK, PHLEGER & HARRISON
BY: WILLIAM LEVIN, ESQUIRE
1 MARKET PLAZA-31st FLOOR
SAN FRANCISCO, CA. 94105
FOR THE DEFENDANTS

RICHARDS O'NEIL AND ALLEGAERT
BY: CLINTON B. FISHER, ESQUIRE
660 MADISON AVENUE
NEW YORK, N.Y. 10021
FOR THE DEFENDANT, TURNER AND NEWALL
- - -

1 (It has been agreed by and between counsel that
2 sealing, filing, and certification of the within
3 deposition are hereby waived. All objections,
4 except as to the form of the question are
5 reserved until the time of trial.)

6 - - -

7 ROBERT S. HARTMAN, having been first duly sworn,
8 was examined and testified as follows:

9 - - -

10 MR. VISSE: Mr. Hartman, my name is Joe
11 Visse, and I represent a number of plaintiffs in
12 asbestos related cases, and this deposition of
13 yours today is being noticed in consolidated
14 cases that are consolidated for discovery in
15 three jurisdictions in California. This was by
16 agreement with defense counsel. I would like to
17 repeat a statement that we made at the outset of
18 the other deposition, and Mr. Levin, will have a
19 follow up statement. It's simply this, that the
20 defendants have agreed to waive certain
21 procedural requirements, so that these
22 depositions could be conducted in an expeditious
23 way, and as part of the negotiations for that, we
24 had requested that other plaintiff's counsel be
25 permitted to notice in on this deposition. That

1 was an unacceptable condition to defense counsel,
2 and for that reason I feel obligated to make
3 mention of the fact that the conduct of this
4 deposition should in no way preclude the
5 prerogative of other plaintiff's counsels from
6 pursuing discovery which they consider necessary
7 in their cases.

8 I would also indicate that the deposition
9 today is being taken under the California Code of
10 Civil Procedure and under the California Rules of
11 Evidence, and that having been said, I feel Bill
12 might want to make a statement as well.

13 MR. LEVIN: Yes, I just want to say that
14 we, being the Asbestos Claim Facility, Defendants
15 agreed to make Mr. Hartman and Mr. Striegel
16 available without subpoena and without necessity
17 of a motion and out of state commission, and
18 in return for waiving those procedural
19 requirements Mr. Visse agreed to dismiss punitive
20 damages against all of my clients in the
21 Henderson case and to provide Mr. Henderson an
22 IME, and the situation involving other
23 plaintiff's attorneys was discussed, and we
24 decided that since none of the other attorneys
25 were involved in the Henderson case, that they

1 ought to do whatever they want to do about
2 depositions, but that it would just be
3 impracticable and unwielding to have more than
4 one attorney here to ask questions and to make
5 arrangements with more than one attorney
6 considering we were at trial, and I have
7 confidence that Mr. Visse will cover all of the
8 areas that anybody else would ever possibly want
9 to cover.

10 MR. VISSE: Mr. Hartman, your deposition
11 has been taken before on a number of occasions,
12 is that correct?

13 THE WITNESS: Several, yes.

14 MR. VISSE: And recently in 1984 in
15 October your deposition was taken at this same
16 place, is that right?

17 THE WITNESS: I believe that is correct.

18 MR. VISSE: And the course of today's
19 deposition is likely to cover many of those same
20 items, and I apologize for the necessity of
21 covering some of that same ground, but it is
22 necessitated by the fact that one of the
23 defendants in our current actions was not present
24 at that deposition, and so could not assert their
25 rights to object to forms of questions and the

1 like, and this deposition is then necessary to
2 provide that opportunity for them. I'll make an
3 effort to be as quick as I can, however, in
4 covering the material that has already been
5 covered in previous depositions.

6 - - -

7 BY MR. VISSE:

8 Q. Are you currently employed by Certain-teed?

9 A. No, I'm not.

10 Q. When did you retire, sir?

11 A. I did not retire. I came on termination with the
12 company on July 13th.

13 Q. July 13th of?

14 A. 1986.

15 Q. Are you being represented by any counsel here
16 today?

17 A. I don't know how to answer that. I would say,
18 yes.

19 MR. LEVIN: Yes, we are. Bill Levin for
20 the Asbestos Claim Facility and Clint Fisher are
21 here in our capacity as counsel for some of the
22 defendants, and--

23 MR. FISHER: I'm not representing Mr.
24 Hartman.

25 MR. LEVIN: I'm here on behalf of the

1 Asbestos Claims Facility, and to the extent that
2 Mr. Hartman is a former Certain-teed employee I'm
3 representing him for the purposes of this
4 deposition, although he has not retained me to
5 represent him for any other reason.

6 MR. VISSE: I suppose then I should take
7 the position that the communications between you
8 and any counsel here today are not, in fact,
9 covered by a privilege, an attorney/client
10 privilege, and it should not be claimed.

11 MR. LEVIN: Wait a minute. I think you
12 should take the exact opposite position, which is
13 that the attorney/client privilege is being
14 claimed as it was this morning for the same
15 reasons.

16 MR. VISSE: Okay, I just wanted that on the
17 record.

18 MR. LEVIN: Yes, it is definitely being
19 asserted.

20 MR. VISSE: Let me just briefly cover the
21 rules for depositions, although you are certainly
22 familiar with them, but I feel obligated to state
23 them at the outset. You do realize, of course,
24 you are under oath, and that a transcript of this
25 deposition will be prepared for your review and

1 your opportunity to make any corrections when you
2 see that to be appropriate. In the event that
3 there are corrections, of course, comment can be
4 made upon any contradiction between your
5 corrections and any of your prior testimony.

6 It is important that you do understand
7 questions that I ask, and if you don't, please
8 ask for clarification. If the most appropriate
9 answer is no, or I don't know, please state that.
10 It is also important that you wait until I
11 complete the question in order to give counsel a
12 time, an opportunity to interpose any objections
13 as to the forms of my questions, and you may,
14 unless someone should instruct you otherwise,
15 answer the question after those objections have
16 been stated. Is that all fairly clear to you?

17 THE WITNESS: It is clear.

18 MR. VISSE: Having been through this
19 before?

20 THE WITNESS: Yes.

21 MR. VISSE: Thank you.

22 - - -

23 BY MR. VISSE:

24 Q. Could I ask your date of birth, please?

25 A. January 5, 1924.

- 1 Q. And currently what is your residence?
- 2 A. 338 Rosedale Drive, Pottstown, Pennsylvania.
- 3 Q. Is there a zip code for that?
- 4 A. 19464.
- 5 Q. Might I ask your home phone number?
- 6 A. Area code (215) 323-2947.
- 7 Q. Thank you. Are you currently involved in any
- 8 other business? I'm sorry, you want to make a
- 9 clarification?
- 10 A. Yes, that is 47, 2947.
- 11 Q. Thank you. Are you currently involved in any
- 12 other business?
- 13 A. Part time.
- 14 Q. Would you mind telling me what that is?
- 15 A. I'm involved in old toy trains as a consultant.
- 16 Q. Before the deposition today, have you reviewed
- 17 any records of any kind?
- 18 A. I did.
- 19 Q. And could you tell me what those records were?
- 20 A. They're a record of the previous deposition, and
- 21 a review of the supporting data that was submitted with
- 22 that deposition.
- 23 Q. Those would be the exhibits to that deposition,
- 24 is that right?
- 25 A. That is correct.

1 MR. LEVIN: Yes, that is right.

2 - - -

3 BY MR. VISSE:

4 Q. Have you reviewed any additional material other
5 than what you have described?

6 A. No.

7 Q. And have you brought with you any documents other
8 than those that you have already mentioned?

9 A. I have other information, yes.

10 Q. Will I have the opportunity to review that
11 information?

12 MR. LEVIN: It really depends on what it
13 is.

14 MR. VISSE: I would like to make some kind
15 of arrangement, it is probably going to be
16 necessary for a break, at the time of the break
17 for Bill to have an opportunity to look through
18 that and we can see what we can do about it.

19 MR. LEVIN: Yes, it was my understanding
20 that all he was required to bring was what he
21 came with to the last deposition. Anything else
22 he brought is kind of gratuitous, and I don't
23 know what it is, or whether you are entitled to
24 it or what.

25 MR. VISSE: Fine, rather than take time on

1 the record, I'll just discuss it with you at the
2 break.

3 MR. LEVIN: Fine.

4 - - -

5 BY MR. VISSE:

6 Q. Have you prepared any variations on the exhibits
7 that were attached to your previous deposition?

8 A. Yes, the previous recap sheet had a total through
9 the year at Santa Clara up to 1979, and the additional
10 years was added in this latest recap.

11 Q. And I believe in referring to that sheet, you're
12 referring to Plaintiff's Exhibit-2 to your deposition of
13 October of '84?

14 A. Yes.

15 Q. In making additions to that exhibit, you simply
16 added an additional year, is that correct, or a couple
17 of additional years?

18 MR. LEVIN: More things than that happened.

19 - - -

20 BY MR. VISSE:

21 Q. Could you just describe all of the modifications
22 that were made to the exhibit?

23 A. The original exhibit showed at Santa Clara from
24 years 1963 through 1979. The years '80, '81, and '82
25 were added as well as the partial year of 1962, the

1 first year that Certain-teed became responsible, which
2 then changed the totals, of course, for the new time
3 period.

4 Q. And those are only changes for the Santa Clara
5 plant, is that correct?

6 A. That is correct.

7 Q. Were there any changes made for the Riverside
8 plant, which I believe was also included as a tabulation
9 on the Exhibit-2 to your previous deposition.

10 MR. LEVIN: Remember we copied that out.

11 MR. VISSE: That part had been deleted?

12 MR. LEVIN: Yes.

13 THE WITNESS: I have to look, I don't know
14 if I have that.

15 MR. LEVIN: Yes, that is what happened. Do
16 you have your old Plaintiff's 2?

17 MR. VISSE: Yes, I do.

18 MR. LEVIN: Everything below that on the
19 old one, they were accumulative totals on the
20 bottom of the both Santa Clara and Riverside
21 plant, and now what has occurred is we've added
22 the years indicated, and--

23 MR. VISSE: You have totally omitted the
24 Riverside plant?

25 MR. LEVIN: Yes, totally omitted the

1 Riverside, as well as the handwriting at the
2 bottom of the Riverside plant. Did you change
3 the totals?

4 THE WITNESS: Yes, it had to be changed.

5 MR. LEVIN: Yes, and the totals were
6 changed to reflect the added years.

2 7 MR. VISSE: Okay. We'll be discussing
8 these exhibits a little bit later. I would like
9 to start quickly by just reviewing your
10 deposition and perhaps conduct it in a really
11 speedy fashion, and take kind of a leading
12 posture, if that is acceptable.

13 MR. LEVIN: You have to ask the questions
14 before I can tell you.

15 MR. VISSE: Fine.

16 - - -

17 BY MR. VISSE:

18 Q. It is accurate, isn't it, sir, that you have a BA
19 in Chemistry from Penn State in 1944?

20 A. That was a BS in Chemistry.

21 Q. Thanks for the clarification. And a Masters
22 Degree in Math from the University of Pennsylvania in
23 1948?

24 A. That is correct.

25 Q. Just reviewing your employment, following your

1 Masters, you became employed as a chemist for Keasbey
2 and Mattison in 1948?

3 A. That is correct.

4 Q. And at that time, generally, what sorts of
5 products was Keasbey and Mattison involved in
6 manufacturing?

7 A. They were manufacturing quite a variety of
8 asbestos containing products.

9 Q. Could you describe the general categories of
10 products that they were manufacturing?

11 MR. LEVIN: No foundation, calls for
12 speculation.

13 THE WITNESS: They manufactured asbestos
14 cement sheets and pipe, textiles, paper, sheet
15 packing, and insullation.

16 - - -

17 BY MR. VISSE:

18 Q. You continued as a chemist with Keasbey and
19 Mattison up to what year?

20 A. Late '50's, I believe 1958, '57 or '58. I just
21 don't remember the exact year.

22 Q. During this time as a chemist for Keasbey and
23 Mattison, you were, I take it, involved in a number of
24 research projects on products, is that correct?

25 A. That is correct.

1 Q. Could you tell me what those products were that
2 you were involved in research on during that time
3 period?

4 A. Several come to mind. One was a braided tubing
5 product with special properties required by Bell
6 Telephone, and another was enhancing the weather
7 resistance of asbestos cement siding. Oh, another one
8 was more optimum design of asbestos cement pipe,
9 research was conducted in more proper control on sheet
10 packing material.

11 Q. Did you do any research on pipe insulation
12 during that period?

13 A. On AC pipe?

14 Q. No, I'm talking about high temperature pipe
15 insulation, either 85 mag insulation or some other
16 type?

17 A. Yes, some work was done on that some calcium
18 silicate higher temperature, which required a different
19 reinforcing structure, fibre structure, yes.

20 Q. Of those projects that you have mentioned, if I
21 could just ask you for a moment about the AC pipe design
22 work?

23 A. Yes.

24 Q. Not being a scientist, could you describe for me
25 in simple layman's terms what your research involved on

1 that project?

2 MR. LEVIN: Very simple.

3 MR. VISSE: Move to strike.

4 THE WITNESS: To attempt to come to the
5 most optimum method of manufacturing, both in
6 regard to amount of reinforcing in the wall of
7 the pipe and the thickness of the pipe. The
8 combination of those two give the desired
9 strength and what would be the most optimum
10 relationship.

11 - - -

12 BY MR. VISSE:

13 Q. What elements were you working with in order to
14 insure the optimum strength? What raw materials were
15 you experimenting with?

16 A. The change, as far as the raw materials are
17 concerned, would be with the amount of reinforcement
18 with the fibre.

19 Q. What fibre is that?

20 A. Any of the fibres available, whether they were
21 chrysotiles or crocidolites, which were the two main
22 types of fibre used, and, of course, the grades of those
23 fibres.

24 Q. So, are you talking about asbestos fibres of
25 various types and grades?

1 A. Yes.

2 Q. In your early work with Keasbey and Mattison as a
3 chemist, particularly in, as you are describing now,
4 your work on asbestos cement pipe, you were already
5 familiar with the different types and qualities of
6 asbestos fibres, is that correct?

7 A. That is correct.

8 Q. After you were a chemist, what was your next
9 responsibility with Keasbey and Mattison?

10 A. My next responsibility was as Operations Research
11 Director.

12 Q. When did you begin that work?

13 A. That was, I believe, in 1959.

14 Q. And what was your overall responsibility with
15 that position?

16 A. That was a kind of unique position that was
17 created in that our new president of the company asked
18 me to head up an operations research group, which would
19 report to the Board of Directors, who would actually
20 control the projects that should be followed, who would
21 serve on the operations research teams, because we would
22 draw from different backgrounds of talent throughout the
23 company for those teams, and then as chairman of the
24 group, I would report to the committee each meeting as
25 to the progress of various operations research teams had

1 completed in between meetings.

2 Q. Did you have any responsibilities during this
3 time, beginning in 1959, other than those, what sound to
4 me to be administrative coordinating functions in the
5 area of research?

6 A. Well, this led later when we analyzed things such
7 as inventory management, to the establishment of the
8 function of inventory management in the company.

9 MR. LEVIN: Can you read the question
10 back to me, please?

11 (The court reporter reads back the previous
12 question by Mr. Visse as follows: "Q. Did you
13 have any responsibilities during this time,
14 beginning in 1959, other than those, what sound
15 to me to be administrative coordinating functions
16 in the area of research?

17 - - -

18 BY MR. VISSE:

19 Q. You had begun to answer that question.

20 A. I was coming to the point in that the operations
21 research did lead to the formation and study of
22 inventory management, concepts and principles, which had
23 not been very much in at Keasbey and Mattison Company.
24 This led to hands-on involvement with the inventory
25 function, particularly with asbestos fibre, because of

1 its importance throughout all of the products that were
2 made at the time.

3 Q. Do you recall in what year, or approximately what
4 year, you began to have what you described as this
5 hands-on involvement in the inventory management of
6 asbestos fibre for Keasbey and Mattison?

7 A. It was the late '50's early '60's, I don't know
8 exactly when.

9 Q. These responsibilities that you are describing,
10 regarding asbestos fibre management and inventory, did
11 they involve the asbestos fibre requirements for all of
12 Keasbey and Mattison's operations or just for a limited
13 portion of those operations?

14 A. For all of them.

15 Q. And I would assume, then, that while you were
16 performing this function, you became even more
17 knowledgeable about asbestos fibre usage in the various
18 manufacturing processes of Keasbey and Mattison, is that
19 accurate?

20 MR. LEVIN: Objection.

21 MR. VISSE: I think the question, even if
22 inartfully phrased, is clear.

23 THE WITNESS: Yes, that is correct.

24 - - -

25

1 BY MR. VISSE:

2 Q. You began as an operations research manager, I
3 suppose we could say in 1959, what was your next
4 position with Keasbey and Mattison?

5 A. Then it would have been as planning manager as
6 operations research was phased out.

7 Q. In what year did that occur, as you recall?

8 A. Within a year or two of the dismantlement, if you
9 will, of Keasbey and Mattison.

10 Q. And was it a year before or a year after that
11 dismantlement?

12 A. The planning function preceeded the
13 dismantlement.

14 Q. So it was a year before?

15 A. Yes.

16 MR. LEVIN: Or two.

17 MR. VISSE: Thank you, Bill.

18 - - -

19 BY MR. VISSE:

20 Q. In this position of planning manager, did you
21 continue to have responsibility for asbestos fibre
22 inventory?

23 A. Yes, with the understanding that the inventory is
24 a result of two functions, how much you get in and how
25 much you use. So, in that sense, I had to make the best

1 determination of how much to get in compared to what we
2 expected to use. The inventory is a resultant, you hope
3 it reaches that.

4 Q. So, you are describing a process by which you
5 tried to control inventory to achieve economic savings
6 for the company?

7 A. That is correct.

8 MR. LEVIN: I think what he's actually
9 doing is telling you what his job was,
10 recharacterizing what you said, control of
11 inventory, which is focusing on the part that he
12 did.

13 MR. VISSE: Okay.

14 - - -

15 BY MR. VISSE:

16 Q. Let me ask you, then, as part of this process,
17 you were looking not only at the usage of fibre and the
18 inventory of fibre, but also the receipts of fibre, is
19 that correct?

20 A. That is correct.

21 Q. Was this at each and every plant at this point in
22 time that you were aware of those three factors?

23 A. Yes.

24 Q. It is clear from what you said before, then, that
25 the planning manager position was the last position you

1 actually held for Keasbey and Mattison before what you
2 described as the dismantlement, is that right?

3 A. That is correct.

4 MR. VISSE: I'm comfortable to continue to
5 use the word "dismantlement".

6 MR. LEVIN: Well, a lot of words have been
7 used to describe the same thing. I mean it is a
8 matter of actual factual record of what happened,
9 and with that understanding, I don't have any
10 objection to your using whatever word you want to
11 use.

12 MR. VISSE: Off the record.

13 - - -

14 (A brief off the record discussion was held.)

15 - - -

16 MR. VISSE: Back on the record.

17 MR. LEVIN: Back on the record. In terms
18 of "dismantlement", we are all objecting to the
19 use of that word, or we are not exactly sure if
20 it is accurately descriptive. It depends on a
21 lot of interpretations and connotations, so in
22 lieu of that, Mr. Visse is going to ask another
23 question and proceed from there.

24 - - -

25

1 BY MR. VISSE:

2 Q. The last position that you held for Keasbey and
3 Mattison was that of planning manager, is that correct,
4 sir?

5 A. Yes.

6 Q. And it was the last position that you held for
7 Keasbey and Mattison because at a point in time
8 Certain-teed acquired the asbestos cement pipe
9 facilities of Keasbey and Mattison, is that correct?

10 A. That is correct.

11 Q. In what year do you recall that as happening,
12 sir?

13 A. That occurred in 1962.

14 Q. And during the remainder of this deposition, when
15 we refer to 1962, it will be clear that we are referring
16 to the acquisition of those facilities by Certain-teed,
17 just so that you understand.

18 A. That is correct.

19 Q. At that time, you continued on with Certain-teed
20 Corporation, is that right?

21 A. That is correct.

22 Q. And the plants that were acquired at this time;
23 do you recall how many they were in number? I'm
24 speaking only of the asbestos cement pipe facilities.

25 A. Four.

1 Q. And do you recall where those were located?

2 A. Santa Clara, California; St. Louis, Missouri;
3 Ambler, Pennsylvania; and the newest plant that had just
4 come on street was Hillsboro, Texas.

5 Q. Were those plants designated by any numbers?

6 A. Yes.

7 Q. Could you tell me what those numbers were?

8 A. Santa Clara was known as plant 56, Hillsboro was
9 known as plant 57, Ambler was known as plant 58, and St.
10 Louis as plant 59.

11 Q. And at the time in 1962 when this transition took
12 place, Certain-teed acquired as well the equipment of
13 those plants, is that your understanding?

14 A. Yes.

15 Q. And also the manufacturing process?

16 A. Correct.

17 Q. And also the product line?

18 A. Correct.

19 Q. And do you have any recollection about the number
20 of personnel that continued on from Keasbey and Mattison
21 to Certain-teed?

22 A. I do not, no.

23 Q. Speaking only about your particular area of
24 research and AC pipe manufacturing, do you have any
25 estimation about, in broad terms, the number of people

1 that continued over from Keasbey and Mattison to
2 Certain-teed?

3 A. My recollection, which may be poor, is that there
4 are roughly half of the research group, which would
5 include technicians as well as professional people and
6 secretaries, possibly ten.

7 MR. LEVIN: That is just from the research
8 group?

9 THE WITNESS: Yes.

10 - - -

11 BY MR. VISSE:

12 Q. Do you have any information about other divisions
13 of Keasbey and Mattison as to the number of employees
14 that continued over with Certain-teed?

15 A. I do not.

16 Q. At the time of this transition, were your duties
17 essentially unchanged?

18 A. They were unchanged, yes.

19 Q. And so you continued in planning and inventory
20 management under Certain-teed, is that correct?

21 A. That is correct.

22 Q. As part of that did you continue with the
23 responsibility for planning requirements for asbestos
24 fibre for the Certain-teed pipe plants?

25 A. I did.

1 Q. And just moving up the time scale a bit, what was
2 the next position that you held in Certain-teed?

3 A. In approximately 1974 an opportunity arose, which
4 for several years I was, I headed up the technical
5 services group, mainly because of my background in
6 chemistry.

7 Q. And what was the focus of the technical service
8 group?

9 A. The focus was mainly in quality control and
10 standards.

11 Q. In the manufacture of asbestos cement pipe?

12 A. That is correct.

13 Q. When you headed up the technical control group,
14 did you retain any responsibility regarding fibre
15 management?

16 A. I did.

17 Q. Were they essentially the same responsibilities
18 that you had held earlier?

19 A. That is correct.

20 Q. And what position did you next hold under
21 Certain-teed?

22 A. Unfortunately, there were too many of these
23 titles and so forth that I have had over the years.

24 Q. Let's just talk about substantial changes.

25 A. Well, I guess the most substantial that followed

1 that was the current one I had for several years prior
2 to going on termination was Asbestos Pipe, AC Pipe
3 Coordinator and Fibre Specialist.

4 Q. And what year did you begin that responsibility?

5 A. Approximately 1982, I guess.

6 Q. And in that position, did you also continue to
7 retain responsibility for fibre management?

8 A. Yes, that is correct.

9 Q. Essentially, in the same functions that you had
10 been performing up to that point in that area?

11 A. That is correct.

12 Q. So, is it fair to say that from 1959 to 1980 and
13 even beyond, that you had responsibility for planning
14 the needs for asbestos fibres for the AC pipe division
15 of Keasbey and Mattison and later Certain-teed
16 Corporation?

17 A. That is a fair statement, yes.

18 Q. I would like to ask you some questions now about
19 your knowledge, which is specialized, I understand,
20 about fibre sources and also fibre types. From 1959 on
21 you have told us that you held responsibility for
22 planning the purchase requirements for asbestos, for the
23 AC pipe division of Keasbey and Mattison?

24 A. Yes.

25 Q. And consequently is it, and I think we've already

1 briefly hinted at this, you were familiar with the
2 various types of asbestos before 1959?

3 A. That is correct.

4 Q. And you have already mentioned a number of types,
5 I believe you mentioned chrysotile, crocidolite, and I
6 don't know whether you have mentioned amocite, but you
7 are familiar with amocite fibre, as well?

8 A. Yes.

9 Q. Could you tell me the geographical source of
10 chrysotile fibre?

11 A. The largest deposits of chrysotile fibre are in
12 Canada, Russia, that is the the largest. Crocidolite is
13 mainly in South Africa as well as the amocite.

14 Q. Amocite, as well?

15 A. Yes.

16 Q. You consider Rhodesia South Africa? This is not
17 meant to be a geography test. Technically Zimbabwe, I
18 suppose.

19 MR. LEVIN: Southern Africa.

20 THE WITNESS: Southern Africa, correct.

21 MR. VISSE: Not using national or political
22 determinations.

23 MR. LEVIN: Right.

24 - - -

25

1 BY MR. VISSE:

2 Q. I take it you are familiar with the different
3 characteristics of types of asbestos as they relate to
4 the manufacturing specifications for asbestos cement
5 products, and in particular asbestos cement pipe, is
6 that accurate?

7 MR. LEVIN: Objection. Over broad, vague,
8 no foundation.

9

- - -

10 BY MR. VISSE:

11 Q. Could you describe for me briefly, and I'm
12 speaking now in terms of crocidolite and chrysotile,
13 what the relative advantages are, one over the other, in
14 terms of asbestos cement pipe?

15 A. In a layman's sense?

16 Q. I would particularly appreciate that.

17 MR. LEVIN: Very simple, remember.

18 MR. VISSE: Move to strike.

19 THE WITNESS: The chrysotile fibre is
20 generally a softer, it is a water loving product.
21 It is easily deformed. This is in contrast to
22 crocidolite or blue fibre, which is a harsh
23 fibre, which is not absorbant, water absorbant to
24 the extent that chrysotile is, and it is very
25 difficult to deform. It filters much faster than

1 chrysotile fibre, which is important in a
2 asbestos cement products.

3 - - -

4

5 BY MR. VISSE:

6 Q. And why is that?

7 A. Because if you cannot de-water your slurry, you
8 will get a product that is deformed too much, it is not
9 an acceptable product.

10 Q. Are there any other characteristics of the
11 crocidolite fibre that recommends it to asbestos cement
12 pipe for purposes of strength?

13 MR. LEVIN: Do you mean as opposed to?

14 MR. VISSE: Yes, as opposed to chrysotile.

15 THE WITNESS: An advantage of the blue
16 fibre is it is generally longer, and the longer
17 the fibre, the better the reinforcement. That is
18 a pretty broad statement.

19 - - -

6

20 BY MR. VISSE:

21 Q. And so, in layman's terms, would it be fair to
22 say that by increasing the relative percentage of
23 crocidolite fibre and adding it's longer fibre length,
24 you would also to some extent be increasing the strength
25 value of the asbestos cement pipe?

1 A. Normally, but again in layman's terms, increasing
2 the blue content does increase the cost of the product.

3 Q. So, it is your understanding that the blue fibre
4 is a more expensive fibre?

5 A. Normally, yes.

6 Q. I take it, then, that you are also familiar with
7 the fibre contents of asbestos cement pipe, and let me
8 focus now on the Santa Clara plant, from the time of
9 it's opening, and that would be in what year?

10 MR. LEVIN: Objection, no foundation. Over
11 broad. Vague.

12 - - -

13 BY MR. VISSE:

14 Q. You have already testified that you were familiar
15 with the asbestos requirements at all of the asbestos
16 cement pipe plants, is that correct?

17 A. That is correct.

18 Q. So, I'm asking you now whether you are familiar
19 with the asbestos requirements of the Santa Clara plant?

20 A. Yes.

21 MR. LEVIN: Objection, over broad and calls
22 for speculation as to the time period prior to
23 him having that kind of a job.

24 - - -

25

1 BY MR. VISSE:

2 Q. Did you have any knowledge about the asbestos
3 requirements at the Santa Clara plant prior to 1959?

4 A. Certainly not to the degree I did when I got the
5 responsibility for it.

6 Q. But you did have some, is that correct?

7 A. I knew they had to have asbestos fibre to make
8 the pipe, yes, sir.

9 Q. Did you know in what percentages the asbestos
10 fibre was used in the product at the Santa Clara plant
11 prior to 1959?

12 A. I did.

13 Q. Can you tell me what those relative percentages
14 were?

15 A. In the Santa Clara plant, we were restricted to
16 the diameter for which the pipe was made. We could not
17 make pipe greater than 12 inches in diameter.

18 Q. Was that for the year 1959 until what year that
19 you were restricted to the 12 inch diameter?

20 A. 12 inch diameter was a constant restriction--

21 Q. Throughout the life of the plant?

22 A. Yes.

23 Q. I'm sorry, I didn't mean to interrupt you.

24 A. Contrasting, say making a class 200 pressure pipe
25 in a 12 inch diameter, this would require a greater

1 usage of reinforcing fibre in a length of that pipe than
2 it would for a pipe of say four inch diameter, thin wall
3 building sewer pipe. The amount of reinforcement for
4 that latter pipe would be much less than for the 12 inch
5 200 pressure pipe.

6 Q. Now, you're talking about the relative content of
7 asbestos in the product?

8 A. That is correct.

9 Q. What would have been the maximum percentage of
10 asbestos in any of the products at the Santa Clara
11 plant, and I'm asking now if you have information
12 beginning in 1959?

13 A. The specifications normally did not exceed 20
14 percent for the greatest requirement.

15 Q. And for the products requiring the least amount
16 of asbestos content, that would have been what percent?

17 A. Possibly eleven to twelve.

18 Q. Now, I know this is difficult to do on years, and
19 I would like to be as accurate as we can, but, beginning
20 in 1959, let's say up until the time that you did have
21 responsibility for planning and inventory for asbestos,
22 which was, help me out here, what year?

23 A. With Certain-teed, '62, '63.

24 MR. VISSE: Off the record.

25

- - -

1

- - -

2

(A brief off the record discussion was held.)

3

- - -

4

MR. VISSE: Back on the record.

5

- - -

7

6

BY MR. VISSE:

7

Q. So, your testimony is that from 1959 when you

8

did, in fact, have responsibilities for determining the

9

purchase requirements for asbestos for the AC pipe

10

division, that the maximum asbestos content in the Santa

11

Clara pipe products was about 20 percent, and the

12

minimum would have been between eleven and twelve

13

percent. Do you have any estimation, beginning in

14

1959, for any period of time, whether there were more

15

products having the higher asbestos content than the

16

lower?

17

MR. LEVIN: Objection, vague.

18

MR. VISSE: Pretty vague, but is that at

19

all intelligible to you?

20

THE WITNESS: Yes, it is intelligible.

21

MR. VISSE: Take a crack at it.

22

THE WITNESS: Generally what happened,

23

throughout the history of the pipe, the average

24

diameter of the pipe did increase with time.

25

That is, for example, when they started out maybe

1 we made a lot of four inch and six inch pipe,
2 then three and four dropped out and six and eight
3 became more popular, and as time went on even 12
4 inch became more popular pipe, with a lot of
5 footage being sold, so that indeed while
6 your tonage per year, for example, may have
7 remained essentially level, you used more fibre
8 because your demand was getting to be for a more
9 highly refined pipe, that is, more highly greater
10 requirements for fibre.

11 - - -

12 BY MR. VISSE:

13 Q. Are you able to put any year or approximate year
14 on when, let us say, the six and the eight inch pipe
15 became the predominant product at the Santa Clara plant
16 and the four inch pipe was phased out?

17 A. I would be very hesitant to do that.

18 Q. How about the 12 inch pipe; would you be able to
19 assign a year or an approximate year?

20 A. Well, as far as that goes, that was the highest
21 they could make, so even though the market demanded pipe
22 that would be greater than that, they couldn't supply
23 it. They had to get it from another plant, so their own
24 requirements did go up, but I would not like to say, you
25 know, what the progression was.

1 Q. Fine, we have been talking about, up to this
2 point, about the relevant percentage of asbestos fibre
3 to other elements used in the construction of the
4 asbestos cement pipe. I would like to ask you now about
5 the relevant percentage of fibre types, chrysotile and
6 crocidolite, and could you estimate for me, I believe we
7 began last time from the plant's opening in 1953, what
8 the relative percentage of fibre types was in these
9 products?

10 MR. LEVIN: Objection, calls for
11 speculation, no foundation, over broad. Is this
12 something you know?

13 THE WITNESS: No, my reference was, I
14 believe, that the plant opened in '52, didn't I?

15 MR. VISSE: Beginning in '52, if you
16 prefer, that is fine.

17 THE WITNESS: Yes, would you repeat the
18 question?

19 - - -

20 BY MR. VISSE:

21 Q. The question now is for the Santa Clara plant,
22 beginning in '72, do you have recollection of the
23 relevant percentages--

24 MR. LEVIN: '52.

25 MR. VISSE: '52, the relative percentages

1 of fibre types that were used in the asbestos
2 cement products?

3 MR. LEVIN: Objection, calls for
4 speculation, no foundation, over broad.

5 THE WITNESS: In the broadest sense, if I
6 may, we always, I should not have said always,
7 blue had historically been at the 20 percent
8 level for filtration purposes. As we learned to
9 get better felts in making the pipe, we didn't
10 need as much blue, blue was the most expensive,
11 so the trend was always to use less and less
12 blue. For a short period of time, actually, at
13 Santa Clara no blue was used at all in their
14 production for over a year, but except for that
15 time the trend had been for maybe an average of
16 20 percent blue down to maybe 12 percent blue
17 when they were phased out.

18 - - -

19 BY MR. VISSE:

20 Q. And do you remember when they were phased out?

21 A. The last record of usage, I believe, was in 1982.

22 MR. LEVIN: Obviously, to the extent that
23 there are documents which set out the relative
24 quantities of fibres, I'm going to object to
25 testimony as being not the best evidence.

8

1 MR. VISSE: It is the best evidence which
2 this witness has given, which I'm pleased to
3 receive. Let's take a short break.

4 MR. VISSE: Off the record.

5 - - -

6 (A brief off the record discussion was held.)

7 - - -

8 MR. VISSE: Back on the record.

9 - - -

10 BY MR. VISSE:

11 Q. So, you have indicated that over time, beginning
12 in 1952, when blue fibre constituted about 20 percent of
13 the product at the Santa Clara plant, that that
14 percentage gradually decreased in time until it was
15 about 12 percent when phased out in 1982, is that
16 correct?

17 MR. LEVIN: Same objection as to the
18 calling for speculation and no foundation, and
19 over broad.

20 THE WITNESS: The statement you made was
21 incorrect, not 20 percent of the pipe but 20
22 percent of the fibre blend.

23 MR. VISSE: Thank you. Off the record.

24 - - -

25

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- - -

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(A brief off the record discussion was held.)

3

- - -

4

MR. VISSE: Back on the record.

5

6

7

MR. LEVIN: Just so that it is clear, all of these things are estimates, isn't that correct?

8

9

THE WITNESS: That is exactly what I said, yes.

10

11

MR. LEVIN: You may have lost that estimate quality in the follow-up questions.

12

13

14

MR. VISSE: Then I'll try to make one final stab at a clear statement of what your testimony is.

15

- - -

16

BY MR. VISSE:

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18

19

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21

22

23

Q. Beginning in 1952, the products at the Santa Clara plant constituted, at a maximum, 20 percent asbestos fibre, 20 percent of which would have been blue, and that 20 percent of the asbestos content of the product gradually decreased over time to about 12 percent when it was phased out in 1982, is that accurate?

24

A. That is accurate.

25

MR. LEVIN: Same objections as to no

1 foundation, over broad, calls for speculation,
2 compound.

3 - - -

4 BY MR. VISSE:

5 Q. As you stated earlier, your responsibilities for
6 planning requirements for asbestos fibre continued after
7 1962, and is it fair to say that the relative percentage
8 of asbestos content of the Santa Clara product continued
9 after 1962 as it had been immediately before?

10 MR. LEVIN: Objection vague, ambiguous,
11 over broad. I mean do you mean whether the fact
12 that there was fibre continued or that the same
13 concentration continued?

14 MR. VISSE: The same percentages, which
15 have already been stated.

16 MR. LEVIN: Because he has already said
17 that the percentage changed, and that is why I
18 have trouble with that.

19 MR. VISSE: Let me ask it this way.

20 - - -

21 BY MR. VISSE:

22 Q. Shortly before the transition in 1972--

23 MR. LEVIN: '52.

24 MR. FISHER: '62.

25 MR. VISSE: '62.

1 BY MR. VISSE:

2 Q. Shortly before the transition in 1962, are you
3 able to estimate for me the percentage of fibre that was
4 contained in the asbestos cement pipe product
5 manufactured at the Santa Clara plant?

6 A. Do I know what the actual percentage was in the
7 year, say, 1961 for that mix that they required?

8 Q. Yes.

9 A. I do not have that data.

10 Q. Are you able to give me an estimate of what the
11 percentage of fibre content would have been in 1961?

12 A. I couldn't give you a reasonable answer. I feel
13 good enough with time and a calculator and so forth, but
14 not off the top of my head.

15 Q. Maybe we can do that after the break, then. Do
16 you have memory of what the relative percentage of
17 chrysotile to crocidolite fibres were in the asbestos
18 cement products at the Santa Clara plant before the
19 transition in 1962?

20 MR. LEVIN: Calls for speculation.

21 THE WITNESS: Not to the degree that I can
22 answer that for all products, because it was
23 variable.

24 - - -

25

1 BY MR. VISSE:

2 Q. Is it your recollection that after the
3 transition, that is to say after Certain-teed acquired
4 the facility in 1962, that the relative percentages
5 remained unchanged, and I'm speaking of the relative
6 percentage of chrysotile to crocidolite.

7 MR. LEVIN: Calls for speculation, it is
8 also over broad. He has testified there is a
9 variety of different diameters and thicknesses.

10 THE WITNESS: It did vary with diameter and
11 thickness, but the intent always had been to
12 proportionately reduce the amount of blue.

13 MR. VISSE: Okay, let me try the question
14 slightly differently, then.

15 - - -

16 BY MR. VISSE:

17 Q. Was there anything that happened at the time of
18 the transition in 1962 that causes you to think or to
19 know that the relative percentage of chrysotile to
20 crocidolite fibre changed at that time in any
21 appreciable way?

22 A. I know of no correlation with the change.

23 Q. Was there a period of time at the Santa Clara
24 plant when blue fibre was not being used for an
25 appreciable period of time?

1 A. That is correct, I don't remember the exact year
2 without reference, but there was a time for more than a
3 year that there was no blue used in any of their
4 production.

5 Q. Do you recall any reason why that took place?

6 A. It took place mainly to see if it could be done
7 without detriment to the product.

8 Q. Do you recall what the conclusion of that, if we
9 can call it an experiment, was?

10 A. Well, the conclusion was that we did go back to
11 using blue at the end of that time period in a lesser
12 quantity.

13 Q. Was there a reason why you continued the use of
14 the blue?

15 A. The reason for it is that it does not stay as
16 firm on the mandrel when you did not use blue in the
17 production.

18 MR. VISSE: This might be a good time to
19 break, if you're going to be making a call in
20 five minutes.

21 - - -

22 (A brief recess was held at 3:40 P.M.)

23 - - -

24 MR. VISSE: Back on the record.

25

1 BY MR. VISSE:

2 Q. Sir, I would like to ask you some questions now
3 about contracts that you may have been familiar with
4 regarding fibre purchase during your employment with
5 Keasbey and Mattison. You have already told us that
6 beginning in '59, you were responsible for planning the
7 requirements for asbestos fibre in AC pipe division at K
8 and M and later at Certain-teed. And speaking now of
9 the period from 1959 to 1962, was it your understanding
10 that, well, let me phrase it in an open-ended way; what
11 was your understanding as to the manner in which
12 contracts were arranged for the purchase and supply of
13 asbestos?

14 MR. LEVIN: No foundation, over broad, open
15 ended.

16 MR. VISSE: Let me ask it this way, Mr.
17 Hartman.

18 - - -

19 BY MR. VISSE:

20 Q. During the period 1959 to 1962, when you did have
21 responsibility for planning requirements for asbestos
22 fibre, did you have occasion to review or have access to
23 or make use of purchase contracts for asbestos fibre?

24 A. At that time, I did not.

25 Q. You did not?

1 A. No.

2 Q. Were you aware of any purchase contracts during
3 that period of time from 1953 to '62, for asbestos
4 fibre?

5 MR. LEVIN: Vague, calls for speculation,
6 ambiguous.

7 THE WITNESS: My understanding was whether
8 it was a written contract or not, the fibre
9 requirements were to be satisfied by Turner and
10 Newall.

11 - - -

12 BY MR. VISSE:

13 Q. What is the basis--

14 MR. LEVIN: Move to strike as
15 non-responsive.

16 - - -

17 BY MR. VISSE:

18 Q. What is the basis for your understanding that
19 there was a requirement that Turner and Newall provide
20 the asbestos fibre?

21 A. My understanding was that since they owned the
22 company and were the suppliers, we were to buy the fibre
23 from them.

24 MR. LEVIN: Same objections. No
25 foundation, calls for speculation, over broad.

1

- - -

2

BY MR. VISSE:

3

Q. Given your understanding that it was the

4

requirement that Certain-teed acquire it's, I'm sorry,

5

that Keasbey and Mattison acquire it's fibres from

6

Turner and Newall during this period of time, do you

7

recall whether there were specific procedures that were

8

used year to year, for doing that?

9

MR. LEVIN: Vague, ambiguous, no

10

foundation.

11

THE WITNESS: As I mentioned, my role was

12

to determine what our needs were. The

13

responsibility for seeing that these were related

14

to the proper places was through our president,

15

Robert Porter.

16

- - -

17

BY MR. VISSE:

18

Q. So you would communicate to Mr. Porter the

19

requirements for asbestos fibre?

20

A. Generally, through another vice-president at the

21

time, Mr. Ralph Lanz.

22

Q. How would you spell his name?

23

A. L-A-N-Z.

24

Q. And did you discuss with Mr. Lanz the

25

requirements that you foresaw for the coming year in

1 terms of asbestos fibre?

2 A. Yes.

3 Q. And did you discuss with him the requirements of
4 each plant as you foresaw it for the coming year?

5 A. Normally, he was more interested in the totals,
6 not grade and type.

7 Q. But you were aware of the individual requirements
8 of each plant?

9 A. Oh, yes.

10 Q. Was it your understanding that the contracts at
11 that time, '59 to '62, would specify the grade and
12 amount of fibre required for the coming year?

13 MR. LEVIN: Objection, over broad and no
14 foundation.

15 THE WITNESS: That was my understanding, it
16 was the total amount for the year by grade.

17 - - -

18 BY MR. VISSE:

19 Q. Do you have any knowledge as to who the suppliers
20 were that these contracts were entered in with?

21 MR. LEVIN: Same objections.

22 MR. VISSE: We are speaking of the years
23 '59 to '62.

24 THE WITNESS: Our requirements were given
25 to T and N, now if you mean in regard to what the

1 source of that would be, we could ask, for
2 example, C and G, they would reply if they can
3 supply that total amount or not, and if not, it's
4 substitute would be available.

5 MR. LEVIN: Move to strike as
6 non-responsive.

7 - - -

8 BY MR. VISSE:

9 Q. As I understand your answer, when you would order
10 from Turner and Newall, you would specify the type of
11 fibre that you required, for instance C and G, is that
12 correct?

13 A. May I ask a question?

14 Q. Yes.

15 A. Are you talking about the total requirements for
16 the year or individual releases against the total asked
17 for for the year?

18 Q. You lead me to ask you a further question.

19 MR. LEVIN: I was going to object to the
20 other one as vague, ambiguous and over broad.

21 - - -

22 BY MR. VISSE:

23 Q. Is it your recollection that there were contracts
24 obligating Certain-teed, I'm sorry, obligating Keasbey
25 and Mattison, to acquire their fibre from Turner and

1 Newall for a full year period?

2 A. Yes.

3 Q. And is it further your understanding that--

4 MR. LEVIN: That was no foundation, calls
5 for speculation, over broad.

6 - - -

7 BY MR. VISSE:

8 Q. Is it further your understanding that in the
9 course of that year, covered by a contract, that
10 individual orders would be placed pursuant to that
11 contract?

12 A. Yes.

13 Q. And the individual orders would specify the grade
14 of fibre being requested, is that correct?

15 A. That is correct.

16 Q. These purchase orders were issued to Turner and
17 Newall you indicated?

18 A. As far as the purchase orders are concerned?

19 Q. Yes.

20 A. I would have to defer to another department for
21 that.

22 Q. What department would that be?

23 A. Purchasing.

24 Q. And do you know what during the period 1959 to
25 '62, who in purchasing would have handled the orders

1 directed to Turner and Newall?

2 A. In that time period, to the best of my
3 recollection, it was James Durkin.

4 Q. During the period 1959 to 1962, did you prepare
5 the purchase orders?

6 A. I did not.

7 Q. Do you know who did prepare those?

8 A. As I just mentioned, I think that was James
9 Durkin.

10 Q. I'm sorry, thank you.

11 Q. Did you have any part in the preparation of the
12 purchase order during the years 1959 to '62?

13 A. No, sir.

14 Q. Did you supply any of the information--

15 A. Yes.

16 Q. --that was incorporated into the purchasing
17 order?

18 A. Yes.

19 Q. Did you have opportunity to review the purchasing
20 order for accuracy or for any other reason?

21 A. No.

22 Q. Did you ever see any of the purchasing orders
23 from 1959 to 1962?

24 A. I don't remember.

25 Q. Are you familiar, and speaking again of the

1 period 1959 to 1962, are you familiar of the process
2 that would ensue once the purchase orders were sent to
3 Turner and Newall?

4 A. I don't understand the question.

5 MR. LEVIN: Objection.

6 - - -

7 BY MR. VISSE:

8 Q. Are you aware, again speaking 1959 to 1962, of
9 any of the provisions of the purchase order other than
10 those parts which indicated fibre types and fibre
11 amounts being requested?

12 MR. LEVIN: Objection, no foundation, calls
13 for speculation. Vague.

14 THE WITNESS: Yes, I do not know.

15 - - -

16 BY MR. VISSE:

17 Q. You do not know any other parts of the purchase
18 order other than the ones indicating amount and fibre
19 type?

20 A. Correct, that is right.

21 Q. Are you aware in speaking for the period '59 to
22 '62 of other suppliers to whom purchase orders were sent
23 for asbestos fibre for use in the asbestos pipe
24 facility, asbestos cement pipe facility.

25 MR. LEVIN: Other than?

1 MR. VISSE: Other than Turner and Newall.

2 THE WITNESS: No. I'm hesitating because
3 Turner and Newall did control other fibres that
4 T and N did receive. Now, what routing they may
5 have taken to anyone else, for example, Cassiar,
6 I don't remember.

7 MR. LEVIN: First of all, I move to strike
8 as non-responsive and interpose an objection as
9 to foundation, no foundation, over broad.

10 - - -

11 BY MR. VISSE:

12 Q. When you say the Turner and Newall controlled
13 other fibres, are there any that you have in mind?

14 MR. LEVIN: You know, we are in, again, the
15 realm of things that you are being asked to talk
16 about things that may be beyond the scope of what
17 you actually did and knew, and you may be
18 deriving conclusions about things that you are
19 not really in an appropriate position to draw.
20 I'm not telling you how to answer a question, I
21 just wanted you to know that I think he is asking
22 you to form legal conclusions and factual
23 conclusions, that I think there is not a proper
24 foundation for, which is why I make those
25 objections.

1 MR. VISSE: And before you answer anything,
2 sir, to simply clarify it, it is not my intention
3 to ask you legal conclusions at all. I'm simply
4 following up on a statement that you made
5 earlier, when I had asked you whether you knew
6 for the period '59 to '62, whether orders for
7 asbestos fibre had been sent to anyone other than
8 Turner and Newall, and you responded that Turner
9 and Newall had some influence over other sources
10 of fibre. I was asking for clarification as to
11 what you meant by that.

12 MR. LEVIN: Right, and I think all of it I
13 move to strike as non-responsive, because it is a
14 departure from the original point of question as
15 to whether anyone else got orders, purchase
16 orders, into areas where I think there is not a
17 proper foundation for responses, and there isn't
18 even a question pending.

19 THE WITNESS: I had replied I did not know
20 the path of the paperwork but did indicate that
21 it was general knowledge not legal, that, for
22 example, T and N did have interests, for example,
23 in Bell.

24 MR. LEVIN: But he didn't ask you that.

25 THE WITNESS: He asked were there any other

1 purchase orders that went out.

2 MR. LEVIN: That is right.

3 THE WITNESS: My statement was I wasn't
4 sure of the path which they followed.

5 MR. LEVIN: I think that is a full and
6 complete answer to that question, and if he wants
7 to ask you about anything else, he can.

8 MR. VISSE: And I will.

9 MR. LEVIN: And he will.

10 MR. VISSE: Let's approach this from a
11 slightly different tract.

12 - - -

13 BY MR. VISSE:

14 Q. It appears from the period 1959 to 1962, you were
15 aware that asbestos fibres came for use by Certain-teed
16 Asbestos Cement Pipe Facilities from Turner and Newall,
17 is that correct?

18 A. That is correct.

19 Q. Are you aware of whether asbestos fibres during
20 the period 1959 to 1962 came from any other sources for
21 use by the K and M asbestos cement pipe facilities?

22 A. Yes.

23 Q. And could you tell me what those sources were?

24 A. As an example, would be Cassiar.

25 MR. LEVIN: You can tell him all of the

1 ones that you can.

2 MR. VISSE: You can tell me all of those
3 that you recall.

4 THE WITNESS: C and G, TAK. I would like
5 to ask a question. You asked in '59 to '62, is
6 this restricted to the pipe plants?

7 MR. VISSE: No, to any of K and M's
8 facilities.

9 THE WITNESS: There was a small amount then
10 of Bell fibre.

11 - - -

12 BY MR. VISSE:

13 Q. As far as you know, was any of the Bell fibre
14 delivered to the Santa Clara plant?

15 A. Not to my knowledge.

16 Q. I'm going to come back a little later to the
17 fibre types in what I hope will be a quick review, so
18 I'm not going to ask you about those right now. I would
19 like to ask you some questions now about contracts for
20 fibre purchase during your employment with Certain-teed,
21 that is from 1962 on. And so I'm not speaking now of
22 any earlier period of time.

23 A. Okay, I understand.

24 Q. Beginning then in 1962 with the transition, you
25 continued your responsibility for planning the

1 requirements of asbestos fibre for the asbestos cement
2 pipe production, is that right?

3 A. Yes.

4 Q. Did you see any contracts regarding the purchase
5 of asbestos fibre by Certain-teed from Turner and
6 Newall?

7 A. I was aware of and did indeed read a pertinent
8 paragraph that had to do with the obligation of
9 Centain-teed to T and N, as far as their fibre is
10 concerned. This relates specifically to the time period
11 which I had mentioned earlier, when I had responsibility
12 for technical services.

13 Q. Just to refresh our recollection, what time
14 period was that?

15 A. That was '74, in the vicinity of.

16 Q. That is when you read the contract?

17 A. That is when I wanted to become sure that it
18 would be possible to investigate other fibre sources
19 throughout the world without running afoul of any
20 agreements that may have been made.

21 Q. And your interest in reading that particular
22 contract was because it, to your understanding,
23 contained provisions that you did not want to run afoul
24 of?

25 A. That is correct.

1 MR. LEVIN: Objection, no foundation.

2 MR. VISSE: I would like to show the
3 witness a copy of an agreement dated April 16,
4 1962, between Turner and Newall, Limited, a
5 United Kingdom Corporation, and Certain-teed
6 Corporation, a Maryland Corporation, which I have
7 already shown to Mr. Levin, and which I'll again
8 hand to him now.

9 - - -

10 (Mr. Levin peruses the document.)

11 - - -

12 MR. VISSE: And ask the witness if the
13 second page contains the paragraph to which he
14 was referring.

15 MR. LEVIN: Well, since 1974 is when he
16 said he saw the contract, and this is 1962, it
17 seems to be impossible right at the outset.

18 MR. VISSE: The impossibility is cured by
19 referring to the final pages of this contract
20 which contain continuing agreements holding in
21 force the provisions of the original contract.

22 - - -

23 (Mr. Levin peruses the document.)

24 - - -

25 MR. VISSE: Off the record.

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(A brief off the record discussion was held.)

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MR. LEVIN: Back on the record. I just want to say that this is something Mr. Visse brought to the deposition. I don't know whether it is an accurate copy of anything, and it has got markings on it which are obviously not part of the original. It certainly is apparent, this is not by way of legal objections this is just by way of observations of the document, that we should put in at the time we put in the document so that it is clear, it is obvious that Mr. Hartman was not a signatory to the contract nor a witness to the signature, a witness to the contract being signed. It is probably also fair to say that there is no way of establishing even after we ask him whether he has ever seen anything that this purports to be a copy of, let alone this.

With the understanding that all of my legal objections are preserved, why don't you go ahead, preserved until the time of trial at which time I'll make all of those objections.

MR. VISSE: It might be possible at this

1 point to obtain a copy of the original of this
2 document, since we sit here in the very
3 headquarters where such documents might be
4 preserved, and I would be more than welcome to
5 have a copy of that attached as the exhibit and
6 examined by the witness, but, for purposes of
7 proceeding apace and concluding this so that
8 the witness can get home on time, I would like to
9 at this time to just refer to this one, and we
10 can compare them with any others that might be
11 here later on.

12 MR. LEVIN: Just if you can ask him that
13 language in this and ask him to recall whether
14 that is what he has ever seen concerning the
15 events that we are talking about occurred a long
16 time ago, and we don't know where that came from.
17 It seems there is all kinds of authenticity to
18 best evidence problems, foundational,
19 admissibility problems. Maybe he'll say he has
20 never seen anything like this before, and that
21 will make it simpler.

22 MR. VISSE: He may, but they are
23 authenticity and best evidence problems best
24 cured by comparing this copy to whatever records
25 might be on file here.

1 MR. LEVIN: Where did you get this? That
2 would be an important clue to finding out whether
3 or not it was a copy of something made by
4 Certain-teed of something they have, as opposed
5 to something, you know, something else.

6 MR. VISSE: It was produced in discovery, I
7 can't tell you right now in what.

8 MR. LEVIN: By whom?

9 MR. VISSE: Or by whom, but we'll be able
10 to clarify that on the record later.

11 - - -

12 BY MR. VISSE:

13 Q. My question for you now, sir, is as you look at
14 this document, whether this appears to be the document
15 that you just referred to a moment ago when you were
16 referring to an agreement between Certain-teed and
17 Turner and Newall regarding long term requirements for
18 the purchase of asbestos fibre?

19 A. It would appear in the portion that I had the
20 greatest interest in, that at least that portion of it
21 is as I remember what I had read previously.

22 Q. And the portion that you are referring to is that
23 on page three of this document?

24 A. Yes, that is correct.

25 Q. You stated that you reviewed this document in

1 1974?

2 A. As I remember, yes.

3 Q. And the document on it's first page states that
4 it was entered into in 1962 for a two year period and
5 contains, I'm sorry, for a ten year period, and contains
6 additions at the back extending that for a number of
7 years. Is it your recollection then that this agreement
8 was in effect in 1974 as you were reviewing it?

9 A. Yes.

10 MR. LEVIN: Same objections as to this
11 agreement being vague and ambiguous and lacking
12 foundation.

13 - - -

14 BY MR. VISSE:

15 Q. Do you have any information as to where the
16 original or the copy that you were referring to in '74
17 is kept or retained?

18 A. I do not know where.

19 Q. And do you recall where it was that you were
20 reviewing the document?

21 A. My recollection is that it did come from the
22 legal department.

23 Q. And were you provided with a copy for keeping
24 yourself in your office?

25 A. I really don't remember. My main part, as I

1 said, was only interest in could I investigate other
2 fibres and this said you could, and that was my
3 interest.

4 Q. Could you describe in a little more detail what
5 your interest was?

6 A. I felt it was important that Certain-teed know
7 all it can about potential fibre sources throughout the
8 world. This document said we could investigate other
9 sources. We were not restricted to having to -- I just
10 wanted to proceed legally to get samples to look at
11 other fibres.

12 Q. As you read the document, were there any other
13 requirements in locating, in negotiating with other
14 sources?

15 MR. LEVIN: It misstates his testimony as
16 to having read the document.

17 - - -

18 BY MR. VISSE:

19 Q. As you read the portion of the document, which
20 you have been describing to us, was it your
21 understanding in reading it that there were any other
22 requirements in locating and negotiating with other
23 sources the asbestos fibre?

24 A. It is very clear from the document that indeed if
25 we did find another potential source that would be

1 favorable for production, it was contingent on us to so
2 notify Turner to give them the opportunity to see if
3 they could have met the price.

4 Q. Did you then, in fact, locate other sources for
5 asbestos fibre?

6 A. Other samples were looked at. I really can't
7 recall right now what any immediate change or potential
8 change came up. I don't know.

9 Q. Do you recall arranging for the purchase of
10 asbestos fibre from suppliers other than Turner and
11 Newall after your review of this document and
12 investigation of other samples?

13 MR. LEVIN: Objection it is vague, over
14 broad, and it is inconsistent with his prior
15 testimony as to all of the other suppliers that
16 were suppliers.

17 MR. VISSE: Go ahead.

18 THE WITNESS: What really happened at the
19 same time framework, our demands had increased so
20 that other sources had to be gotten anyway in
21 order to meet the total demand, so, it was good
22 in the sense we did know something about other
23 suppliers, because they could not all be met by T
24 and N anyway.

25 MR. LEVIN: Just for clarification, it is

4 1 apparent that throughout the history of
2 Certain-tyed that there were always numerous
3 other suppliers and somehow we've gotten off on
4 the fact of referring to a number of suppliers as
5 T and N who were actually separate suppliers,
6 and I don't know what kind of confusion that will
7 create in the record, particularly for people not
8 present in this room who will be reading the
9 record, but I just want to point out that the
10 term Turner and Newall has been used very loosely
11 to describe bulk itself, and for what other
12 reason--

13 MR. VISSE: I move to strike Mr. Levin's
14 comments as to testimony--

15 MR. LEVIN: I'll object on the basis of my
16 speech to the characterization of any question or
17 answer that has Turner and Newall characterized
18 as anything other than itself, and will move to
19 strike or modify either the question or answer
20 that seems to imply that Turner and Newall is
21 anything other than Turner and Newall.

22 MR. VISSE: I think there is enough
23 ambiguity in those motions that I won't even
24 respond.

25 - - -

1 BY MR. VISSE:

2 Q. It is your understanding then, Mr. Hartman, that
3 in addition to this multi-year contract that we have
4 been speaking about, there were also one-year contracts
5 between Certain-teed and Turner and Newall regarding the
6 purchase of asbestos fibre, is that correct?

7 A. That is correct.

8 Q. And that these yearly contracts continued for a
9 period of time during this multi-term contract?

10 A. Yes, with the understanding as I tried to mention
11 earlier, that as total demands increased, the necessity
12 to adhere to the contract became less and less binding
13 because other sources had to be brought into the usage
14 domain.

15 Q. And how long during--

16 MR. LEVIN: Move to strike those portions
17 that are non-responsive.

18 - - -

19 BY MR. VISSE:

20 Q. How long did Certain-teed continue to use the
21 device of annual contracts to arrange for asbestos
22 fibre?

23 A. I don't remember when it was terminated,
24 altogether.

25 Q. Was it terminated sometime in the last five

1 years, for instance?

2 MR. LEVIN: The past five years?

3 MR. VISSE: Yes.

4 MR. LEVIN: No foundation, calls for
5 speculation.

6 THE WITNESS: Same, sorry. I wouldn't know
7 how to answer that completely.

8 - - -

9 BY MR. VISSE:

10 Q. Is it your recollection that annual contracts
11 continue to be used up until say 1980?

12 A. I don't know. I don't think so.

13 Q. You think it was sometime before that?

14 A. Yes.

15 - - -

16 (Witness peruses documents from briefcase)

17 - - -

18 Q. Do you have any idea how long before that?

19 A. No.

20 Q. Would you like to show me something that would--

21 MR. LEVIN: I have an extra set if you
22 want.

23 THE WITNESS: Yes.

24 (Mr. Levin hands documents to the witness.)

25 - - -

1 BY MR. VISSE:

2 Q. Mr. Hartman, you produced at your prior
3 deposition, I think there were nine pages of handwritten
4 charts recording the various types of asbestos fibres
5 that were used, received, or on inventory at the Santa
6 Clara plant for the years 1962 through 1982 on a monthly
7 basis?

8 MR. LEVIN: Actually, what happened was
9 Certain-teed supplied these documents which later
10 became exhibits to Mr. Dibble, in advance of the
11 deposition, and then they were just referred to
12 in the deposition. It wasn't Mr. Hartman that
13 produced them. It was Certain-teed that produced
14 them in response to discovery in advance of the
15 deposition.

16 MR. VISSE: Thanks for the clarification.

17 - - -

18 BY MR. VISSE:

19 Q. Were these documents that we are referring to
20 prepared by you, these nine pages of handwritten charts?

21 A. Yes.

22 Q. And were they prepared by you as you became aware
23 of the purchases and the usages that are reflected in
24 those charts?

25 A. Yes.

1 MR. LEVIN: Completely?

2 THE WITNESS: At the time of the --

3 - - -

4 BY MR. VISSE:

5 Q. I'm referring now only to the nine page ones that
6 were, I believe, marked Exhibit-1.

7 MR. VISSE: I don't know if it was
8 plaintiff or defendant.

9 MR. LEVIN: Plaintiff's 1-A through--

10 MR. VISSE: 1-I.

11 THE WITNESS: Excuse me, to clarify
12 something, legalistic and everything else, if
13 your question was did I do this every month as
14 the data was available, normally, yes. If I was
15 out on vacation, maybe I missed a month and
16 picked it up the next month, they were
17 simultaneous with the dates.

18 MR. VISSE: That clarification helps.

19 - - -

20 BY MR. VISSE:

21 Q. So as far as you're concerned given your
22 responsibilities for maintaining inventory of fibres,
23 these were kept in the ordinary course of your business,
24 is that correct?

25 A. That is correct.

1 Q. They are, to the best of your knowledge,
2 accurate?

3 A. They are accurate. They were used as a basis for
4 reporting to the government, as we were compelled to do
5 each year. Your question was were they accurate. I
6 said they had to be.

7 Q. What office of the government were you--

8 MR. LEVIN: I think when you can you should
9 stick to the yes or no. You don't have to
10 apologize to me, he just can't resist follow up
11 questions, even if they don't lead anywhere, so
12 keeping that quality in mind, you have to try and
13 keep him on the beaten track.

14 MR. VISSE: At the earliest opportunity
15 when I detect they're not going to lead anywhere
16 I'll refrain.

17 - - -

18 BY MR. VISSE:

19 Q. What office of the government were you required
20 to make these reports to?

21 A. I think it is the Department of Commerce, Bureau
22 of Mines.

23 Q. Do you remember when you were first required to
24 do that, what year?

25 A. I do not remember.

1 Q. Do you remember when you were last required to do
2 that?

3 A. Last requirement was the year 1985.

4 Q. Do you recall where the reports that you were
5 required to submit to the Bureau of Mines were they on
6 forms that were provided by the Bureau of Mines?

7 A. Yes.

8 Q. Do you remember where you sent those? I'm sorry,
9 I should ask you first if you were the person who sent
10 those reports?

11 MR. LEVIN: Why start now?

12 THE WITNESS: I did prepare the reports.

13 - - -

14 BY MR. VISSE:

15 Q. Do you recall to what office at the Bureau of
16 Mines they were sent?

17 A. No.

18 Q. Was it in California, Colorado, Washington?

19 A. Washington.

20 Q. Was there a particular department that you
21 remember sending them to?

22 A. I think it was a pre-addressed envelope as I
23 remember now. I don't remember the address.

24 Q. And do you remember in general the content of the
25 report that was required, what information it asked for?

1 A. The content was the beginning inventory, the
2 receipts, the usage, and the ending inventory of fibre
3 grades, both chrysotile and crocidolite.

4 Q. Did it also ask for amosite?

5 A. If you used it, you were to record it.

6 Q. Did it ask for any other asbestos fibre grade
7 that you can recall?

8 A. Not that I am aware of.

9 Q. Do you remember in what decade you were first
10 required to file these reports, the '60's, '70's, '80's?

11 A. As I recall the '70's.

12 Q. And do you recall if they were filed monthly?

13 A. No, annually.

14 Q. Annual, I'm sorry, thank you.

15 MR. LEVIN: Can we take a short break?

16 MR. VISSE: Yes, a short break.

17 - - -

18 (A brief recess was held at 4:40 P.M.)

19 - - -

20 MR. VISSE: Back on the record.

21 MR. LEVIN: Yes, back on the record. I am
22 determined as I can be to make sure that this
23 record is impeccably clear. There has been some
24 testimony which has already been commented on
25 about relationships and lack of relationships

1 between various companies, including Turner and
2 Newall and other companies. There is allegations
3 in different lawsuits, the parameters of which we
4 don't need to go into, but to say that those
5 legal issues are to some extent at issue in
6 cases. Mr. Hartman is not really an expert to
7 comment on any of those relationships and doesn't
8 have any first hand knowledge of any evidence
9 that has anything to do with any of those
10 relationships, and without trying to muddy up the
11 record with arguments that don't belong here, I
12 just want to say that we would object to any
13 question and answer that has to do, that goes
14 into those areas that doesn't have a proper
15 foundation of personal knowledge on the part of
16 Mr. Hartman, and that to the extent that counsel
17 is comfortable with the record as it is, that is
18 fine. I just want to let him know I'm
19 interposing an objection to all of those
20 questions to the extent that any of them weren't
21 already covered by my prior objections.

22 MR. VISSE: I'll move to strike the
23 prefatory comments preceding the objection, and
24 leave it at that for the time being.

25 MR. LEVIN: You just have to start out the

1 break with an objection, fresh from the break.

2 - - -

3 BY MR. VISSE:

4 Q. Mr. Hartman, do you have with you today any
5 documents from the Bureau of Mines?

6 A. I do not.

7 Q. And I would like to have the opportunity to
8 review briefly, as we conclude this deposition, the
9 documents which you have brought with you, and if it is
10 necessary to ask one or two brief questions on them, and
11 as time permits, to do that as well, but that is
12 certainly my hope, that it won't prolong things.

13 MR. LEVIN: Whatever. He has brought to
14 the deposition things he was asked to bring, and
15 anything else that he might have brought seems to
16 me to be beyond the scope of the deposition. We
17 would have to look at them to see. The New York
18 Times is not pertinent.

19 - - -

20 BY MR. VISSE:

21 Q. When we took a break, we were on a detour to the
22 Bureau of Mines, and returning now to the exhibit
23 consisting of nine pages that was produced at your last
24 deposition, and which contains figures for stocks and
25 receipts and usages at Santa Clara plant of asbestos

1 fibre, the figures which you have entered into your
2 handwritten summaries came from what source?

3 A. They came from a monthly report from the plant to
4 the, mainly generated for the financial department, that
5 was known as the Raw Material Inventory Report.

6 Q. And for the Santa Clara plant, who was the person
7 responsible for preparing that raw material inventory?

8 A. And I should specify the years here, I believe,
9 the years for your summaries--

10 MR. LEVIN: '62.

11 MR. VISSE: Go from '62 to '82?

12 THE WITNESS: That is correct.

13 - - -

14 BY MR. VISSE:

15 Q. Was there one individual who was responsible
16 during that time for preparing the raw material
17 inventory at the Santa Clara plant?

18 A. I do not know specifically who the individual
19 was.

20 Q. Do you know the names of any of the individuals
21 who prepared those during that period of time?

22 A. Possibly. I would more relate to function,
23 normally the office manager's responsibility.

24 Q. Do you know whether any of the raw material
25 inventories from the Santa Clara plant have been

1 retained?

2 A. No, I do not.

3 Q. Do you know if it was company policy for
4 retaining such records?

5 A. There probably was, I do not know the schedule.

6 Q. Fine.

7 Q. Was the same procedure used for receiving and
8 recording the raw material inventories from plants other
9 than Santa Clara asbestos cement pipe plant?

10 A. Yes.

11 Q. Was it done for all of those plants?

12 A. Yes.

13 Q. And moving now to the other document that was
14 produced at your previous deposition and was entitled
15 Plaintiffs Exhibit-2, which is a one page summary, which
16 was typed.

17 MR. LEVIN: Do you have yours?

18 THE WITNESS: No.

19 MR. VISSE: And which summarized the
20 receipts of various types of asbestos at the
21 Santa Clara plant for the years '63 through '79.
22 and at the Riverside plant for the years '65 to
23 '79, on an annual basis.

24 MR. LEVIN: Do you want him to look at the
25 old one?

1 MR. VISSE: Yes. If he would look at that
2 briefly.

3 MR. LEVIN: I don't think mine has it.

4 MR. FISHER: I have it here.

5 (Mr. Visse hands documents to Mr. Levin and the
6 witness who peruses same.)

7 MR. VISSE: Before we look at that, we were
8 speaking earlier of previously marked Plaintiffs
9 Exhibit 1-A through 1-I, and I would like to
10 attach those as Plaintiffs Exhibits of the same
11 number to this deposition, as well as the
12 document I have just described, the one page
13 typed tabulation as Plaintiffs Exhibit-2 to this
14 deposition, as it was numbered in the previous
15 deposition, and I understand that you have
16 compiled an additional document that corresponds
17 to Plaintiff's Exhibit-2, I'm sorry, that you
18 have revised Plaintiff's Exhibit-2 to add a
19 number of years and to delete some information as
20 is already described on the record.

21 MR. LEVIN: I have objections to --
22 separate objections. I have an objection, let's
23 start with the easiest and most obvious. I have
24 an objection to the attachment of the previous
25 Plaintiffs Exhibit-2 from the 1984 deposition,

17
1 because it is not a -- it is hearsay, it is
2 merely a summary that was compiled not
3 contemporaneous with the events that occurred.
4 It is not a business record. It is
5 unauthenticated hearsay. It is, also, has
6 information contained on it that was not prepared
7 by Mr. Hartman, that was prepared by counsel, in
8 order to make life easier for other attorneys in
9 the litigation at an earlier date, so I object to
10 the prior Plaintiffs Exhibits-2.

11 MR. VISSE: Without interrupting you, Bill,
12 if you are finished with your objections on that
13 exhibit, I would just like to ask a few brief
14 questions of the witness that may be relevant to
15 answering those objections if that becomes
16 necessary.

17 MR. LEVIN: Fine.

18 MR. VISSE: Do you have any other
19 objections to that?

20 MR. LEVIN: To the prior Plaintiff's
21 Exhibit-2?

22 MR. VISSE: Yes.

23 MR. LEVIN: No.

24 MR. VISSE: Then we'll come back to your
25 other objections.

1 MR. LEVIN: Fine.

2 - - -

3 BY MR. VISSE:

4 Q. I'm referring now to Plaintiff's Exhibit-2, which
5 was also attached to your prior deposition, October '84,
6 and you prepared this table drawing on information and
7 your handwritten records Exhibits 1-A through 1-I, is
8 that correct? In other words, the figures in Exhibit-2
9 represent tabulations from Exhibit 1-A through 1-I, is
10 that right?

11 A. I don't think so, because it stopped at 1979,
12 whereas 1-A through 1-I would have gone higher. This
13 must have been an earlier tabulation that was shrunkated
14 before the last thing was completed here.

15 Q. Did you prepare Exhibit-2?

16 A. As I recall, I did.

17 Q. Do you recall when you prepared it?

18 A. Not really.

19 Q. Do you recall--

20 A. It must have been 1980.

21 Q. It was not immediately prior to your previous
22 deposition in 1984 then?

23 A. That is correct.

24 Q. Was there a reason that you prepared Exhibit-2 in
25 what you think may have been 1980?

1 A. Oh, other than it is any summary is much easier
2 to evaluate than a series of raw data.

3 MR. LEVIN: I think he wants to know if
4 there was a precipitating event that caused you
5 to prepare the summary. Did anybody ask you to
6 prepare it, or was it prepared for a specific
7 reason?

8 THE WITNESS: I don't remember.

9 MR. LEVIN: Off the record.

10 - - -

11 (A brief off the record discussion was held.)

12 - - -

13 MR. VISSE: Back on the record. Continuing
14 now on the record.

15 - - -

16 BY MR. VISSE:

17 Q. Referring now again to Exhibit-2, this shows only
18 the receipts of fibre, is that correct?

19 A. That is correct.

20 Q. That means tons received?

21 A. Short tons, yes, sir.

22 Q. Short tons being--?

23 A. Two thousand pounds.

24 Q. Now, on Exhibit-2 there are some handwritten
25 notations at the bottom of each column, and those

1 handwritten notations are not yours, is that correct?

2 A. That is correct.

3 Q. Do you know whose notations those are?

4 A. I don't know for sure.

5 Q. Okay, do the notations, which are intended
6 apparently to indicate source and method of
7 transportation, accurately represent what you know of
8 the source and manner of transportation for the fibres
9 indicated in those columns?

10 MR. LEVIN: Objection. No foundation,
11 calls for speculation as to the method of
12 transportation. It is also over broad in that
13 it implies as to each column that everything was
14 always done the same way for many years, probably
15 25 years or so, 20 years.

16 THE WITNESS: Your question to me about the
17 country of origin certainly does look correct.
18 The others look reasonable. I do not know if
19 they are completely accurate.

20 MR. VISSE: Thank you. Off the record.

21 - - -

22 (A brief off the record discussion was held.)

23 - - -

24 MR. LEVIN: I want to complete my
25 objection. It is a hearsay, it is an objection

1 to Exhibit-2 as being hearsay, unauthenticated,
2 not the best evidence, and it is also work
3 product, because it was obviously prepared in
4 connection with litigation at the request of
5 counsel, to facilitate communication, but it was
6 not intended to substitute as an original
7 document, corporate record of Certain-teed, as a
8 matter of evidence to be admitted to show the
9 truth of the facts contained herein.

10 - - -

11 BY MR. VISSE:

12 Q. In answer to those objections, just one question,
13 you did prepare this document, sir? You did prepare
14 this document apart from the handwritten notations at
15 the bottom?

16 A. That portion, yes.

17 Q. Fine, and do you know where the original of this
18 document is retained?

19 A. No, I really don't, because that may have been
20 extended for these additional. The original may have
21 been the one from which these additional were added on.

22 I can't answer it, because I'm not sure.

23 Q. Without considering the additional years not
24 reflected on Exhibit-2 do the facts on here, are these
25 facts accurate to the best of your knowledge?

1 MR. LEVIN: I'll object to that. The
2 original documents from which this summary is
3 derived speak for themselves. Anybody can make a
4 comparison to determine whether they are the same
5 or different.

6 - - -

7 (Witness perusing two documents.)

8 - - -

9 THE WITNESS: As you stated, with the
10 exception of the additional ones, these are the
11 same.

12 MR. LEVIN: And the handwritten notes?

13 THE WITNESS: Well, this only covers Santa
14 Clara.

15 MR. VISSE: Off the record.

16 - - -

17 (A brief off the record discussion was held.)

18 - - -

19 MR. VISSE: Back on the record. Plaintiffs
20 Exhibit 3-A through 3-I and Exhibit 4, Exhibits
21 from the other deposition.

22 - - -

23 (Exhibits 3-A - 3-I, and 4 marked for identification.)

24 - - -

25 MR. LEVIN: I'll just object to all of them

1 as hearsay, and unauthenticated.

2 MR. VISSE: We would like to introduce as
3 exhibits to the deposition nine pages of
4 tabulations of fibre usage for the Santa Clara
5 plant covering the years 1962 through 1982. The
6 nine pages should be marked in order, from 1982
7 back through the page for 1962 to '63 as
8 Plaintiff's Exhibits A through I, 1-A through
9 1-I.

10 MR. LEVIN: It is a best evidence
11 objection.

12 MR. VISSE: We would like to enter a chart
13 brought by the deponent and mark it as
14 Plaintiff's Exhibit-4, which is a tabulation of
15 the charts, 3-A through 3-I, and summarizes the
16 receipts of fibre at the Santa Clara plant for
17 the years 1963 through 1982.

18 MR. LEVIN: I have the same objection to
19 that as to the old exhibit to the extent it is
20 hearsay, it is not authenticated, it is not a
21 business record, and it was prepared in
22 connection with litigation. That is it.

23 MR. VISSE: Okay.

24 - - -

25

1 BY MR. VISSE:

2 Q. Okay, Mr. Hartman, what we've designated as
3 Plaintiff's 3-A through 3-I are simply better copies of
4 Plaintiff's Exhibit 1-A through 1-I, to your last
5 deposition, is that correct?

6 A. I'm not sure I understand the word "better".

7 Q. More legible.

8 MR. LEVIN: You really just have to answer
9 whether or not they are copies, whether or not
10 they are better or not--

11 MR. VISSE: That is really all I'm asking
12 you is whether they are copies.

13 THE WITNESS: Yes, they're copies.

14 - - -

15 BY MR. VISSE:

16 Q. And Plaintiff's Exhibit-4 is a copy of
17 Plaintiff's Exhibit-2, with the omission of the
18 Riverside plant figures and the handwritten notations at
19 the bottom of Plaintiffs Exhibit-2 and the addition of
20 some years that were missing from Plaintiffs Exhibit-2,
21 is that correct?

22 A. Yes, that is correct.

23 Q. Looking at Plaintiff's Exhibit-4, looking across
24 the top column, we see at the far left hand side
25 Cassiar, could you tell me what Cassiar represents?

1 A. Each number in that column represents the tonage
2 by year of the totality of Cassiar fibres that came into
3 the Santa Clara plant.

4 Q. Do you know the country of origin for these
5 Cassiar fibres?

6 A. Yes.

7 Q. What was that?

8 A. It was Canada.

9 Q. This column of Cassiar fibres is a compilation of
10 the columns on Exhibit 3-A through 3-I, which are headed
11 AK, AZ, is that correct?

12 A. Or any other Cassiar fibre, which may show up.

13 Q. AX?

14 A. Yes, CT, CY, any Cassiar fibre would be shown in
15 that year.

16 Q. For clarity's sake could you simply run through
17 the list of possible designations for Cassiar fibres
18 that appear on Exhibit 3-A through I?

19 A. They would include AC, AK, AX, AY, AZ, CP, CY,
20 CT, that should be all.

21 Q. What type of fibre is the Cassiar fibre?

22 A. The Cassiar fibre is a chrysotile.

23 Q. In looking at the next column on Plaintiffs
24 Exhibit-4, we see the letters all in capitals TAKBTAD
25 what type of fibre were these?

1 A. Crocidolite fibre.

2 Q. And what was the country of origin for these
3 fibres?

4 A. South Africa.

5 Q. And it is clear to your understanding that the
6 country of origin for all of these fibres in this column
7 was South Africa and not any other countries in Africa?

8 A. Yes, except with the one exception where I have
9 footnote for a modest amount of experimental fibre that
10 I just walked into that usage.

11 MR. LEVIN: That is 1972?

12 THE WITNESS: If I had a ruler, I think
13 that is what it was, yes.

14 - - -

15 BY MR. VISSE:

16 Q. This column, TAKBTAD, is a compilation of which
17 columns in Exhibit 3-A through I?

18 A. It would be the same compilation any time where I
19 said TAK and BTAD.

20 Q. Would it include any fibres designated TAL?

21 A. Yes, it would.

22 Q. And any others?

23 A. There is so little of it, I had forgotten about
24 that. No others should have been except those normally.

25 Q. And do you know which supplier provided the TAK,

1 the BTAD and the TAL fibres?

2 A. Those designations meant a Turner fibre.

3 Q. Looking at the next column we have C and G, what
4 type of fibres were those, sir?

5 A. That is a chrysotile fibre.

6 Q. What is the country of origin for those
7 chrysotile fibres?

8 A. In the years shown that was known as Rhodesia,
9 now known as Zimbabwe.

10 Q. Would you happen to know the names of any of the
11 mines from which those fibres originated?

12 A. My understanding was that was the name of the
13 mine, Consolidated and General.

14 Q. Thank you. So, C and G stands for Consolidated
15 and General?

16 A. Yes.

17 Q. To your understanding?

18 A. Yes.

19 Q. And TAL to your understanding represents what?

20 A. I thought it stood for Turner Asbestos and the
21 other letters indicated a grade or type of outcropping,
22 I'm not sure which.

23 Q. Thank you. Looking at the next column, we have
24 the word "havelock"; what type of fibre was havelock?

25 A. Havelock was a chrysotile from South Africa.

1 MR. FISHER: From Swaziland, right?

2 THE WITNESS: Swaziland, right.

3 MR. VISSE: Do you accept counsel's
4 correction that havelock was from a mine in
5 Swaziland?

6 THE WITNESS: I think Swaziland was a
7 portion of South Africa, wasn't it, in those
8 days?

9 MR. FISHER: I don't know.

10 THE WITNESS: I think so.

11 - - -

12 BY MR. VISSE:

13 Q. Do you know who supplied the havelock fibre?

14 A. I'm not sure I understand the question. It came
15 from the Havelock Mines, the chances are -- well, I
16 don't know.

17 Q. The next column is Griqualand, if I'm pronouncing
18 that correctly?

19 A. Right.

20 Q. And do you know what type of fibre this is?

21 A. That was a blue or crocidolite fibre?

22 Q. Do you know the country of origin for that fibre?

23 A. South Africa.

24 Q. Do you know which company supplied the fibre?

25 A. I do not.

1 Q. If I can refer you to your deposition of a couple
2 of years ago, in answer to that question on page 52.

3 MR. LEVIN: Can you read back the prior
4 question that this is being compared to?

5 - - -

6 (The court reporter reads back the previous
7 question as follows: "Q. Do you know which
8 company supplied the fibre?"

9 - - -

10 BY MR. VISSE:

11 Q. Let me ask another question. We are looking at
12 the column Griquand; do you recall which company
13 supplied that fibre, sir?

14 A. I just said I do not recall.

15 Q. Having thought about it for a moment, do you
16 recall now?

17 A. I think I do, and I can't be absolutely certain.

18 Q. Well, I'm not asking you to be absolutely
19 certain.

20 MR. LEVIN: Objection. Calls for obvious
21 speculation.

22 - - -

23 BY MR. VISSE:

24 Q. With the degree of certainty that you possess,
25 which is short of absolute certainty, can you tell me

1 which company provided that fibre?

2 A. It is my recollection that we could not get all
3 of BTAD and TAK requested and that was made of Griqualand
4 fibre.

5 Q. Supplied by?

6 Q. Turner.

7 Q. We are looking at the next column that says
8 "Cape"; what type of fibre is that?

9 A. That is also a blue.

10 Q. That is crocidolite?

11 A. Yes.

12 Q. The country of origin for that, sir?

13 A. Again, South Africa.

14 Q. And the next column, I believe, it says General
15 Mining?

16 A. That is correct.

17 Q. And the type of fibre there, sir?

18 A. That is also crocidolite.

19 Q. Country of origin?

20 A. South Africa.

21 Q. The next column is Russian, and the type of
22 fibre?

23 A. Chrysotile.

24 Q. The country of origin should be obvious?

25 A. Right.

- 1 Q. The next column?
- 2 A. Asbestos Corp. Fibre.
- 3 Q. And?
- 4 A. That is a chrysotile.
- 5 Q. Country of origin?
- 6 A. Canada.
- 7 Q. And the next column, is?
- 8 A. John's Manville.
- 9 Q. That was also a chrysotile?
- 10 A. Yes.
- 11 Q. That was from?
- 12 A. Canada.
- 13 Q. And if I recall your prior deposition, the next
- 14 three columns list three companies, and if you can just
- 15 read the three companies?
- 16 A. Jefferson Lake, Pacific Asbestos, Calaverous
- 17 Asbestos, as shown as separate columns were really all
- 18 the same ore body; the same mine, that is.
- 19 Q. The fibre type?
- 20 A. Chrysotile.
- 21 Q. Where was that mine located?
- 22 A. In California.
- 23 Q. The next column we have is?
- 24 A. Bell Asbestos.
- 25 Q. Type of fibre there?

1 A. Chrysotile.

2 Q. Country of origin?

3 A. Canada.

4 Q. And then the final column is a total of all of
5 the columns running across the page?

6 A. That is correct.

7 Q. I would like to ask you a few questions, as we
8 approach our deadline for concluding here, regarding the
9 fibre requirements for Keasbey and Mattison, this is
10 before 1962; do you have any expertise from your
11 position in Keasbey and Mattison as to the fibre
12 requirements for Keasbey and Mattison?

13 MR. LEVIN: Objection, vague, particularly
14 in that he held two positions during two distinct
15 time periods, two very different positions. I
16 think that is vague and over broad, and may call
17 for some speculation as to some of the time
18 period.

19 - - -

20 BY MR. VISSE:

21 Q. During either of your positions with Keasbey and
22 Mattison, did you have some expertise regarding the
23 fibre requirements for Keasbey and Mattison?

24 MR. LEVIN: That is compound.

25 THE WITNESS: At the time of needing to

1 know, I did know what the requirements were.

2 - - -

3 BY MR. VISSE:

4 Q. What was the time that you needed to know from
5 your position?

6 A. In that time period that we said before, like
7 late '50's; '59 to '62.

8 Q. In referring to the fibre requirements for all of
9 the Keasbey and Mattison products, could you estimate
10 for me, I'm speaking all Keasbey and Mattison products,
11 not simply the asbestos cement pipe, could you estimate
12 for me what percentage of those requirements was
13 satisfied by Turner and Newall?

14 MR. LEVIN: When is this period now?

15 MR. VISSE: 1959 to 1962.

16 MR. LEVIN: Using the Turner and Newall in
17 the traditional sense as opposed to the other
18 ways that it has been --

19 MR. VISSE: Using it in the sense the
20 deponent had been using it.

21 MR. LEVIN: Just to be clear, we are
22 talking Turner and Newall as distinct from
23 everything else, okay.

24 THE WITNESS: I did not know.

25 - - -

1 BY MR. VISSE:

2 Q. Would it help refresh your recollection if I were
3 to refer you to your previous deposition of 1984, page
4 101, where you were asked very much the same question,
5 in what I thought was a fairly cogent and concise
6 fashion, if I may read to you, sir, page 101, line 22,
7 "Well, give me your minimum estimate total from Turner
8 and Newall, whatever source, whether African or non
9 African?" And your answer was, "I would say 90
10 percent."

11 MR. LEVIN: No, it didn't say that.

12 - - -

13 BY MR. VISSE:

14 Q. "I would say 90." I am sorry. Question, "90
15 percent?" Answer, "Yes". Does that help refresh your
16 recollection as to the your estimation of the minimum
17 percent of fibres supplied to Keasbey and Mattison by
18 Turner and Newall for the years '59 to '62?

19 MR. LEVIN: He's not asking you if you said
20 that, he's asking you what you now recall looking
21 back, if you know.

22 THE WITNESS: Well, obviously I don't
23 know.

24 - - -

25

1 BY MR. VISSE:

2 Q. The question was, sir, whether you can give me an
3 estimate of the amount of fibre, and I believe the
4 question previously was the minimum amount of fibre.

5 MR. LEVIN: All right. He has answered the
6 estimate question by saying he doesn't know.

7 - - -

8 BY MR. VISSE:

9 Q. A percentage rounded to the nearest ten would
10 satisfy the question, and it did at your last
11 deposition.

12 MR. LEVIN: Do not feel compelled to
13 satisfy the question. You should be more
14 concerned with being accurate in your answer.

15 THE WITNESS: Is it possible to go off the
16 record?

17 MR. VISSE: Sure.

18 - - -

19 (A brief off the record discussion was held.)

20 - - -

21 MR. VISSE: Back on the record.

22 - - -

23 BY MR. VISSE:

24 Q. Restating the question for Mr. Hartman; during
25 the years '59 to '62, you did have responsibilities for

1 fibre requirement at Keasbey and Mattison, and asking
2 you now about the fibre requirements for all K and M
3 products, not just the asbestos cement pipe products,
4 can you estimate for me, what percentage of the asbestos
5 fibre came through Turner and Newall?

6 MR. LEVIN: Objection. Vague, ambiguous,
7 calls for speculation. I think you should ask
8 him what percentage of it he thinks was TAK or
9 designations that have already have accepted
10 meaning, even though we don't have the charts for
11 those years.

12 MR. VISSE: Off the record.

13

- - -

14 (A brief off the record discussion was held.)

15

- - -

16 MR. LEVIN: On the record. I think for
17 purposes, the witness has asked off the record
18 what we consider Cassiar. Do we consider
19 Cassiar as Cassiar or someone else? I think for
20 purposes of what you are trying to do, that we
21 consider Cassiar and any other source as an
22 independent source, and then anybody with half a
23 brain will be able to put together the pieces and
24 draw whatever legal conclusions they want to,
25 but I think it is much more confusing to have

1 Cassiar considered as anything else other than
2 Cassiar for the purposes of this deposition, for
3 the kind of questions you're asking, because it
4 will make it impossible at a later date to
5 unravel what the witness really meant.

6 MR. VISSE: It would be impossible for me
7 by any objection at this point to remove any
8 influence that Mr. Levin's comments may have had
9 upon the witness.

10 - - -

11 BY MR. VISSE:

12 Q. I'll simply restate the question and ask you
13 during the period 1959 to 1962 can you give me your best
14 estimate as to the amount of fibre that came to Keasbey
15 and Mattison for all of it's manufacturing requirements
16 from Turner and Newall?

17 MR. LEVIN: I'm going to object on the
18 grounds that it is vague, ambiguous, and calls
19 for speculation and calls for a legal conclusion,
20 and to the extent that you're unwilling to
21 clarify the obvious ambiguity, I request that you
22 not answer the question until I'm at least
23 satisfied that you understand the question and
24 that we are not speaking cross purposes, that we
25 are using the same terms in the same way.

1 MR. VISSE: Let me ask a different
2 question.

3 - - -

4 BY MR. VISSE:

5 Q. During the period 1959 to 1962 referring to fibre
6 requirements for all of the Keasbey and Mattison's
7 products, not just asbestos cement pipe, can you
8 estimate for me the percentage of fibre which you recall
9 coming from Cassiar?

10 THE WITNESS: No. I cannot answer that
11 right off-hand without doing some mental
12 arithmetic of which there would be a lot of
13 things I would have to take into account.

14 MR. VISSE: Okay.

15 - - -

16 BY MR. VISSE:

17 Q. In answer to the same question, same time period,
18 same requirements, if you can do the mental arithmetic I
19 would like you to. Are you capable of doing that within
20 a minute or so?

21 A. Can't promise.

22 (The witness is talking quietly to himself.)

23 MR. VISSE: I'm sorry, the last question
24 were you in the process of formulating an answer?

25 THE WITNESS: Not within a minute, I

1 wasn't. I was trying to sort out what plants,
2 what products, what basic things to use, what did
3 we use, and so forth, and how much.

4 - - -

5 BY MR. VISSE:

6 Q. Do you think you're capable of formulating such
7 an estimate after an opportunity of some minutes?

8 A. It would have a potential error term that would
9 be pretty huge, potential error term.

10 Q. Let's let that sit for a minute. Let me ask you
11 the question now, referring to the fibre requirements
12 for Keasbey and Mattison products, all products, not
13 just asbestos cement pipe, for the years 1959 to 1962
14 can you give me an estimate of the amount of fibre that
15 was provided to Keasbey and Mattison by Turner and
16 Newall?

17 MR. LEVIN: Directly?

18 MR. VISSE: I'll adopt directly.

19 MR. LEVIN: I just want to -- for the
20 record, it calls for speculation.

21 THE WITNESS: If by "directly", you mean
22 the South African or Rhodesian chrysotiles and
23 the blue fibres?

24 MR. VISSE: I'll accept that as the
25 definition of "directly".

1 MR. LEVIN: Do you need time to do that as
2 well?

3 THE WITNESS: Just a minute.

4 - - -

5 (Witness doing some calculations.)

6 - - -

7 THE WITNESS: Of our total usage?

8 MR. LEVIN: Am I interrupting your train of
9 thought if I say something to you now?

10 THE WITNESS: Go ahead.

11 MR. LEVIN: Given the potential uses that
12 this deposition may be put to and given the fact
13 that you have already said that you think there
14 would be a huge margin of error, given the fact
15 we've all just witnessed you try to do some,
16 through whatever internal mechanism, do some
17 hasty calculations covering some obviously
18 complex mathematical issues, spanning many, many
19 years and covering many, many plants and many,
20 many products, you should not feel at all
21 obligated to give an estimate. I know that
22 probably, you know, you would like to be as
23 helpful as you can, but it will not be helpful if
24 the estimate is not within the realm of something
25 that you feel comfortable is reasonably close to

1 what happened in the short time that you have
2 been able to think about it.

3 MR. VISSE: I move to strike all of the
4 profitory comments and state an objection as to
5 trying to influence the witness.

6 MR. LEVIN: I'm counselling the witness,
7 that is what I'm here to do, but that is all a
8 long way of saying that I think the question
9 calls for gross speculation. It was lacking in
10 any foundation that gives us any hope of the
11 answer proximating the search for truth
12 that we are all engaged in.

13 MR. VISSE: Which is a less objectionable
14 way of stating your objection. And now your
15 answer, sir?

16 THE WITNESS: In what I'm looking at here,
17 which would be a TAK and C and G, and not having
18 real numbers to look at for that time period
19 using the best of my ability and knowledge of the
20 products made in that time period, I would
21 anticipate that the answer would be in the range
22 somewhere 22 to 35 percent.

23 MR. LEVIN: For which source?

24 THE WITNESS: For the TAKBTAD, and C
25 and G fibres.

1 MR. LEVIN: Okay.

2 THE WITNESS: That is considering all
3 of K and M for that time period, all of the
4 products that we made taking into account that
5 the textiles, fabric, all those things like that,
6 but I can't begin to be closer than that, and I
7 may fall out of range.

8 MR. VISSE: You wanted to include in those
9 fibre types TAL, is it?

10 THE WITNESS: Yes.

11 - - -

12 BY MR. VISSE:

13 Q. I appreciate your efforts. Given the fact that
14 you are probably the most competent person to make that
15 calculation, I respect that. You would require more
16 time than you have taken for this calculation to make a
17 similar calculation for fibres during that same period
18 '59 to '62 from Cassiar, is that correct?

19 A. M-hmm. I would really want to review that,
20 because I'm not sure when the Clinton Mine came into
21 existence, and things like that, and I'm not really too
22 sure of the real pertinent data of the magnitude that I
23 would like to have, if it even exists anymore.

24 Q. Sir, do you have any information regarding the
25 fibres at Bell, Canada, as to it's use by Keasbey and

1 Mattison during the period '59 to '62?

2 MR. LEVIN: What about it?

3 MR. VISSE: I'm just asking if he has
4 information any information, yes or no.

5 THE WITNESS: His question was do I have
6 any information? Yes, I know that they used a
7 Bell 4K fibre, but quantity and where,
8 specifically, I don't know.

9 MR. VISSE: My question will be much more
10 precise.

11 - - -

12 BY MR. VISSE:

13 Q. Do you know if any of the Bell fibre was used at
14 Santa Clara Asbestos Cement Pipe?

3
15 A. No, I do not know. Chances are it was not for
16 simply logistic reasons. It is way on the east coast,
17 and Santa Clara is way on the west coast, and that would
18 prohibit it from being used in the normal course to any
19 measurable degree.

20 Q. Do you have any information on the packaging of
21 the asbestos fibre that was imported from South Africa
22 during the period of time when you had responsibility
23 for inventory management?

24 MR. LEVIN: Over broad, calls for
25 speculation, it is vague.

1 THE WITNESS: I know there was changes made
2 over the years, the exact time and amount, it was
3 not my realm really to go into any detail.

4 - - -

5 BY MR. VISSE:

6 Q. Do you recall if those shipments were ever made
7 in burlap sacks?

8 MR. LEVIN: Calls for speculation.

9 MR. VISSE: I'm asking about shipments from
10 South Africa, whether they were in burlap sacks?

11 MR. LEVIN: Over broad, too.

12 THE WITNESS: That was a standard
13 packaging.

14 - - -

15 BY MR. VISSE:

16 Q. The answer is that was a standard packaging for
17 asbestos fibre from South Africa?

18 A. Yes. We call it a jute bag.

19 Q. Do you recall up until what year?

20 A. No, I do not know that.

21 Q. Can you approximate the year for me?

22 A. No.

23 Q. Could I help you by suggesting a decade; was it
24 in the mid '70's, late '70's, early '80's?

25 MR. LEVIN: I think he has already said he

1 does not know a year, but he can approximate.
2 Objection, calls for speculation, asked and
3 answered.

4 THE WITNESS: I'm uncomfortable with the
5 time frame of this.

6 MR. VISSE: That is fine sir, I'm not
7 trying to push you into an answer.

8 - - -

9 BY MR. VISSE:

10 Q. Do you ever recall seeing any warnings on bags of
11 asbestos supplied to either Keasbey and Mattison or to
12 Certain-teed?

13 A. Yes. Again, I don't know when that started, but
14 it became a mandatory action in a certain period of
15 time, which I don't remember when that was.

16 Q. And do you have any recollection as to the manner
17 in which Cassiar fibre was transported to the Santa
18 Clara plant?

19 A. You mean the final way into the plant?

20 Q. Any point along it's transport from the mines
21 itself to the plant?

22 A. Well, there were two mines. There was rail
23 shipment, there was water transport to Vancouver. There
24 was rail shipment and truck shipment out of Vancouver,
25 and some of it, well, not to -- some didn't have to go

1 into Vancouver if it was going to another plant is what
2 I'm saying that most of the material, as I recall, that
3 went to Santa Clara went through Vancouver. I'm not
4 prepared to say whether it went directly from Saint
5 John's, was it? I'm not prepared, because I don't
6 remember.

7 Q. And from Vancouver?

8 A. From Vancouver, normally, rail or truck.

9 MR. LEVIN: How about abnormally?

10 MR. VISSE: The question I take it is
11 facetious?

12 THE WITNESS: Experimental, maybe.

13 MR. VISSE: By mule train?

14 THE WITNESS: Experimental water transport.

15 MR. VISSE: One last question for you, sir.

16 - - -

17 BY MR. VISSE:

18 Q. To give Mr. Levin a chance to state one final
19 rousing objection; during your employment with
20 Certain-teed, do you recall ever having received from
21 Turner and Newall any information regarding the hazard
22 of asbestos or asbestos containing products?

23 MR. LEVIN: Objection. No foundation,
24 calls for speculation, over broad.

25 THE WITNESS: To answer your question, do I

1 recall any? No.

2

- - -

3 BY MR. VISSE:

4 Q. During your employment with Keasbey and Mattison,
5 do you ever recall ever receiving any information from
6 Turner and Newall regarding the hazards of asbestos or
7 asbestos containing products?

8 A. I don't recall.

9 MR. VISSE: I want to thank you very much
10 for your patience both with me and Mr. Levin.

11

- - -

12 (Deposition concluded at 5:45 P.M.)

13

- - -

14 MR. VISSE: Let's make the contract Exhibit
15 Number 5.

16

- - -

17 (Plaintiffs Exhibit 5 marked for identification.)

18

- - -

19 MR. LEVIN: Counsel from Mr. Clapper's
20 office, who represents probably a staggering
21 number of longshore plaintiffs in the Bay Area
22 litigation has been here and asked as many
23 questions as he wanted to ask of both Mr. Hartman
24 and Mr. Striegel, and the deposition is now
25 concluded, and it should be obvious to anyone

1 reading this that he had the identical motive and
2 opportunity to ask questions as any other
3 plaintiff's attorney would, and we would hope
4 that other plaintiff's counsel reading this
5 deposition would be satisfied with Mr. Visse's
6 thorough examination of both witnesses.

7 MR. VISSE: Since Mr. Levin has taken the
8 opportunity, I would like to add as well, that I
9 made strenuous efforts to convince Mr. Levin to
10 allow other plaintiff's counsel to Notice in on
11 these depositions, given the fact that all
12 plaintiff's counsel that I'm acquainted with are
13 polite and reasonable people, and that Mr. Levin
14 chose not to permit that involvement, and I urge
15 all counsel to take whatever action they consider
16 necessary to pursue discovery in their cases.

17 MR. LEVIN: All I can say is he obviously
18 didn't try strenuously enough to convince me,
19 because we are both here pursuant to our
20 agreement to have the deposition go forward this
21 way.

22 - - -

23 BY MR. LEVIN:

24 Q. Mr. Hartman, of your own personal knowledge, you
25 didn't at any time, acquire any real direct knowledge of

1 the inter-relationship of Turner and Newall and Cassiar
2 and Certain-teed and Bell and all of the other companies
3 we've talked about today, is that correct?

4 MR. VISSE: Objection.

5 THE WITNESS: No.

6 MR. VISSE: Before you answer the question,
7 I'll just state an objection, vague and ambiguous
8 and leading.

9 THE WITNESS: I did not have any formal
10 education in that field from anybody.

11 MR. LEVIN: Okay. Thank you.

12 - - -

13 THE COURT REPORTER: Mr. Visse, you will be
14 getting the original and one copy, correct?

15 MR. VISSE: Yes, thank you.

16 MR. LEVIN: Yes, I would like a copy.

17 THE COURT REPORTER: Would you like that on
18 a regular or expedited basis?

19 MR. LEVIN: How is Mr. Visse getting it?

20 THE COURT REPORTER: On an expedited basis.

21 MR. LEVIN: Then, that is how I want to get
22 my copy. Thank you.

23 THE COURT REPORTER: Thank you.

24 - - -

25

-C-E-R-T-I-F-I-C-A-T-I-O-N-

I, Carol L. Skipper, do hereby certify that the testimony and proceedings in the foregoing matter taken on January 13, 1987, are contained fully and accurately in the stenographic notes taken by me, and that pages 1 to 108, inclusive, of this testimony are a true and correct transcript of the same.



CAROL L. SKIPPER

Court Reporter and Notary Public
Commonwealth of Pennsylvania

- - -

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