IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES
—oOo—

GLADE COOKUS,
Plaintiff,
vs. No. BC360406
ADVOCATE MINES, LIMITED, et al.,
Defendants.
_____/

DEPOSITION OF DARYL W. WILKINSON

Taken before CATHERINE M. MEYER
CSR No. 11596
August 25, 2007

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(Exhibits retained by counsel.)

DEPOSITION OF DARYL W. WILKINSON

BE IT REMEMBERED, that pursuant to Notice, and on the 25th day of August 2007, commencing at the hour of 10:38 a.m., at the Courtyard by Marriott, 3252 West March Lane, Stockton, California, before me, CATHERINE M. MEYER, a Certified Shorthand Reporter, personally appeared DARYL W. WILKINSON, produced as a witness in said action, and being by me first duly sworn, was thereupon examined as a witness in said cause.

—o0o—

ANTHONY VIEIRA and MARK SWANSON, Paul, Hanley & Harley, 1608 Fourth Street, Suite 300, Berkeley, California 94710, appeared on behalf of the Plaintiff.

DOUGLAS WAH, Foley & Mansfield, 1111 Broadway, 10th Floor, Oakland, California 94607, appeared on behalf of the Defendant Calaveras Asbestos, Limited.

ALSO PRESENT: Daniel W. McGrath, Esq.;
Barbara Lee.

(Defendants' Exhibit Nos. 1 through 8 premarked for Identification.)

DARYL W. WILKINSON,
sworn as a witness,
testified as follows:

EXAMINATION BY MR. WAH:

Q. We're here pursuant to the trial of Glade Cookus vs. Calaveras Asbestos. I guess the actual title is Glade Cookus vs. Advocate Mines, et al. And Mr. Wilkinson, we're taking your trial testimony preserving your testimony for trial. Do you understand that?

A. Yes.

Q. You're under oath, and you're under oath as if you were in a court of law. And this transcript will be read to a jury probably this forthcoming week. Do you understand that?

A. Yes.

Q. A couple of pieces of advice or instruction really. One, make all of your answers audible. You can't just nod your head or go "uh-huh." It has to be a "yes" or "no" answer and an explanation or whatever. Do you understand that?

A. Yes.

Q. Both Mr. Vieira and I will be asking you

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questions. If you don't understand a question that I ask you or you don't understand a question that Mr. Vieira asks you, then let us know, and we'll try to rephrase it or reword it so that it's clear. Do you understand that?
A. Yes.
Q. And then pursuant to the judge's order, try to answer the question that's been asked. Okay?
A. Okay.
Q. Are you ready to take a deposition or give some testimony here today?
A. Yes.
Q. Would you state your name for the record, please, Mr. Wilkinson, your full name.
A. Daryl Wesley Wilkinson.
Q. Could you spell it?
A. D-a-r-y-l, W-e-s-l-e-y, W-i-l-k-i-n-s-o-n.
Q. Where do you live, Mr. Wilkinson?
A. In Stockton, California.
Q. And how long have you lived there?
A. 77 years.
Q. And that's how old you are, 77?
A. Yes.
Q. Would you tell us briefly your work history from the time you graduated high school?

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A. I attended College of Pacific. I attended St. Mary's College. Got drafted into the U.S. Army 1950. Spent four years in the Army. After the Army, I went back to College of Pacific 1955. Did not complete my degree at that time. Went to work for Johns-Manville Corporation in 1957. Completed work with Johns-Manville 19 -- January 1982. Worked for Formosa Plastics who purchased the Johns-Manville pipe plant in Stockton, California for five additional years at the same job. Left them in 1987 when they shut the plant down. Worked two years then for Quaker Oats. Left Quaker Oats 1959 -- I mean, no, 1989. Went to work for Chevron Bakersfield, California. Operated two plastic pipe plants for three years. Returned to Stockton at the end of the three-year period of Chevron. Worked for Tri-Valley Growers. Ran a cannery and distribution center in Modesto for Tri-Valley Growers for ten years. Retired from them in 2001. And I've been retired ever since.
Q. I want to focus on the years you were at Johns-Manville. All right, Mr. Wilkinson?
A. Yes.
Q. You said you started at Johns-Manville in 1959; is that correct?
A. No. '57.

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Q. I'm sorry. What was your job title when you started at Johns-Manville?
A. I was a pipe machine crew leader.
Q. How long did you remain a pipe machine crew leader?
A. Approximately five years.
Q. What was your next job title at Johns-Manville?
A. Shift supervisor.
Q. What were generally, you don't have to be real specific, but as a shift supervisor, what was your responsibilities? What were your responsibilities?
A. On my shift, I had responsibility for four pipe machines that produced an asbestos cement pipe brand name transite, for the production of those machines and the people that worked on the machines.
Q. What was your next job title at Johns-Manville?
A. I was -- became general supervisor of the forming department.
Q. What year was that roughly, Mr. Wilkinson?
A. '63.
Q. And how long -- and what was the job title again, sir?
A. General supervisor of the forming department.
Q. And by "forming department," you mean the department where the pipe was actually made, a

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production facility, correct?
A. Yes.
Q. How long did you remain the general supervisor?
A. Approximately two years.
Q. Then what was your next job title?
A. I became chief scheduler for the plant.
Q. And I show that being or I'm calculating that being you started that around 1965 or '66.
A. Yeah, around '65, yeah.
Q. And what does a scheduler do?
A. He lays out all the production that's going to be formed and finished in the plant and follows that schedule.
Q. And that's the scheduling for the transite pipe manufacture, correct?
A. Yes.
Q. How long were you the scheduler?
A. I was chief scheduler for about a year and a half.
Q. And then what job did you undertake?
A. I became department head for planning, scheduling, shipping for the plant.
Q. Would that have been sometime around 1970, '71?
A. No. In the late '60s.
Q. How long did you remain in that position as a

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department head?
A. Approximately another two years.
Q. Then what job did you undertake?
A. I became the plant production superintendent.
Q. And what did your job entail as the plant production superintendent?
A. I had responsibility for all production in the plant and all hourly employees in the plant.
Q. How long were you the plant super -- plant production superintendent?
A. Until 1981.
Q. What job did you assume in 1981?
A. Plant manager.
Q. All of these jobs were at the Johns-Manville Stockton plant, correct?
A. Yes.
Q. And you never worked at any of the other plants that Johns-Manville had for the manufacture of AC or transite pipe, correct?
A. I had temporary jobs at some plants. I was assigned to Dennison, Texas, to Toronto, Canada, and then I worked in the mine in Asbestos, Quebec. And those were stints of anything from three to six months.
Q. Most of your -- most of your career was spent in Stockton?

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A. Yes.
Q. And every time you changed jobs it was to change a position at the Stockton plant, correct?
A. Yes.
Q. Mr. Wilkinson, if I had a section of pipe made today, if I had a piece of pipe made by the Johns-Manville Stockton facility, let's say, made in 1978 and I wanted to find out what asbestos fiber or whose asbestos fiber was in that pipe, how would I do that?
A. If you had access to that pipe, you would -- you would look at the stencil on the pipe and note the blend number and the date and shift the pipe was made. And you'd go back to the records of the plant that indicate what fibers constituted the blend, and that would give you the different fibers that were used in the blend.
Q. We've had some testimony in the past I think by Mr. Kalen (phonetic). You know Harold Kalen?
A. Yes, I do.
Q. And how do you know Harold Kalen?
A. He was an industrial engineering supervisor at the Long Beach plant, and also later on he was the quality control supervisor. It was an additional job to the industrial engineering.

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Q. Do you know if -- was Mr. Kalen in the production department at Long Beach, do you know?
A. No, he wasn't.
Q. What department was he in?
A. He headed up industrial engineering and quality control.
Q. Those were separate departments over production -- from production?
A. Yes.
Q. We've had testimony from Mr. Kalen that there were some markings on the pipes stenciled on the pipe. Do you recall that -- not his testimony. But do you recall Johns-Manville stenciling certain information on its pipe?
A. Yes.
Q. Let me check something here. Would the date of manufacture be stenciled on the pipe?
A. Yes.
Q. Would the shift that made it, be it the morning shift, afternoon shift, swing shift, would that also be on the pipe?
A. Yeah, the shift and the shift supervisor.
Q. I was going to ask you that. Would the foreman or supervisor's initials be on the pipe?
A. Yes.

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Q. The blend number would also be on the pipe?
A. Yes.
Q. What about the blend percent; would that also be on the pipe?
A. Yes.
Q. Would you also identify where the pipe was made, let's say, Johns-Manville Stockton or Johns-Manville Long Beach or Dennison or wherever?
A. Yeah. Each plant had its own mark.
Q. And last, would you also list the type of pipe, be it 150-pound pressure pipe, 200-pound pressure pipe, a conduit, whatever? Would you list all that?
A. Yes. They would tell you the size and class and type of pipe.
Q. If I wanted to see what type of pipe or what pipe was made every day, what record would I look at at Johns-Manville to find out that information?
A. You would have to go to the formed production records.
Q. Now --
MR. VIEIRA: I'm sorry. That was the "formed"?
MR. WAH: Formed, f-o-r-m.
MR. VIEIRA: Formed production.
THE WITNESS: Formed production, yes.
MR. WAH: Well, let me go through it.

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MR. VIEIRA: Yeah.
BY MR. WAH:
Q. The actual title of the document is the formed, f-o-r-m-e-d, production records; is that correct?
A. Yes. That would indicate the forming department production records.
Q. In other words, when you say the word "form," you're not looking at -- you're not using it, "formed," like we fill out an income tax form? You're saying that's the actual form?
A. The forming department.
Q. And the forming department is what actually makes the pipe, correct?
A. Yeah. In the language of the business, that would be the wet end.
Q. The wet end, right. Okay.
MR. VIEIRA: What was that again?
MR. WAH: The wet end.
MR. VIEIRA: Go ahead.
THE WITNESS: The forming department is always indicated as the wet end and the finishing department is the dry end.
MR. VIEIRA: I think I understand.
THE WITNESS: In our nomenclature.
MR. WAH: We're going to get to that in just a

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second.
BY MR. WAH:
Q. The wet end is where the pipe comes off of the mandrel moist or wet, correct?
A. Yeah, it still is.
Q. It hasn't dried yet?
A. No. It's -- yeah.
Q. And that's why they call it the wet end?
A. Yes.
Q. That's all I wanted to -- okay.
You talked about the dry end or a finished production record.
A. Yes.
Q. What's the finished production record?
A. Pipe that is actually machined, tested, unitized and taken out to the shipping department and is available for sale.
Q. So would that record, the finished production record, provide all of the information that the form department production record provides?
A. No.
Q. What information would be on the finish department production records?
A. Size and class of pipe and number of pipes.
Q. So if you made, let's say, 100 pipes and 97

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were good, you would record the fact that there were 97 pipes out there and not 100; is that correct?
A. Yes.
Q. And you would record the type of pipe?
A. Yes.
Q. Would you record where you put the pipe in the yard?
A. No.
Q. Fiber suppliers, I want to talk about that for a minute. Do you remember the names of the fiber suppliers at Johns-Manville Stockton?
A. We had various suppliers. Jeffrey being the Johns-Manville supplier, Jeffrey Mines. Advocate fiber from the Advocate Mines, Cassiar fiber, Cape blue fiber.
Q. That was a crocidolite fiber; is that correct?
A. Cape blue, yes, from South Africa. We did have some amosite from the U.S. government.
Q. The amosite being the brown-type fiber, beige-type fiber?
A. It was a very long, low quality fiber that was introduced because of its low price. And it was government surplus fiber, and they wished to sell it. And we attempted to run it in our process, and it did not work.
Q. It didn't. What other fiber suppliers?

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A. At Stockton?
Q. Yeah, at Stockton again.
A. Oh, we had Calaveras fiber from Copperopolis.
Q. Any others that you can think of offhand as we sit here right now?
A. No.
Q. Let's go over some of this. At Stockton you had four machines, right?
A. Yes.
Q. And you also ran 24 hours a day, correct?
A. Yes.
Q. Can you give us your best estimate of how much asbestos fiber would be used at Stockton, let's say, in a shift?
A. In a shift?
Q. Yeah, just a shift.
A. Well, let's use number three machine as an example. They would put out approximately 125 batches of material. And in a batch there was 300 pounds of fiber if you were using a 20 percent blend.
Q. You're going to make me do math. So in a shift they would put out 125 batches?
A. Batches of material.
Q. Times 300 pounds?
A. Yeah. Included in that batch would be -- if it

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was a 20 percent batch, you'd use 300 pounds of fiber in each batch.
Q. I get that as 37,500 pounds. Does that sound about right for a shift?
A. If that's what the math says, yeah.
Q. I'm multiplying 300 times 125, the 300 pounds by 125 batches.
A. Uh-huh.
Q. That you'd use in an eight-hour shift on one machine?
A. On number three machine, yeah.
Q. Have you ever been to the Jeffrey mine?
A. Yes.
Q. That's the biggest open-pit mine in the world, correct?
A. Yeah. That's a mile and a quarter across.
Q. Have you ever been up to the Calaveras mine in Copperopolis?
A. Yes.
Q. Can you compare the size of the mine at Copperopolis to the size of the Jeffrey mine?
A. As a comparison?
Q. Yeah.
A. Copperopolis would be one small corner in the Jeffrey mine.

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Q. Do you know how big the Jeffrey mine is in diameter across?
A. It's a mile and a quarter across.
Q. It's circular more or less?
A. Yes.
Q. It kind of goes -- right.
Did Johns-Manville, the fiber division, they were responsible for the sale of fiber to the various plants, correct?
A. Say that question again.
Q. Strike that.
Who was in charge of the fibers that went to the various plants?
MR. VIEIRA: Objection. Vague.
BY MR. WAH:
Q. If you know.
A. Who was in charge?
MR. WAH: Strike that.
MR. VIEIRA: See, he even agreed with my objection.
BY MR. WAH:
Q. Are you familiar with the term "fiber division" for Johns-Manville?
A. We had a fiber division in our company, yeah.
Q. And could you tell us what the term "fiber division" is as it relates to Johns-Manville means?

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A. Well, in Johns-Manville primarily raw material that they used in many of their -- and in almost all of their products was asbestos. And the fiber division was the last word so to speak in our company. Say for example, the Stockton plant, if we chose to use a lot of Cassiar fiber because it was very high quality, it also was a higher cost, Jeffrey Mine, if they objected, they would have the last word. The fiber division runs Johns-Manville, and what they say always goes, and Jeffrey tells us what we're going to take. If they run into a vein of fiber in their mine that's low quality, they've got to get rid of it. And if they come up with twenty railcars of bagged finished fiber, low quality, it's going to go to the plants regardless of what the plants' wishes are. And you would cut back the Cassiar and you cut back the Advocate, whatever, and you would use the Jeffrey. And we would have to use the formula that would work possibly with our product. But somehow or another we would have to use that fiber because the fiber division runs the company.
Q. Did the fiber division or people in the fiber division at Johns-Manville, did they, I don't know, promote or encourage the use of the Jeffrey fiber over everything else?

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A. Absolutely.
MR. VIEIRA: Objection. Vague as to time. It's also vague as to what particular type of plant or pipe we're talking about.
BY MR. WAH:
Q. In the Johns-Manville Stockton plant, do you recall the fiber division encouraging those of you who were working at Johns-Manville during the years you were there, encouraging you and requesting that you use Jeffrey fiber over all of the other suppliers?
MR. VIEIRA: Same objection including overbroad.
BY MR. WAH:
Q. You can answer.
A. Yes.
Q. You talked about -- was that -- that was true for the asbestos cement pipe plant at Stockton, correct?
A. Yes.
MR. VIEIRA: Same objections.
Mr. Wilkinson, just so you know, what I'm objecting is not at all intended as any offense to you.
MR. WAH: Yes, it is.
THE WITNESS: Understood.
MR. VIEIRA: And I know that you probably understood that. But I thought I would let you know.

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THE WITNESS: Okay.
BY MR. WAH:
Q. And just so you know, Mr. Wilkinson, we are objecting to save our record. Some of these questions may be allowed. Some may not be. Who knows? But Tony has to do his job and make those objections as we are going through this. I may have objections when he's doing it. And then we'll let the judge decide whether or not we're going to present that to the jury. Okay?
A. Understood.
Q. So it's not you.
You also said -- how often would you -- well, strike that.
You would get Jeffrey fiber in I think you said earlier by railcar; is that correct?
A. Yes. Jeffrey always came by railcar.
Q. How often did you get a railcar of Jeffrey fiber?
A. On the average, you would say -- you would receive Jeffrey fiber three out of the five days a week.
MR. VIEIRA: I'll object to that as vague in terms of time.
BY MR. WAH:
Q. I'm talking about the period particularly between, let's say, 1976 and 1981. How often would you

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get the Jeffrey fiber then?
MR. VIEIRA: Same objection including overbroad.
BY MR. WAH:
Q. Go ahead.
A. Well, '76 to '81 our business was slowing down due to the problems that asbestos was evidently causing in the workplace. So as that happened, our business slowed down. So did the amount of fiber. But, you know, Jeffrey would reflect about 60 percent as a guess to our blends. And we would probably be getting in one to two railcars a week during those times, sometimes three. But you would get the equivalent of about five trucks in a railcar.
Q. Did you receive --
MR. VIEIRA: By the way, I'll object to that as nonresponsive.
BY MR. WAH:
Q. Did you get -- you received shipments from Cassiar as well, is that correct --
A. Yes.
Q. -- in the period -- let's kind of confine this to the period '76 to '81. Okay, Mr. Wilkinson?
A. All right.
Q. You received shipments from Cassiar. How did

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they come in?
A. I used them as return loads on my trucks, JM trucks up in the Washington/Oregon area. We'd pick them up in Seattle. And they came in containers.
Q. And how much -- I think you said 100 tons was in a railcar, is that correct, of Jeffrey fiber?
A. Yeah. You could probably say around five trucks. You know, you got twenty tons on a truck. Yeah, I would guess that's approximate.
MR. VIEIRA: I'll object as speculation.
BY MR. WAH:
Q. How often would you get the Cassiar fiber?
MR. VIEIRA: Vague as to time.
BY MR. WAH:
Q. Again, I'm talking about this time period '76 to '81.
A. It would come in spurts of availability. Well, it's hard to say. You might get five to ten truckloads in a week and store them in inventory and use them as you needed them. And then you might not get any the next week and you might get a container come down the following week. It's hard to say. But Cassiar was a supplier of prime fiber so to speak, high-quality fiber.
MR. VIEIRA: I'll object to that as nonresponsive and speculative.

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BY MR. WAH:
Q. Advocate Mines, you know Advocate Mines, correct?
A. Yes.
Q. Who owned Advocate Mines or who had interest in Advocate Mines?
A. Johns-Manville had 49 percent ownership in Advocate when we first started using them when we chartered the ships that brought Advocate down to Long Beach and Stockton.
Q. When was that?
A. Those were '63. In the early '60s up to '65, '66. That's my best guess. We chartered vessels. And we split the tonnage, 7,000 tons, between Long Beach and Stockton each time.
MR. VIEIRA: Objection. Speculation.
BY MR. WAH:
Q. You also talked about African blue, the crocidolite from Cape asbestos.
A. Yes.
Q. How did that come in?
A. Container.
Q. How much fiber would be in a container?
A. Eighteen tons.
Q. And would you just get one container? Well,

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how often would you get a container of the African blue?
A. That's hard to say. As necessary, you would order because, you know, you had to order three months ahead because you had to ship -- it comes on ships and then it comes on railcars over to Stockton. And so you have to -- you never know when they're coming in. But you have to go by your inventory in your plant. And it's hard to say how often we would get it in.
MR. VIEIRA: Objection. Speculation. Do you want me to -- you know, one thing we could do is --
MR. WAH: A continuing objection?
MR. VIEIRA: Yeah or -- yeah. I mean, I guess I would have to specify in advance the grounds to be fair to you guys. You know, the other thing we can do is not make any objections and we can agree that we can make objections when we go to decide what we --
MR. WAH: That would make a cleaner record.
MR. VIEIRA: I wouldn't have to keep interrupting Mr. Wilkinson which I don't want to do. So it's up to you.
MR. WAH: I don't have -- I think -- you know, why don't we just reserve them.
MR. VIEIRA: Okay.
MR. WAH: Then you can --
MR. VIEIRA: All right.

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MR. WAH: Because I don't want a record that's --
MR. VIEIRA: No. I don't want to mess it up either. So...
BY MR. WAH:
Q. When you would get a supply in of Cape asbestos, what -- would you just get one container at a time or would it come in several containers at a time? How would it come in?
A. Several containers at a time.
Q. And this would be throughout the period that we're talking about, the '76 through the '81 period as well?
A. Yes.
Q. I take it that you only had that one sale of government amosite fiber; is that correct?
A. That's correct.
Q. And that was because it didn't work in the machinery?
A. Right.
Q. Between the years 1976 and 1981, you also purchased Calaveras asbestos fiber?
A. Yes.
Q. And how did that come in?
A. Always by truck. Sometimes as a back-haul with

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my JM trucks, sometimes with the trucks that Calaveras owned.
Q. When you say "back-haul," what do you mean by "back-haul"?
A. Well, I had ten sets of doubles that were pulled by JM equipment tractors. When we'd deliver pipe, if we were in the area that we could come by Copperopolis and they had fiber available, we would use it as back-haul so we did not have to come back with our trailers empty.
Q. During this period of time, '76 on, you said if they had fiber that was available you would pick it up in the truck, just fill the truck as it's coming back from a pipe delivery, correct?
A. Yes.
Q. How did you check on whether or not the fiber, the Calaveras fiber was available?
A. Well, when we had a need for the fiber, we did not -- you know, since it was only 39 miles up to Copperopolis, we did not have a need to store it in inventory.
Q. Right.
A. So we would only bring it in so that we had a week or two weeks' supply. And we would talk to their dispatch people by phone. And if they were mining and

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they had CT available or 5K available as necessary and we needed it, we would pick it up or they would ship it down to us.
Q. And when you say "CT" or "5T," whatever you're talking about --
A. 5K.
Q. 5K. I'm sorry. When you say that, you're talking about grades of fiber; is that correct?
A. Yes.
Q. What other information would you want to know before you said ship us down or we're going to pick up some Calaveras fiber? Well, strike that.
Would you also inquire about such things as the grade or quality of fiber that they were mining?
A. Well, if they had mined and processed fiber ore that qualified as -- you know, for 4T, we would -- if we had a need, we'd bring it down. We did checks at our plant once the fiber was there as to what buoyancy the fiber had, how porous it was and tensile strength in our lab.
Q. Would you ever ask Calaveras what buoyancy or tensile strength their fiber that they were producing or had in their storehouse was?
A. Absolutely.
Q. So you would check for that information before

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you would decide to bring it on down for use by Johns-Manville Stockton; is that correct?
A. No. We would just ask them make sure that that -- you know, what were your test results. And we would also test it at our lab.
Q. To make sure it met with Johns-Manville, correct?
A. Yes.
Q. If you said or if Calaveras said, well, our tensile strength is a certain number that didn't meet your qualifications, then would you purchase the fiber?
A. Well, they wouldn't bag it as 4T. They would bag it possibly 5K, which is a lesser grade, and met the specifications. And, you know, that's their problem. And we would say we need this many tons of 4T. And they said, well, we're not in a vein that's doing that kind of quality right now. All we got is 5K. So naturally we would have to do something else.
MR. VIEIRA: I think I better start making my objections only because --
MR. WAH: Go ahead.
MR. VIEIRA: -- I think it's going to make it more difficult on the judge. And I think he'll understand when he reads the record. So objection. Nonresponsive, speculative, vague as to time and

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incomplete hypothetical.
BY MR. WAH:
Q. In relationship to the other fiber suppliers -- and we'll take out the U.S. government sale because you only did that once. But in relationship to Jeffrey, Cassiar, Advocate and Cape, are you able to state here, tell us, Mr. Wilkinson, the size of Calaveras or the use of Calaveras in relationship to those fiber suppliers?
MR. VIEIRA: Objection. Vague.
BY MR. WAH:
Q. In this period of time at Stockton.
A. Well, Calaveras was our least-used fiber, so it was our smallest supplier.
Q. Was there -- oh, let me show you something just -- and Tony, I'm going to use what's been previously marked, Mr. Wilkinson, as Defendants' Exhibits No. 6 and No. 7. Can you identify what that is?
A. These are just the bags that Calaveras used to put their fiber in.
Q. That's their 4T bag; is that correct?
A. Yes.
Q. And then would you take a look at No. 7? That's the back of the bag; isn't it? I think it's upside down there. You got it that way.

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A. Yeah, that's the back of the 4T bag. Do you want it back?
Q. Yeah. Do you recall after 1982 whether the sale or the use of Calaveras fiber remained the same, increased or decreased after 1982 at Johns-Manville Stockton?
MR. VIEIRA: Objection. Vague.
THE WITNESS: Well, we started using Calaveras in '76.
BY MR. WAH:
Q. I'm sorry. I said 1972 and I misspoke. I think I meant 19 -- oh, I'm sorry, 1982 did the use of Calaveras change in any way at JM Stockton?
A. Probably increased a little bit because we were not owned by Johns-Manville.
Q. Was there ever a time between the 1976 and 1987 period that the use of Calaveras asbestos decreased in your pipe formulations?
A. No. Stayed about the same.
MR. WAH: All right. Let's go off the record a minute.
(Break taken.)
BY MR. WAH:
Q. Mr. Wilkinson, you were talking about -- we're talking still about the pipe being made at the

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Johns-Manville Stockton, all right, in the years roughly between '76 and '87, okay, at the Stockton plant. I know at one time it was Johns-Manville, but then it became owned by the Formosa Company, okay, after '82. But we're talking about that plant facility. Okay?
A. Yes.
Q. In terms of the pipe being made at that facility, do the words or do the letters MEE mean anything to you?
A. It's just nomenclature that we give to short lengths that we supply the customers, half lengths, quarter lengths.
Q. Are you familiar with the term "machine each end"?
A. Yes. That's the MEE.
Q. And what does it mean to machine each end?
A. Well, we supply the customer with closure pieces so he doesn't have to cut pipe in the field. And that's either 6'6" lengths, 3'3" lengths or stubs, 18 inches. And with those pipes, it eliminates the need for them to have to cut pipe in the field, and they can make closures for valves, take-offs, hydrants, things like that.
MR. VIEIRA: I'll just object to that as nonresponsive and lacking foundation.

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BY MR. WAH:
Q. You made pipes you said in different lengths. And I think you said 13-foot, 10-foot, 6'6", correct?
A. Yes.
Q. 3'3" inches?
A. 3'3"s, yes.
Q. And then you had one that was either 18 or 19 inches long, correct?
A. Yes.
Q. Now, when you're talking about machining each end, what are you actually doing to the ends of the pipe, if you know?
A. We're beveling the ends of the pipe or we're machining to accept couplings with step machining.
Q. Let me show you what's been marked as Exhibit 1 and Exhibit 2. Let me lay a little foundation here.
Do you know what that portrays, Exhibit No. 1? What's that a picture of?
A. Well, that's just a picture of a short piece of pipe with coupling machining on each end.
Q. Now, that's a piece of transite pipe, correct?
A. Yes. It looks like 8-inch 150.
Q. Eight inches in diameter, 150-pound pressure pipe?
A. 150 class.

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Q. 150 pressure pipe, correct?
A. Yes.
Q. Now, on that either end, are those -- does that depict a piece of pipe that has had the MEE or where you have machined each end?
A. Yes.
Q. And the purpose of that is so that you can slip I think you said the pipe into a coupling without beveling?
MR. VIEIRA: Objection. Leading.
THE WITNESS: No. This pipe is just used when you only need a short piece of pipe to complete the line.
MR. VIEIRA: Objection. Nonresponsive.
BY MR. WAH:
Q. What's the purpose of machining each end?
A. Well, so the short piece could accept a coupling.
Q. So a coupling would slide over the short piece?
A. Yes. A coupling goes right on here or on here (indicating) to complete a pipe.
Q. On either side. So i take it that the outside diameter of the machined end is smaller than the inside diameter of the coupling; is that correct? After you've machined the end, the piece -- the male end that's going

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to go into the coupling is smaller than the diameter of the coupling itself; is that correct?
A. Portions of it are, yeah.
Q. I don't mean the whole end but the portion --
A. Except the rubber ring and the coupling.
Q. And what is your understanding of -- well, strike that.
Is there also a term that's called "MOA"?
A. Yes.
Q. What does M -- with regards to the Johns-Manville pipe, what does MOA mean?
A. Machined over all.
Q. How does a pipe that has -- that is MEE, machined each end, differ from a Johns-Manville pipe that has been MOA?
A. Well, a piece of pipe that we call an MOA, machined over all, that pipe was put in a lathe at the plant. And it's machined for the whole diameter of the pipe. In other words, the length of the whole length of that piece of pipe is reduced so that you could take a coupling and slip over that end and move it back onto the piece of short -- the short piece of pipe, stub that -- stab that pipe into another line. Then the coupling will fit and complete the line. In other words, if you had just a piece of pipe that's machined

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on one end, the coupling won't fit and move back on the pipe. It'll only just complete the line. So the machine over all allows you to slip a coupling back on the pipe, then take and complete the line with a coupling.
MR. VIEIRA: Objection. Nonresponsive.
BY MR. WAH:
Q. And would that process that you've just described, would that involve any kind of sanding or grinding in order to complete that joining of the two pipes?
MR. VIEIRA: Objection. Speculation.
THE WITNESS: No. That's the purpose of the whole thing. We supply the customer with shorts and MEEs and MOAs so that he won't have to cut pipe in the field and make his closures.
MR. VIEIRA: Objection. Nonresponsive and speculation.
BY MR. WAH:
Q. How long has Johns-Manville been making pipes of various lengths? By that I mean the 13-foot, the 10-foot, the 6-foot all the way down to the 18-inch pipe?
A. Well, as far as the Stockton plant is concerned --

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Q. Stockton plant.
A. -- from the outset when the plant came up, we started making shorts to be available for the customer, 1957.
Q. And by "shorts," you're talking about pipes that are either -- that are less than the 13-foot length or the 10-foot length; is that correct?
A. Yes, that's correct.
Q. In relationship to Johns-Manville Stockton?
A. Yes.
Q. Did you make that length of pipe throughout the entire length of time that it was owned by Johns-Manville, that is, from 19 I think '57 to 1982?
A. Yes.
Q. Did you make that varying length of pipe all the way from 1982 till the time the plant closed?
A. Yes.
Q. Did you make pipe that had the MEO, machine end only, classification or description on it, and when did you first start making that kind of pipe, if you recall, at Stockton?
A. You mean pipe that we called "stubs" that we supplied to the customer?
Q. Let me ask it this way: At Johns-Manville Stockton, when did you first begin machining the ends

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only?
A. Right from the start-up of the plant.
Q. 1957?
A. Yes.
Q. And was that a process that you -- that continued throughout the time the plant was opened and owned either by Johns-Manville or by the Chinese?
A. Yes.
Q. What about the pipe that was machined over all, MOA-type pipe?
A. That pipe was also set up and made. There was a coupling center and a machining center in the plant right from the start-up of '57.
MR. VIEIRA: Objection. Nonresponsive.
BY MR. WAH:
Q. Do you recall a time from the opening of the plant till the closing of the plant, that '57 to late '80s period, do you recall a time when Johns-Manville ever put any kind of warning label about asbestos on its pipe or on its bundles of pipe?
A. I believe the last year that we were in operation as Johns-Manville I think finishing started putting the warning labels on the units of pipe going out of finishing. I think they did the last year that we were running.

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Q. And just so that we're clear, that would be sometime around 1982?
A. '81.
Q. '81. I'm sorry. 1981?
A. Yes.
Q. And was the pipe itself labeled, each piece labeled, or was it a unit or bundle of pipes that was labeled, if you recall?
A. It was a unit of pipe that was labeled.
Q. And this was done at JM Stockton?
A. Yeah. Just in the -- just in the last year we ran.
Q. Did the labeling of pipe continue while it was owned by the people from Formosa beginning in 1982?
A. No.
Q. They stopped labeling the pipe?
A. Yes.
Q. Did they ever resume labeling the pipe to the best of your knowledge?
A. Best of my knowledge, no.
Q. In your capacity as the general superintendent, general manager of the plant, plant superintendent, were you ever involved in any of the efforts to sell the pipe to some of the Johns-Manville customers during the period '57 to '87?

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A. Only in the capacity of being a plant representative that went in the field to observe.
Q. And you yourself have been in the field to observe the laying of pipe; is that correct?
A. Yes.
Q. And you also had a sales staff that worked for you that went out to observe the laying of pipe; is that correct?
A. They didn't work for me directly. They worked for sales. You're talking about people that instructed in the installation and stringing of pipe that those people worked for sales.
MR. VIEIRA: Objection. Nonresponsive. Objection. Speculation. Motion to strike.
BY MR. WAH:
Q. In the years that you were at Johns-Manville, do you know if the Johns-Manville Stockton plant had people who went out to instruct the customers of the Johns-Manville Stockton plant in how to install and lay pipe, AC pipe?
MR. VIEIRA: Objection. Lack of foundation.
THE WITNESS: Yes. We had professional installers, representatives that instructed contractors and pipe-laying crews. We had a building on site at the plant that we invited contractors in. And we

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demonstrated closures and stringing and belling pipe ahead and setting up valves and things like that, and also if necessary the cutting of pipe.

MR. VIEIRA: Objection. Nonresponsive.

BY MR. WAH:

Q. If you know, did Johns-Manville have a requirement for the level of education or the type of education its salespeople who were selling AC pipe during this period of time had to have?

A. All our sales -- all our salesmen were engineers.

MR. VIEIRA: Objection. Lack of foundation.

BY MR. WAH:

Q. And when you were the general manager, these were the salesmen who were under your not direct supervision but you were responsible as the general manager for these salespeople?

A. Indirectly, yes.

MR. VIEIRA: So objection. Nonresponsive, foundation, speculation. Lack of foundation I should say.

BY MR. WAH:

Q. When you used the term "stringing pipe," can you explain to us what you understand that term to mean what it comes to AC pipe?

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A. On all the bigger jobs, trenches were dug prior to laying out a pipeline. And then after the trenches were dug, pipe was strung off of trucks the whole length of the line. And then the labor force of the contractor belled ahead the pipe in the trenches. And we worked with them as far as teaching them the proper way to bell the pipe and string it in the trenches and unloading it from the trucks.

Q. What does "bell the pipe" mean in your description?

A. Well, when we're belling pipe, you have a piece of pipe, and then you slip a coupling on the end of it. You lubricate the pipe, then you slip the coupling and the rubber ring on, and then you stab the next pipe into that coupling. And that's bell the head. In other words, you keep belling the pipe. "Belling" indicates the coupling itself on the end of the pipe.

Q. And then as part of that belling process, just so I'm clear, are you saying that you slip a coupling on one pipe and then you just stab another piece so that you're now joining pipe?

A. Yes. See, when we ship pipe, many of the contractors ask for the coupling to be attached to the pipe.

Q. Preattached?

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A. Preattached, yes.

Q. So it would come to a jobsite with already the coupling on it?

A. Yes.

Q. You know what Cal Water is, a company called Cal Water?

A. It's one of our customers. Used to be.

Q. You know them to be a big company? Small company? Can you tell me --

A. A very large company.

Q. And they're the company that's located up in San Jose or Campbell; is that correct? They're headquartered in San Jose; do you know that?

A. I'm not sure.

Q. Never mind.

Was there ever a time that the Johns-Manville Stockton plant distributed written material to its customers about the cutting and installation of asbestos cement pipe?

MR. VIEIRA: Objection. Lack of foundation, vague.

BY MR. WAH:

Q. If you know.

A. Yes.

MR. VIEIRA: Same objections.

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THE WITNESS: We made that literature available to all the contractors.

MR. VIEIRA: Objection. Nonresponsive.

BY MR. WAH:

Q. And when you say you made it "available," what do you mean by that?

A. The salesmen had it, and they gave it to the contractors. And it's up to the contractors if they chose to use it or not use it.

MR. VIEIRA: Objection to that. Lack of foundation, speculation. It's also vague as to what "that" is.

BY MR. WAH:

Q. Well, that was it. When you say "that," what are you talking about, Mr. Wilkinson?

MR. VIEIRA: Same objections.

MR. WAH: Let me start that over again.

BY MR. WAH:

Q. The safety material that you just described, can you -- was it a pamphlet? Was it a booklet? Do you know?

A. Booklet.

MR. VIEIRA: Objection to the word "safety material." It assumes facts not in evidence. It's also vague.

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BY MR. WAH:
Q. The material you talked about in terms of instructing some of your customers how to cut and lay pipe, okay, do you know why that was distributed to them?
MR. VIEIRA: Objection. Assumes facts, also vague and speculation, lack of foundation.
BY MR. WAH:
Q. You can answer.
A. In our case, we wanted to make sure that the pipe was laid properly so there was no leaks and that they used the available three percent of shorts that were given on these jobs to make all their closures so that they wouldn't have a lot of cutting. The contractors objected to that as much as possible because it was high labor costs.
MR. VIEIRA: Same objections as last stated.
BY MR. WAH:
Q. Did you -- if you know, did you ever distribute at Johns-Manville Stockton any material or instructions that showed people how to cut pipe and minimize any kind of dust at the same time they were cutting?
MR. VIEIRA: Objection. Compound as well as the last stated objections. Speculation, lack of foundation, vague, assumes facts not in evidence.

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THE WITNESS: Yes.
BY MR. WAH:
Q. And your answer was "yes." What did you distribute?
MR. VIEIRA: Objection. Vague, lack of foundation, calls for speculation.
THE WITNESS: Well, I've seen the sales pamphlets and the installation instructions, literature that they gave out to contractors. And it just depicted pictures and steps and if necessary how to cut pipe. But they totally wanted to avoid it if possible. That's why we supplied them with these 6'6"s and 3'3"s and stub 18-inch so they could make their closures without doing any cutting.
MR. VIEIRA: Objection. Nonresponsive.
THE WITNESS: Because we always had access to their drawings, plans, lay-outs. We knew whether -- what it was going to take in footage and supplied them with those.
MR. VIEIRA: Objection. Vague. Objection. Nonresponsive. No question pending.
BY MR. WAH:
Q. You know what the term "snap cutters" means in terms of AC pipe?
A. To the best of my knowledge, that was when they

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used to use the chains.
Q. And what did they use the chains for?
A. To snap off the pipe.
Q. To cut it?
A. Yeah, to cut it.
Q. Do you recall when you first saw snap cutters being used with regards to the transite pipe or the AC pipe?
MR. VIEIRA: Can I have the question read back please before we get an answer?
(Record read.)
MR. VIEIRA: Objection. Assumes facts.
BY MR. WAH:
Q. Did you ever see snap cutters being used with transite pipe, AC pipe?
A. Yes.
Q. When did you first see that?
A. Sometime in the '60. Late '60s.
MR. VIEIRA: Do you need another break, or are you doing all right?
MR. WAH: I'm sorry. I'm just actually kind of wrapping up, Tony. No, I know.
MR. VIEIRA: Thought I would ask.
BY MR. WAH:
Q. Do you know if the written -- if the material

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that Johns-Manville distributed as to the cutting and laying of pipe also included any kind of information regarding asbestos hazards and how to minimize hazards of working with asbestos?
MR. VIEIRA: Objection. Assumes facts. It's compound. It's also leading. Also lacks foundation, calls for speculation.
THE WITNESS: I don't know if employees at the plant were given pamphlets and everything in 1975. In the field, contractors and them, I don't know.
MR. VIEIRA: You don't have any recollection of that?
THE WITNESS: Of contractors?
MR. VIEIRA: Yeah.
THE WITNESS: No, not of asbestos hazards.
MR. VIEIRA: I'll withdraw my objections to the last question.
MR. WAH: I figured you would.
That's all I have.
MR. VIEIRA: Can we take a little break so you and I can switch positions and I can switch my stuff?
MR. WAH: Sure.
(Pause in the proceedings.)
MR. WAH: Let's go back on the record.
We're going to begin with the cross-examination

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of Mr. Wilkinson. And this is Douglas Wah for Calaveras. I'm going to reserve my objections until a later time we can take it up with the judge. And Mr. Vieira has agreed to that. And here is the rest of the exhibits back for you.

EXAMINATION BY MR. VIEIRA:

Q. Good afternoon, Mr. Wilkinson. How are you now?

A. Fine.

Q. Good. Good. We're going to do our best to be efficient here and get through for your benefit. And I think we all want to get done, too. So hopefully we're not wasting any of your time.

One of the things that you were talking about was how to know what blend was in particular pipe at a particular point of time. I'd like to kind of start just asking you some questions on that topic if that's all right.

A. Fine.

Q. Is it true that all use of asbestos in the manufacturing of asbestos cement pipe at Stockton had to be authorized either by a divisionwide specification or a deviation?

A. That's a yes.

Q. Do you want to qualify that at all?

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A. Yes.

Q. Okay.

A. On one point.

Q. Okay.

A. There have been times when I was a machine tender and there have been times when I was a shift foreman and there's been times when I was a superintendent when each of those times I had different responsibilities and saw what was done. And I have seen times when we were running a standard blend and it was not performing on a machine at the rates necessary to qualify -- you know, to make our standards.

Q. Right.

A. And we deviated with a deviation blend. And I have seen times when the deviation blend was not working and when people that had more responsibility than me, I was told to change a few things back at the willows where the initial fibers are put in and go another direction for my shift, and when I came on the next time around they were still doing it and then went off of it. They had sweetened the pot so to speak and taken one fiber and added it and pulled one fiber out. And this was below the radar so to speak. And then went back on to the deviation blend that was not working well. And got in contact with division headquarters, I was told

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what had happened never happened. So we had several shifts that I was aware of that we did something necessary to get the production rates up. It was not necessarily to get the quality up because you're three days away from knowing whether it's good or bad in the testing. So what you say is true, and there are exceptions to the rule that figuratively never happened.

Q. I understand. I understand.

A. And those were few and far between, but they did happen. And I was privy to being aware of them at certain times and being part of them. But then when my responsibilities got to the point where it was me that had to be -- I had to answer for what I did, I was very, very cautious. Things changed, times changed and more rules are put in so that those things can't happen. And as that happened, that went away. But in times gone by, there was a lot of times that that happened.

Q. So just to make sure I understand it -- and I think I do. I apologize to you now for doing this lawyer thing and restating what you said. But I just want to make sure I've got a good handle on it. If I say something to you that's not right, I trust you'll let me know. Okay?

A. Yes.

Q. I think what you're saying is in the earlier

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days during your time at Johns-Manville, it was the general rule that what went into a particular blend was controlled either by the divisionwide specification or the deviation that was operative during that particular time period.

A. Yes.

Q. But that there were rare occasions when below the radar for a shift or two you might -- somebody might take it upon themselves to deviate the blend even from a deviation. But that would revert back to whatever deviation or spec was in effect after those one or two shifts?

A. Yeah. And then in the future there would be inventory adjustments to compensate for tonnage used that never happened.

Q. But at least with regards to the earlier days, what I just said to you was accurate?

A. Yes.

Q. And in the later times -- and I don't know when that would be. Let's say 1987. Well, strike that.

Let me ask you this just to let you tell us: You told us there was an occasion where you became more directly responsible for making sure that what was in the blends was what was supposed to be in the blends.

A. Yes.

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Q. What time period are we talking about now?
A. We're talking late '60s, early '70s.
Q. Up through '87?
A. '81, '87 if you want to count both companies.
Q. At any rate, during that time period, I think what you've been saying to us is that it was even more so true that what went into a particular blend was determined either by the divisionwide spec or the deviation that was operative during any particular time period.
A. Yes.
Q. Now, how long have you known Mr. Wah approximately?
A. This is 2007. Maybe late '90s.
Q. And I take it that you -- the reason you -- the context in which you got to know him was in the context of a witness in litigation involving Calaveras Asbestos; is that your recollection?
A. Yes.
Q. When was it that JM in Stockton tried that test run of the amosite?
A. Mid '60s.
Q. '64 or '65, '66, sometime in there?
A. Yes.
Q. And never again after that, correct?

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A. Correct.
Q. You talked earlier about I believe a couple different types of records that would be created during the forming or the finishing of products.
A. Yes.
Q. One type I believe you called the formed production records.
A. Yes. That's all production. It was recorded that all pipe machines in the forming department at the end of every 24-hour period, those were all pulled together and laid out. And those records were kept.
Q. And then I think the other type was the finished production records; is that true?
A. Yes. The finished production records is your -- is what the plant is given credit for as far as production to division. In other words, saleable product.
Q. When was the first time you recall meeting with Mr. Wah on this particular case?
A. This particular case?
Q. Yeah.
A. A few days ago.
Q. A few days ago? Do you recall when you first spoke to him about this particular case? Was it on the phone or -- I guess that's one way you could do it

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without doing it in person.
A. God, I don't know.
Q. A month ago? Two months ago? Two weeks ago?
A. A couple of weeks ago, yeah.
Q. Did he ever ask you if in preparing for this deposition it would be -- if you thought it would be helpful for you to have either the formed production records or the finished production records?
A. I would have them?
Q. Yeah. Did he ever ask you if you thought it would be helpful -- let me break that up.
Did he ever ask you if he thought it would be helpful for you in preparing for this deposition for you to have the formed production records from 1975 up through 1985?
A. No. I brought up the fact that the only way you'd really know what was made was if you looked at forming department production records not finishing department production records. I wanted to qualify that because you don't have all the additional information on finished production records. You just have number of pipes, number of units, number of feet.
Q. All right. When you brought that up, what you've just told us, did you ask him to get those records so that you could look at them to prepare for

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this deposition?
A. No.
Q. Did he offer to get those formed production records for you so that you could prepare for this deposition?
A. No.
Q. Did he offer to give you any finished production records so that you could prepare for this deposition?
A. No.
Q. Mr. Wah was asking you about the comparative size of the mines, the Jeffrey mine and then the mine up at Copperopolis.
A. Yes.
Q. Do you know how big the mine at Copperopolis is, let's say, in diameter or any other measurement that folks that know might use to talk about the size of the mine?
A. I looked at its production capacity. And that tells me what it is as compared to Jeffrey. I worked in Jeffrey for almost six months. And it is so huge and its production is so enormous, and the railcars are just unuseful. Ore that goes out of there is just so big as compared to what I just glanced at when I was up at Copperopolis one time --

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Q. Yeah.
A. -- that I know that the Copperopolis mine is just a small, small operation as compared to Jeffrey.
Q. I'm just trying to get at if you're able to give us a more certain feel for how big that mine is. Is that something you're able to do or --
MR. WAH: "That mine" being Calaveras?
MR. VIEIRA: Yeah, "that mine" being Calaveras. I apologize.
THE WITNESS: Physically?
BY MR. VIEIRA:
Q. Yeah. I'm not saying you can. I'm just wondering if you can.
A. No, I can't.
Q. All right.
A. I just remember seeing the production capacities, and I remember seeing what I could of the mine when I was there one time. And it was just a small operation in my mind as compared to what I had seen and worked at the Jeffrey operation. I mean, the Jeffrey operation processing mill is twelve stories high, and Copperopolis is nothing compared to that.
Q. How many different asbestos cement pipe making plants did JM have?
A. At one time, eleven.

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Q. And I'm not trying to quiz you, but do you recall where they were besides Long Beach and Stockton?
A. Yes.
Q. Where else?
A. Dennison, Texas; Marrero, Louisiana; Waukegan, Illinois; Manville, New Jersey; Toronto, Canada; Green Coast Springs, Florida. Let's see.
Q. That's good enough. If it comes back to you, let me know.
A. Okay.
MR. WAH: You get a B plus.
MR. VIEIRA: No. He's doing a great job.
BY MR. VIEIRA:
Q. So in terms of the fiber suppliers to those different places, let's say Waukegan, do you know whether or not Waukegan also got a portion or got some fiber from the Jeffrey mine?
A. Absolutely.
Q. So I take it the Jeffrey mine was supplying not only fiber to you out here at Stockton but probably all the other plants as well?
A. Every plant in the system of Johns-Manville received the bulk of their fiber from Jeffrey.
Q. What were the conditions, if you know, that were taken into account in figuring out what fiber was

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going to go to what plant?
A. Shipping costs were primary and quality of fiber was secondary. And capacity of the plant also had to be heavily considered because we had big inventory storage. Any space we had for inventory of fiber Jeffrey would utilize. And they were aware of what capacity every plant had because the fiber division had to know those kind of things. The insulation plants, the flooring plants, the roofing plants, they all used Jeffrey fiber. And the Jeffrey mine was producing at such a high rate for the whole company. But the pipe division was the biggest user of the Jeffrey fiber. And who received the most fiber was the cheapest shipping cost naturally. And they tried to -- and the size of the plant had to be considered and the inventory capacity of the plant had to be considered. And Jeffrey made sure that everybody was well stocked right to the gunnels. Since I've been in every plant in the system and knew everybody and worked at it, I also had to work with Capcoat (phonetic) because we licensed Capcoat to make the asbestos cement pipe and help build their plants. We put our management people into their plants. They were a big user of Jeffrey. So I got involved there.
Q. All right. And one of the things that

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Mr. Kalen was telling us was that he was talking to us about this whole notion of point values for fibers and about the utility and blending of various kinds of fibers in order to get the best pipe. Are you familiar with that whole notion of point values?
A. Yes.
Q. Was there ever a point in time when JM manufactured a piece of asbestos cement pipe, let's confine it to Stockton, when it didn't have a blend of asbestos fibers?
A. Could you repeat that question? I don't quite understand it.
Q. Was there ever a point in time when -- let me ask it this way: When the asbestos cement pipe manufactured at Stockton didn't have multiple kinds of asbestos in it?
A. No.
Q. So it was always a blend of fibers A, B, C and D, whatever those might be?
A. Yes.
Q. And I take it there was a reason in terms of rates of production and the quality of the pipe why you would want to blend fibers as opposed to just using one type of fiber?
A. Right.

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Q. Now, you said that shipping costs were the primary consideration in determining what fiber went to what plant, correct?
A. That was one of the very high things that were considered, yes.
Q. I understand. And aside from I think you said shipping being primary, you said quality was also a consideration, but it was secondary in terms of determining what fiber went to what plant.
A. Yes.
Q. What was the closest mine to Stockton?
A. Had to be Copperopolis, Calaveras.
Q. Did you ever at any point in time at Stockton use any asbestos from any other California mine other than the mine at Copperopolis?
MR. WAH: Objection. File objection. We'll talk about it later. Go ahead.
BY MR. VIEIRA:
Q. To your knowledge.
A. Corona was the only one that had any fiber. And they didn't have any fiber of the quality that we needed. So no. The answer is no to your question.
Q. Copperopolis was the only mine in California from which you got asbestos fiber?
A. Yes.

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Q. And I take it the shipping costs from Copperopolis would have been -- to get an equivalent unit of asbestos from Copperopolis would have been much less than the shipping costs, let's say, from somewhere in Canada?
A. Absolutely.
Q. Did the mine at Copperopolis have a rail spur?
A. I'm sure they must. I did not see it and wasn't concerned with it and wasn't even interested in it because trucking was the primary use and cheapest.
Q. Wouldn't be any reason to stick fiber from a plant from a mine 37 miles away in a railcar and ship it down here when you had trucking available?
A. Right.
Q. Now, I want to show you just a couple of these exhibits that you were shown earlier. Actually, give me a moment to try to find what I'm looking for here.
I want to show you 6. You said that was a picture of a Calaveras bag, right?
A. Yes.
Q. And then that's the front of the bag. And I think 7 is the back of the bag, right?
A. Right.
Q. Do you know when those bags were manufactured?
A. When?

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Q. Yeah.
A. No.
Q. If I could have those back.
A. (Witness complies.)
Q. Thank you, sir.
You said earlier that after 1982 the Stockton plant's use of Calaveras increased.
A. Yes.
Q. Can you tell us did it increase -- was there a steady increase all the way up to '87, or was there some intermediate point in time when it dipped off before the plant finally closed in '87?
A. Well, from '82 to '87 the availability of the fiber made it an intermittent use since it was not available all the time when we wanted it. I would have taken more fiber from that mine if it was available. But it was not because, see, I did not have the overseers in the asbestos fiber division on my case anymore telling me what I could and couldn't run. And I wanted to use more Calaveras, especially the 4T. It was a good product. But it wasn't available all the time. It was only available some of the time. So it was hard to run a blend and then change a blend and run a blend and change a blend. You just don't want to do that. It's too slow a process and it's too time consuming to

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start changing formulations back at the willows and then through the pipe machines. And it's just that you have these great, big holding bins, and you fill them up prior to the running of that machine and that shift for that product line. And you need to have a steady stream of material that you can depend on. And I had a tough time getting fiber on a steady basis. So a lot of times I would get frustrated and I would just take it completely out of the system and wait until I could get enough so that I could have a sustained run of a month or two months at least instead of these partial weeks and half weeks and run out and all of a sudden be told that there was no more coming that I thought was coming. I thought I had fifty tons coming. It turns out to be five. So it was a tough situation all the way around during those years. You wanted it, and it was a good product, but you couldn't get it on a timely basis. So that's --
Q. Now, I take it that I'm -- having looked at the divisionwide specs and the deviations, it looks like the percentage of Calaveras that went into a particular blend was, let's say, between just over 7.8 percent to about 29.7 percent. Is that your recollection of the percentage of Calaveras in the blend when a blend had Calaveras?

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A. You're talking percentiles and I used to talk bags. Let me just change the phraseology a little bit. I was used to one bag in ten, one bag in eleven, one bag in twelve, sometimes two bags --
Q. In ten?
A. Yes. Every once in a while we would run two bags. Most times it was one bag in a batch. That was what we were asked to use.
Q. I take it that the bags were equivalent in size so that if you had one bag in a batch of ten, it's ten percent Calaveras fiber?
A. That's right.
Q. If you had two bags in a batch of ten, it's 20 percent?
A. That's right.
Q. If you had three bags, it's 30 percent?
A. Yes. But I never, ever to my recollection remember ever using three bags of Calaveras.
Q. We may -- before we're finished here, we may actually take a look at a couple of deviations or divisionwide blends. But at any rate, you're used to talking in bags per ten or eleven?
A. Yes.
Q. That was the jargon that you guys used at the time?

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A. Yes.
Q. Now, I take it from what you've told us since the Calaveras was a pretty good fiber, that especially in the later years if you could have got more -- and maybe you said this, you could have got more, you would have used more.
A. Yes.
Q. So I also take it that when you couldn't get more, there would be a smaller percentage of Calaveras in a particular batch as opposed to what would have been if you had your way; is that true?
A. Yes. Or we had to just arbitrarily take it out of the blend completely because it just was too intermittent. And we would wait until we could accumulate enough tonnage so that we could have a sustained run.
Q. One of the guys at CertainTeed told us the other day that his recollection is that the Calaveras, at least the 4T, had a pretty good point value. Is that your recollection?
A. Yes, it did. 72 to 74.
Q. Was it also the case that pipe -- or strike that.
Was it also the case that the water pipe generally tended -- needed to be a stronger pipe than,

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let's say, irrigation pipe or sewer pipe?
A. Yes. The test was much more rigid.
Q. So you needed fiber with a higher point value, generally more than that in the water pipe than you did in the sewer pipe or the irrigation pipe?
A. Yeah. You had to have a much higher wall thickness at the machine. So when you increased the wall thickness to produce a pressure pipe, it's hard to form on the press section. And the thicker the wall, the higher tensile strength that you must have in the fiber that's distributed throughout that pipe. So thusly you have to have the higher point value fibers which have higher tensile strength and are much more buoyant and porous will pass water through them.
Q. And the -- I forgot what I was going to ask you.
A. That's my line.
Q. So we're in the same boat, huh?
A. All right.
Q. I'm going to get my bearing here.
MR. WAH: Are you okay?
THE WITNESS: Uh-huh.
BY MR. VIEIRA:
Q. Going back to an earlier question, between '82 and '87, when do you think was the year in which or the

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peak year for use of Calaveras fiber?
A. Probably right at the outset. In '82 and '83, we probably were using more Calaveras than we would be in 1987 because as the five years that the Chinese had the business, the higher the problems were with the asbestos exposure. And, therefore, the business kept going down and down and we kept having to shut machines down because the business wasn't there.
Q. Were you aware as this whole dynamic was going on where the business was becoming more difficult to sustain because of the health issues whether or not -- whether or not JM thought about converting to making a different type of water pipe, nonasbestos water pipe?
MR. WAH: I got lots of objections on that. Speculative, compound, a few other things.
MR. VIEIRA: Let me withdraw it.
BY MR. VIEIRA:
Q. Were you aware of any discussion, let's say, in the '82 to '87 time frame regarding whether or not JM was thinking about converting to making another kind of water pipe?
A. I wasn't aware.
Q. How long did Johns-Manville have this shop at Stockton where they were cutting pipe? In other words, you told me that I think one of the things that they did

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for a certain period of years was they would talk to people about how to make cuts or minimize cuts and that happened in some sort of a training facility.

A. Yeah. Johns-Manville had what they called the demo building right on site.

Q. All right.

A. It was right behind the number one pipe machine. It was a large building.

Q. Okay.

A. And it was just reserved for sales and the installation instructors to work with contractors and instructing them the proper way to bell pipe, proper way to make closures and install valves. They had -- they had the whole building inside set up with makeshift set-ups dummied up so the contractors could see and put hands on and the proper way to do a cutting if it was absolutely necessary. But we dissuaded the contractors by trying to impress on them that at the same price we would allow three percent of whatever total footage they purchased to be 6'6"s, 3'3"s and 18-inch stubs so that they could make their closures. And we would supply the MOAs also in a certain percentage without additional cost. And we demonstrated that in the demo building.

Q. Was that demo building still open in '87 when the plant finally shut down?

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A. No. The Chinese converted that demo building to their own uses.

Q. When did they do that?

A. As soon as they got in there. '82.

Q. So at least up through -- and when did the Chinese actually take possession?

A. January '82.

Q. So at least up through '81, that demo building was still actively used?

A. Yes.

Q. And they had pipe cutting demonstrations in there up through '81?

A. No. I have to take that back. We had a major strike right around '80, something like that. And that demo building was taken over by outside security guards that Johns-Manville brought in for the duration of the strike to protect the grounds because it got pretty violent.

Q. So was the demo building still up?

A. '79.

Q. So they were still getting pipe-cutting demonstrations as of '79?

A. Yes.

Q. And one of the reasons they did that is because out in the field to your knowledge that was the standard

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way for cutting pipe -- strike that -- that folks would cut pipe with a saw?

A. If it was absolutely necessary. Hopefully not necessary.

Q. You don't have any understanding one way or another about whether folks were cutting pipe commonly with power saws out in the field, let's say, as of '79; is that accurate?

A. Boy, you would have to show me where it was necessary that much. I mean, you might have one or two in the dayline. But you wouldn't be, as you just said, cutting pipe all the time. I mean, there's no need for it. You had too many closure pieces supplied by JM. And you had -- prior to that job going in, you had specs and you had layouts. And any job of consequence I was aware of, we would make take-offs on paper. And I would load trucks accordingly so that that truck, one, had a certain amount of shorts, a certain amount of fittings and a certain amount of regular standard pipe on there that could be strung just the way the layout drawings, the takeoffs as they were called, were there. I mean, there was just -- there was just too much preparation made between a contractor and Johns-Manville on a job of any consequence to say that there would have to be any cuttings. Something had to go awry in the field big

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time to cause any cuts to be made. I just didn't see it. I went out on many, many stringing jobs, and I never saw that.

Q. I take it that there wasn't a point in time at least after 1957 when you were actually a working contractor out in the field; is that accurate?

A. I was a working contractor?

Q. I'm saying I don't think there was a -- there wasn't a time after 1957 when you were a contractor working out in the field; is that right?

A. When I was a contractor?

Q. Right.

A. No.

MR. WAH: I was going -- I'll object.

BY MR. VIEIRA:

Q. So water pipe, I've been told that was Johns-Manville's bread and butter essentially during the 1960s and 1970s and continuing up into the 1980s. Is that true at least from the standpoint of AC pipe manufacturing?

A. Sewer pipe was also major, Bureau of Reclamation was major as much as water pipe.

Q. Would you say that the primary product that was sold by Johns-Manville at least up here at Stockton was AC water pipe?

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A. Yes.
Q. And I take it that because of the development at least that was going on in this state during the '60s and '70s and continuing up into the '80s that you made a lot and sold a lot?
A. Yes.
Q. And in terms of the inventory, you would manufacture the stuff and it would go out? In other words, it would be made, it would be finished and didn't sit long; it actually went out fairly quickly in general?
A. No.
Q. No?
A. We manufactured to inventory based on sales.
Q. Well, was water pipe typically a special order product or was it a product that was just manufactured not special order?
A. Not special order.
Q. And how long, if you can tell us, did -- are you able to tell us whether or not a particular piece of pipe sat in inventory?
A. Are you talking water pipe?
Q. Water pipe.
A. Anywhere from thirty days to eight months.
Q. But no more than that?

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A. I would say not.
Q. And water pipe was continuously manufactured between '76 and '86, let's say?
A. Yes.
Q. And it was continually sold during that same time frame, correct?
A. Yeah, basic water pipe, yeah.
Q. Do you want to take a short break?
A. No. Let's go ahead and finish it.
MR. WAH: Tony, I'm not trying to -- when you say let's go ahead, how much longer before --
MS. LEE: How much longer do you have?
MR. VIEIRA: I don't know. Maybe a half hour.
MS. LEE: We should take a break because you might have some more.
MR. VIEIRA: It's up to Mr. Wilkinson.
MS. LEE: But I promised his wife.
MR. VIEIRA: Whatever you guys want to do. If Mr. Wilkinson --
MR. WAH: We're going to be here for a little while longer. So it's better to take a little break now, fifteen, twenty minutes maybe and then go through. Or what do you want to do, Daryl?
THE WITNESS: I'd just as soon get done.
MR. WAH: But let Tony and I both know.

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THE WITNESS: If I run out of gas, I'll tell you because I won't be talking very good.
MR. WAH: Then we're going to have to break.
(Break taken.)
BY MR. VIEIRA:
Q. Ready, Mr. Wilkinson?
A. Yes.
Q. Have a chance to rest a little bit?
A. Yes.
Q. Let me know if you want to take -- I trust you'll let me know if you want to take another break at any point in time; won't you?
A. I'm good to go.
Q. All right. In terms of the total weight of in terms of the total weight of the asbestos in transite pipe manufactured at Stockton, as I understand it, it would vary between 10 and 20 percent?
A. Yes.
Q. And that would -- typically with water pipe, because it needed to be a stronger product, you would have a higher percentage of asbestos in water pipe as you would generally compared with sewer pipe or irrigation pipe?
A. Yes.
Q. Typically for water pipe, would the percentage

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of asbestos by weight be right around the 20 percent mark?
A. Anywhere from 17 to 20.
Q. Aside from the 4T and the 5K, was there any other kind of Calaveras fiber that went into water pipe at Stockton?
A. Not to my knowledge. I know that Calaveras had another fiber. But I think we tried it once and the division didn't pursue it anymore, and they just stuck with the 4T and the 5K.
Q. Is it true that notices of deviation would expire either when they were replaced by another notice of deviation or explicitly cancelled or -- strike that. Let me ask it again. Let me ask it a different way.
My understanding is that there were three basic ways in which notices of deviation would expire; is that true?
A. Well, deviations were 90-day things that we used to get away from the standard blends when necessary. And that was quality and availability --
Q. I understand.
A. -- of other fibers.
Q. All right.
A. So you could run it out at 90 days, you could cancel it earlier if you alleviated the problem,

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original problem causing the deviation, or you could extend the deviation with an application to division to go more than 90 days.

Q. So if a deviation was in effect, the way that that particular deviation would end in terms of its spelling out what went into a particular type of pipe, it would be either by it being expired after 90 days.

A. Yes.

Q. That would be one way, correct?

A. Yes.

Q. Or it could be simply replaced by another deviation. That would be another way; is that correct?

A. Yes.

Q. And those would be the two ways I take it from what you just said that a deviation could be either cancelled or replaced; is that correct?

A. There was a third I said, wasn't there, too?

Q. Well, you tell me because I don't want to put any words in your mouth. I started out thinking there were three, and I took from your answer there was only two.

A. No, no. There's three.

Q. So let's go back and make sure we got it clear.

One way that a deviation would no longer be operable -- let's use that terminology -- is if it was

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succeeded by a subsequent deviation, correct?

A. Okay.

Q. Is that right?

A. Yeah. You could -- you could apply for a different type of deviation if that one didn't work.

Q. Or that deviation could simply expire?

A. At 90 days.

Q. Or I believe you said that deviation could ultimately be extended.

A. Yes.

Q. Would those be the three ways?

A. As far as I know.

Q. And in the event that a deviation either expired -- right? Strike that.

In the event that a deviation expired and wasn't either extended or followed immediately by another deviation, you would have a reversion back to the divisionwide specification?

A. The tender blended for that year.

Q. There were four different pipe machines at Stockton beginning in the '70s, correct?

A. And '60s.

Q. And the '60s. In the '60s, there were four different pipe machines at Stockton?

A. In the late '60s, number four came on-line.

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Q. Pipe machine number one made ten-inch-long pipe and 2- to 8-inch --

A. Ten-foot-long pipe.

Q. Pipe machine number one made ten-foot-long pipe in 2- to 8-inch diameters?

A. Yes.

Q. Pipe machine number two made 13-foot-long pipe in 3- to 8-inch diameters?

A. No. 3 to 10. That's a misnomer.

Q. Pipe machine number three made 13-foot-long pipe in 6- to 18-inch diameters?

A. 21-inch. That's a misnomer, too.

Q. Pipe machine number three made 13-foot-long pipe in 6- to 21-inch diameters?

A. It's 8 to 21.

Q. Let me restate it again.

Pipe machine number three made 13-foot-long pipe in 8-inch to 21-inch diameters?

A. Yes.

Q. And pipe machine number four made 13-foot-long pipe in 24- to 42-inch diameters; is that correct?

A. It could make 21 if it's absolutely necessary. But 24 is what we normally stuck to.

Q. Now, sometime in the spring of this year it's my understanding that Mark Swanson asked you to take a

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look at some divisionwide specifications and some Stockton deviations that dealt with the blends that were operative approximately between sometime in 1975 and sometime in 1981. Is that generally your recollection?

A. Yes.

Q. And when he asked you to do that, my understanding is that you actually did take those documents from them -- from him and actually looked at those documents.

A. Yeah, I spent quite a few hours on them.

Q. Had you ever, at least in recent years prior to that time, looked through those divisionwide specs and the Stockton deviations?

A. Had I prior to him showing them to me?

Q. Right.

A. No.

Q. And my understanding -- and I'm looking at a declaration now, and I just want to make sure I have an appropriate or an accurate understanding of what documents you looked at. It might even be helpful if you turned to page 5 in that declaration that we'll mark as Plaintiff's 1 to this deposition. Page 5. Let me know when you get there.

A. Is that item nine?

Q. Well, we're going to look at item ten.

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A. Item ten.
Q. Yeah. So basically what I take from this declaration -- I believe this is your declaration signed in July 20th of 2007, right?
A. Yes.
Q. I take it from this declaration that the documents that Mr. Swanson gave you to look at that you did, as you say, spend a lot of time looking at are the documents that were numbered MT-STOCK-000001 through 000032 and MT-STOCK-000153 through 000232 and CRMC-PHH-004841 through 004828. You looked at all of those documents that were encompassed within the numbers I just gave you, correct?
A. Yes.
Q. Now, I want to hand you what I'm going to mark as Plaintiffs' 2. Just take a quick look at that, and I'll ask you just some general questions about it.
(Plaintiff's Exhibit Nos. 1 and 2 marked for Identification.)
BY MR. VIEIRA:
Q. Do those look familiar at all?
A. Yeah.
Q. What are they just generally?
A. Those are blends and deviations throughout the years.

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Q. Stuff from the old days?
A. Yeah. Forty years ago recall.
Q. In that collection of documents that we marked as Plaintiff's 2, there's both divisionwide specs and Stockton deviations, right?
A. Yes.
Q. Does that look like the set of documents that Mr. Swanson gave you to look at earlier this spring?
A. Yes. Do you want these back?
Q. You can hold onto them for now.
Those documents, at least -- let's start with the divisionwide specs. What were you doing when you would have become familiar with using those documents in your work at JM Stockton?
MR. WAH: I'll object that it's vague and ambiguous. But you can answer.
THE WITNESS: What was I doing when I had to use those documents?
BY MR. VIEIRA:
Q. I'm assuming that the divisionwide specs, you used them?
A. Oh, absolutely.
Q. All right. And what were you doing when you would use the divisionwide specs? I guess what use were they to you in your job?

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A. Oh, they were my Bible.
Q. I've actually used that terminology before with regards to these believe it or not. So I didn't know if I was the only one that did or not. But when you say they were your "Bible," are you saying that if you would get a divisionwide spec, it was your job to make sure they were implemented?
A. Absolutely.
Q. So even if there was somebody up at headquarters that was crazy and a particular blend wasn't going to work, it was your obligation to institute it?
A. Yes.
Q. I also take it that if there was a problem with either quality or some other aspect of a divisionwide blend that you might make a call to headquarters and say "Hey, this isn't working. We need to institute a deviation"?
A. Yes.
Q. That's generally how deviations came about?
A. That is.
Q. And what I would like to do is I'm going to show you just a couple documents here -- maybe more than a couple, but hopefully not too many more than a couple. And I'll actually just give you the document instead of

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having you find it. Actually, let me hand this to Doug.
MR. WAH: All right. Just give me a number or something.
BY MR. VIEIRA:
Q. So you can keep that, Mr. Wilkinson.
So what we're going to look at would be the document that's Bates numbered MT-STOCK-000192.
Mark, if you could find that for me. It's 192.
BY MR. VIEIRA:
Q. I'm going to hand you that. Tell us what that is.
MR. WAH: Hold on one second. Three zeroes 192.
MR. VIEIRA: It's a deviation units 192.
MR. WAH: I'll just look over his shoulder.
BY MR. VIEIRA:
Q. So any rate, I know we all know it, but that's a deviation?
A. Yes.
Q. It's a Stockton deviation?
A. Yes.
Q. And I see a signature at the lower right-hand corner. Do you recognize that signature?
A. Yes. That's mine.
Q. Can you tell me a little bit about that man

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that made that signature? I'm kidding. Withdrawn.
On the left side, there's a line for quality control supervisor.
A. Yeah. Tom Decker.
Q. And you recognize that as Mr. Decker's --
A. Signature.
Q. -- mark?
A. Yes.
Q. Would he have been essentially in the same position as Hal Kalen would have been --
A. Yes.
Q. -- around the same time frame?
A. Exactly the same.
Q. So not only did the production guys have to sign this as you did as production superintendent, but the quality control folks also had to sign off on the document?
A. Yes.
Q. Now --
MR. WAH: Tony, just off record.
MR. VIEIRA: Yeah.
(Pause in the proceedings.)
BY MR. VIEIRA:
Q. Now, why don't you hand me that back because I'm going to give you another one now. I want to show

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you document 193. That's another Stockton deviation, right?
A. Yes.
Q. And once again, your signature is in the lower right-hand corner of it?
A. Yes.
Q. And if you could hand that back to me.
If we take a look at that declaration we were referring to earlier, the July 20th declaration --
A. Uh-huh.
Q. -- that we've marked as Plaintiff's 1, the back page there we've got another Daryl Wilkinson signature, right?
A. Yes.
Q. Then I want to show you another Stockton deviation. And that is Bates number MT-STOCK-000194. Whose signature or initials is that in the lower right-hand corner there?
A. Mine.
Q. Sometimes you signed it in full and sometimes you just initialed?
A. Yes.
Q. And I want to show you the document that's MT-STOCK-000195. Who is initialed off in the lower right-hand corner there?

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A. That's my signature.
Q. All right. Thank you.
In terms of the Stockton deviations that Mr. Swanson gave you earlier, and I believe they're included within Plaintiff's 2, did you sign off on all of those deviations; do you know?
A. As far as I know, yeah.
Q. It would be customary for you to sign off on the deviations?
A. Yes, because I initiated them.
Q. What does that mean?
A. Well, I'm the one that's the cause of them.
Q. So whatever the reason was, if there was a reason to initiate a deviation, you would have been the guy that did that initiation?
A. Did that initiation, yes.
Q. If I could have just a moment.
I want to show you a standard blend. And give me just a moment here. I want you to turn to -- let me actually give you the document here. I'll take that back from you, Plaintiff's 2, and I'll find this document for you.
I want to have you look in Plaintiff's 2, a document MT-STOCK-000025. That's a manufacturing spec, right?

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MR. WAH: Wait a minute. Slow down a minute. Four zeroes and 25?
MR. VIEIRA: Yeah.
BY MR. VIEIRA:
Q. Mr. Wilkinson, when you're ready to talk about that.
A. Yeah. Go ahead.
Q. So that's a standard blend, correct?
A. For the year 1977.
Q. And we'll get to that.
What was the operative date of this standard blend? More specifically was it 2-24-1977? Are you able to tell us?
A. No. It should have started 1 January. The issue date is February 24th, '77, but the blend went in effect the 1st of January. It was probably initiated in November of '76.
Q. So correct me if I'm wrong, but that means as of November of '76 the blends that are spelled out on this page would have -- absent a deviation, they would have been operative?
A. As of the 1st of January.
Q. So if we look at this divisionwide specification at Stockton, does this tell us whether or not in water pipe 6-inch 200 and 8-inch through 16-inch

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all classes, there was Calaveras fiber?
A. Yeah. One bag.
Q. So ten percent Calaveras?
A. Yes.
Q. Now, do you know, as you sit here, when the next standard blend was issued that addressed water pipe manufactured at Stockton of this size?
A. Unless I go through these papers, I don't know when. But it should have been issued for '78.
Q. Was it always the case that there was a new divisionwide specification every year once a year?
A. If none was issued, the prior one was still in effect. So the standard could run for two, three years if it was a good running blend. And it would be understood.
Q. If there was a subsequent deviation that lapsed in between the time of this standard blend and the next standard blend, the formula would -- the formula in use would be this standard blend?
A. Yes.
Q. The standard blends that are -- the documents that are the standard blends in Plaintiff's 2 that you got a chance to look at earlier in the spring, are those all documents that would come to you or came to you from division headquarters at Johns-Manville?

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A. Yes.
Q. And those standard blends, once again, were what you used to figure out if there wasn't a deviation what needed to go into a particular type of water pipe manufactured during a particular point in time?
A. Yes.
Q. Now what I would like to do is to -- actually, I'm going to show you a deviation and ask you some similar questions about it. Let me locate it here. If you could hand that over to me, I'll actually find the document for you. Thank you, sir.
I'm going to turn to a document Bates stamp number MT-STOCK-000229.
MR. WAH: Wait a minute. 000229. Okay.
MR. VIEIRA: Right. Actually, 227.
BY MR. VIEIRA:
Q. The document there, number 227, that's a notice of deviation from Stockton, right?
A. Yeah.
Q. And once again, you've initialed that document in the lower right-hand corner?
A. Yes. This was an isolated instance where I did not initiate this deviation. Division headquarters initiated this.
Q. Was that -- I think you're saying that that

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wasn't a common thing. Most common was if there was an issue that needed to be addressed regarding fiber supply or quality of product, you're the one that would typically initiate the deviation?
A. Yes.
Q. But in this case for some reason, you're able to tell by looking at it that it was headquarters that initiated the deviation?
A. Right.
Q. And it says "DHQ" -- that's division headquarters -- "directed a trial run using Calaveras natural resources fiber"; is that correct?
A. Yes.
Q. To your knowledge, is this the first point at which Stockton began putting Calaveras fiber in the water pipe manufactured at Stockton?
A. Yes, March '76.
Q. And I believe you said you actually liked the performance of the Calaveras fiber.
A. Yes.
Q. Now, if we take a look at this deviation, it tells us that there were -- there was 19 -- 19.8 percent of the asbestos in the blend was Calaveras 4T, correct?
A. Yes.
Q. So instead of this being one bag in a batch,

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this would have been two bags in a batch?
A. Yes.
Q. Who was C.B. Allen? We see it says "Authority" at the stop there.
A. Yes.
Q. Who is that?
A. That's Clarence Allen, division headquarters. My boss.
Q. Do you know whether or not after the time this deviation -- strike that. Back up.
When did this deviation become operative?
A. We did this one right -- I think in March of '76.
Q. March 23rd of '76?
A. Yes, sir.
Q. That's the date issued? It's the date it becomes operative?
A. Yeah, this one. Because we didn't have any issues forcing -- in other words, there was no time constraints.
Q. And the date issued doesn't mean that that's the notice -- look at the document. Down in the lower right-hand corner it says "date issued."
A. Uh-huh.
Q. You said that was when the blend became

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operative, right?
A. Yeah, in this case.
Q. In this case.
And above that it says "This notice of deviation cancelled by notice of return dated." That is left blank, correct? In other words, there's no date for that?
A. What does this say?
Q. Just above the "date issued" line.
MR. WAH: Let me point it to him. Right there. That's blank. That square is blank.
THE WITNESS: Oh, okay.
BY MR. VIEIRA:
Q. Is that correct? There's no date there, in other words, for that? No date for the notice of deviation cancelled by notice of return?
A. Right.
Q. Do you know whether or not there was any period of time after March 23rd of '76 up through March of 1981 when water pipe between, let's say, 4 and 12 inches manufactured at Stockton did not have some percentage of Calaveras fiber?
MR. WAH: Objection. Go ahead. You can answer.
THE WITNESS: The deviations that I was shown

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indicate that there was Calaveras.
BY MR. VIEIRA:
Q. In all of it? In all the water pipe?
A. I'm not sure that that's all the deviations.
Q. I know. We'll get to that.
But you would acknowledge that the deviations that Mr. Swanson gave you, the deviations you've been shown that pertain to the time period March of '76 -- let's say January of '76 I think you told us up through March of '81 in the water pipe four to twelve inches in diameter, we'll limit it to that, manufactured at Stockton, all of it contained some percentage of Calaveras fiber?
A. Yes.
Q. In terms of the percentage of Calaveras in that water pipe during that time frame, would you agree that it would vary between 7.8 percent and 29.7 percent?
A. There was fiber used between those percentages, yeah.
Q. That is your recollection as to the general range of how much -- what percentage of the asbestos fiber was made up by Calaveras fiber?
A. Yes.
Q. Now, as you looked through the documents, the deviations that Mr. Swanson gave you and the

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manufacturing specs, did it appear to you that there were any documents pertaining to the time period March of '76 through -- or let's say January of I guess it would be '76? Is that the date, the initial date? January of '76 through March of '81, did it appear to you that there were any missing deviations or divisionwide specs?
MR. WAH: Objection. Go ahead.
THE WITNESS: In my own mind, yes.
BY MR. VIEIRA:
Q. Why is that?
A. As I discussed with Mark Swanson at the time, I was of the opinion based on my recollection that we had intermittent use of Calaveras during those years.
Q. All right.
A. And everything that he could dig up in the depositories up in Denver showed that I was in error and that the -- that there was Calaveras used in all these. I still, in my mind, am not -- you know, he and I went through these standard blends. And I just -- I don't know. I still have a feeling that there was one or two standard blends that weren't shown. But I am the last person that should do that because I know that if there's no standard blends shown for a year that you continue to use the prior standard blend.

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Q. Right.
A. But I just don't think that Maggie was given all the deviations that were used. That's just my opinion.
Q. When was the most recent -- strike that.
Prior to the time that Mr. Swanson gave you the specs and the deviations that he gave you this spring, how long had it been since you saw even the most recent deviation, let's say, the ones in 1981?
A. 1981.
Q. All right. All right. So 25-plus years?
A. Yes.
Q. Can you point to any gaps in any of the documents, in any of the specs or the deviations in particular that Mr. Swanson gave you back in the spring?
A. Well, you know, the numbers don't run one, two, three, four, five, six, seven, eight. They're scattered all around. And the way deviations are numbered by division is a total mystery to me. And I told Mark that at the time. I couldn't account for how they were numbered, why they weren't numerical. And I just -- I don't know. I just have a feeling. I just don't remember using Calaveras all the time. But here again, I mentioned to Mark that in my mind from '82 to '87 was really intermittent use of Calaveras. And with that

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many years gone by, I may be, you know, mixing up those five years with those six years.
Q. So I take it --
A. I don't honestly know, but I just have the feeling that there was more deviations than that because I just remember not using Calaveras all the time in those years. But, you know, that's just my opinion.
Q. I understand.
Are you able to identify any gaps in terms of time periods that aren't covered either by deviations that we have in Plaintiff's 2 or specifications?
A. You know, if I were able to do that, I would have to have access to the deviations I think are missing. You know, deviations come and go and come and go. There's time periods where there was no deviations. But were there? I'm not sure.
Q. You don't know one way or the other?
A. But what sticks in my mind, Tony, is that from 1979 to 1981 there was a big turnover of people at the division level because they knew they were getting out of the business and they knew that the division was going to be eliminated, and they were scattering trying to find jobs in other divisions or other companies. And I know that there was a lot of mishandling of documents, a lot of omissions on the plant parts, and there were

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plant people that were -- that were getting out at the levels. And so that's why it just reinforces my thinking that there were times that paperwork just didn't flow like it should have, and Maggie wasn't given all the documents that she should have had.
Q. All right. But you don't know whether or not that's the case here?
A. That's true.
Q. And in terms of the specifications and the deviation that we do have from the JM repository, you would acknowledge that at least beginning in January of '76 and up through March of '81, all the water pipe 4 to 12 inches manufactured at Stockton had some percentage, varied, but some percentage of Calaveras fiber?
MR. WAH: Objection. You can answer.
THE WITNESS: Yes, or I wouldn't have signed the declaration.
BY MR. VIEIRA:
Q. I understand that. I understand that.
I think you were also telling us that in the time period after that, let's say, '82 through '87, there were intermittent periods where you couldn't get Calaveras fiber.
A. That's right.
Q. And I think you've acknowledged that in terms

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of that intermittent use, you say it may, in fact, be that you're confusing that intermittent use in the '82 through '87 time period with what happened in the earlier time period?
A. Yeah. I stated that to Mark when we were discussing this declaration.
Q. I understand.
MR. WAH: Objection.
MR. VIEIRA: That's fair enough.
BY MR. VIEIRA:
Q. The notices of deviations that we see in Plaintiff's 2, can you tell us just generally how they were created? You said you initiated them. But what was the step-by-step process after you identified there was a problem with the blend?
A. Normally the step-by-step process would be state your case, division would review it, and if it made sense and it they saw that it was a necessary thing, they would agree to the deviation and they would tell you to implement it. If time was of the essence, you would implement it immediately by phone or memo and the deviation written would come along later. That's why you used to have a big change in the original issuance of the deviation and the time that the official document was issued.

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Q. So, for instance, you could have a date of deviation -- and let's actually look at the document you've got in front of you which I believe is 227.
A. Yes.
Q. Lower right-hand corner the date of deviation at the top in the left-hand -- top left-hand side there, what does that mean? It says "date of deviation 3-23-77."
A. That's the date they issued it and I was to implement it.
Q. And then the date that you actually implemented it would have been the date issued on the bottom?
A. Yes, in this case because time was not of the essence because it was a planned thing.
Q. Well, let me ask you this: The date of deviation at the top, is that when it went into effect, when it was actually the document that prescribed what was going into a particular blend, or was it the date of issue at the bottom that prescribed --
A. Usually the one at the top.
Q. And the date of issuance was just the date of creation of this document?
A. That's right.
Q. I got you.
Who actually input this information into the

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deviations that we see in this Stockton deviations that we see in Plaintiff's 2? Was it you that wrote that in, or did a clerk do that, or how did that work?
A. No. This was written by either Clarence or Danny Nolan, Clarence Allen or Danny Nolan at division headquarters.
Q. So they would actually put the information in the deviation?
A. Yes.
Q. So it was either C.B. Allen that actually hand wrote the information into the deviation, right?
A. Yes.
Q. Or did you say Danny?
A. Dan Nolan.
Q. Was he also at division headquarters?
A. Yes.
Q. And that was generally how this document or -- those guys generally were one of the two guys who, let's say, during the '76 to '81 time period were actually inputting this information?
A. Yes, based on what I told them.
Q. Can you give us a feel for, let's say, in the time period after the deviations and the divisionwide specs that we have, let's say, in the time that we have here as Plaintiff's 2, that is, the time frame after

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'81, how often the water pipe at Stockton 4 to 12 inches would contain Calaveras fiber?
A. After 1981?
Q. Yeah, after the documents we have here. So let's say after '81. You said there was even more Calaveras fiber used I believe up to a certain point of time. Maybe '83, '84.
A. Yeah.
Q. I don't know when it was.
A. Right.
Q. So let me withdraw that question and ask you what may be a better question.
Was it true that in that '82, '83, '84 time period that Calaveras fiber, having that better point value, having that good point value, was a fiber that you wanted to be able to use in the water pipe?
A. Yes.
Q. So if you had it available, you would use it in the water pipe?
A. Yes.
Q. Was the Calaveras 4T superior to, let's say, any of the Cassiar fiber?
A. No.
Q. What about the Jeffrey fiber?
A. Comparable.

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Q. Comparable?
A. Because the Jeffrey green 72/74 point value was equal to the Calaveras 4T, which is the 72/74 point value also. They both had similar tensile strength, similar buoyancy, quality and porousness.
Q. Aside from those, tensile strength, buoyancy quality and porousness, were there any other factors that you would take into account in judging the quality of a particular fiber?
A. Cleanliness.
Q. What's that?
A. Cleanliness.
Q. Anything else?
A. No.
Q. Now, I'm looking at your declaration of July 20th again. And one of the things it talks about is some of your testimony in the past on behalf of Calaveras Asbestos where you testified that the use of Calaveras asbestos was intermittent and inconsistent during the '76 to '81 time frame. Do you recall that?
A. Yes.
Q. Do you know just generally how many times that you've actually testified to that either in a deposition or at trial? And if you miss it by a little bit, it's not a big deal. I'm just trying to get your general

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feel for that.
A. Maybe two times.
Q. Prior to the time you testified in those two times, or let's say that's an approximation, had you had an opportunity to actually look at either the manufacturing specs or the divisionwide or the deviations from Stockton? Is that a bad question?
A. No. Had I had --
Q. Yeah.
A. -- any opportunity to see the deviations or anything?
Q. Yeah.
A. Only at the time that they actually happened back in the '70s.
Q. So twenty-some-odd years before?
A. Yeah.
Q. So in those couple times of prior testimony, you were basically just going by memory?
A. Yes.
Q. I want to read to you just that paragraph 12 in that declaration just to find out if you agree with what it says. So it's on the last page there, page 7. So if you could turn to that.
Are you ready? Paragraph 12 says the following: "In the past, I have testified on behalf of

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Calaveras Asbestos that the use of Calaveras asbestos was intermittent and inconsistent at the JM Stockton plant during the 1976/1981 time period, and that the only way a person could determine if JM transite pipe manufactured during that period of time contained asbestos was to dig up a piece of pipe and find out the asbestos blend number and see if that particular blend contained Calaveras asbestos. Upon review of the standard asbestos blends and notices of deviations, I believe that my prior testimony summarized above was mistaken, and I would not give that testimony today were I able to appear at deposition or trial." Is what you state there in paragraph 12 an accurate statement of what you believe as you sit here today?

MR. WAH: Objection. You can answer.

BY MR. VIEIRA:

Q. Ultimately is there anything inaccurate about it?

A. Well, I believe you still would have to dig up a piece of pipe to find out just exactly what was done because, you know, prior -- if I could?

Q. Please. Go ahead.

A. Prior to mention -- I told -- I mentioned to Doug that the forming department records state the blend number and -- I mean the blend type that was used and

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everything. But when a pipe goes down to the finishing end, that pipe is tested, unitized and shipped out if it passes. If it doesn't pass, there's a possibility that that pipe had to go back, be recured again so that we could increase the strength possibly with the steam pressure --

Q. Right.

A. -- and with cure and come back again. And if it still didn't pass, we may have to blot out that stencil and restencil it to some other product. And if that was so, everything changes. The whole ball game changes. Or if the pipe broke in a flex tester, a 6- or 8-inch diameter piece of pipe, for example, you might take and make half lengths, quarter lengths out of it. And you might be having that in the ground, add a different class than -- you know, things change all around, and you just never know what you have in the ground. And I just believe myself that if you don't dig up the pipe and see exactly what the hell it is, you're not going to really know what it is.

Q. If you wanted to know not what a particular piece of pipe contained but what was manufactured at Stockton during the certain time frame, the way you would know or if you wanted to know what sort of a blend went into pipe manufactured at Stockton during a certain

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time frame, what you would do is you would look at either the standard blends -- if a standard blend was in effect or a deviation if a deviation was in effect --

MR. WAH: Objection.

BY MR. VIEIRA:

Q. -- correct?

A. On paper, yeah.

Q. All right. And generally it was the case that the pipe you manufactured, a high percentage of the pipe that was manufactured was sold, correct?

A. Yes.

Q. What percentage of pipe was there that you manufactured where there was actually a failure and it didn't go out for sale?

A. I don't think you could put a number. You would have -- you know, you would deal -- you would be dealing with a particular run of pipe that possibly would fail and declass and go to something else. And the percentages then don't apply only to that particular run of pipe. Overall your number would come up, and it doesn't apply to what I was saying.

Q. What if we're just talking about water pipe 4 to 12 inches in diameter manufactured between '76 and '81; what percentage of the pipe that was manufactured wouldn't be sold because there was some failure or some

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defect?

A. Up to two percent.

Q. So 98 percent of that during that time frame which was manufactured was also sold?

A. Yes.

Q. So if we wanted to know the blend that was in that 98 percent that was sold for a particular time frame, all we'd have to do is look at either the standard blend if that was in effect or the deviation if the deviation was in effect?

A. If those deviations were complete.

MR. WAH: I'll object. But go ahead.

THE WITNESS: That was my whole point before.

BY MR. VIEIRA:

Q. I understand. And that's fair, and I appreciate that.

What I would like to do if it's okay with you is just take a short break. I don't have much more if I have anything more. Actually, I'd like to have a little conversation with Mr. Swanson.

A. Sure.

Q. Then we'll come back and let you know if I've got anything else. And these guys can finish up. Hopefully we're at the end. I appreciate your time.

(Break taken.)

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BY MR. VIEIRA:
Q. The only additional thing I wanted to do still on that declaration, and if you could look at page 3. On item number four it says --
MR. WAH: It's right over here. That's it.
BY MR. VIEIRA:
Q. There we go. There at the top it says "Asbestos cement pipe manufactured at the Stockton JM plant was the only JM asbestos cement pipe that was distributed throughout California from the Oregon border to the northern boundary of Bakersfield and Los Angeles." Is that accurate?
A. Yeah. Well, Oregon border. We had Washington and Alaska, too.
Q. All right.
A. That's my I gave.
Q. I think you may be right there. And maybe we weren't concerned about Washington and Alaska. But let me restate it just to see -- just to make sure I've encompassed everything that you've just told us.
"Asbestos cement pipe manufactured at the Stockton JM plant was the only JM asbestos cement pipe that was distributed throughout California from the Oregon border to the northern boundary of Bakersfield and Los Angeles."

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A. Yes.
Q. Is that correct?
A. That's accurate.
Q. And then you also supplied to Washington and Alaska?
A. Yes.
Q. And Oregon?
A. Yeah. I meant the northern Oregon border.
Q. I got you. I got you.
I don't think I have anything else. I think that's it. Let me look through this one more time, and then I'll know for sure.
Did Mr. Wah or any other lawyer at any point in time give you any other deviations or divisionwide specs -- strike that.
When Mr. Wah first contacted you on this case up until today --
A. Excuse me?
Q. Yep.
A. You know, I told you that I thought it was a couple weeks ago. I just was having recall when I was taking a break. And I contacted their firm after I did the declaration with you, Mark, to advise them that I had given a declaration. They didn't contact me.
Q. I got you.

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So at any rate, the first time when you actually talked to, would it be Mr. Wah that you talked to when you contacted their firm?
A. I talked to Barbara.
Q. And Barbara is Mr. Wah's paralegal?
A. Yes.
Q. So the first time you had talked to anybody from their firm about this case would have been sometime in the spring of this year?
A. Oh, yeah. I never knew about it until a few weeks ago.
Q. So from that point in time up to now, has anybody from their firm given you any manufacturing specs or deviations beyond the ones that Mark Swanson gave to you back in the spring?
MR. WAH: Objection.
THE WITNESS: No.
BY MR. VIEIRA:
Q. Nobody has given you any manufacturing specs, right, from their firm?
A. (Witness shakes head.)
Q. "No"?
A. Manufacturing specs?
Q. Divisionwide specs. Nobody has given you any?
A. No. Just him.

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Q. Nobody has given you any standard blends from Mr. Wah's firm?
A. No. The only thing I have ever seen from the repository in Denver is what Mark gathered and had brought down to me and gave me a full set of copies.
Q. The only thing that you ever got from the JM repository were things that Mark gave you?
A. Yeah.
Q. Then that includes any standard blends or any deviations you got from the JM repository, that all came from Mark?
A. Yes.
MR. VIEIRA: That's all I have. Thank you.
MR. WAH: Here. Let me get over there.
MR. VIEIRA: All right. We're going to switch.
EXAMINATION BY MR. WAH:
Q. Mr. Wilkinson, I'm handing you what's been marked I guess Defendants' 9. And I'll show it to you. It's a supplemental declaration of Daryl Wilkinson. Do you see that?
A. Yes.
Q. And your signature is right there on the last page where that pink Post-it is, correct?
A. Yes.
Q. And you signed that on August 1st here in

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Stockton, correct?
A. Yes.
Q. Calling your attention to paragraph H, let me read that. "In order to determine the asbestos composition of a particular JM pipe, one must look at the stencil markings on the pipe itself to determine the date the pipe was made and its blend number. Next one must then review the standard blend and/or deviations employed that day." And is that your belief, Mr. Wilkinson?
MR. VIEIRA: Objection. Leading. Objection. Compound.
THE WITNESS: Yes.
BY MR. WAH:
Q. What document on a day-to-day basis would tell us the date -- I'm sorry, the blend number of a pipe that was made that day or the deviation that was employed that day?
MR. VIEIRA: Objection. Vague and compound.
THE WITNESS: The forming department production records.
BY MR. WAH:
Q. All right. Fine.
Let me -- here, Mr. Wilkinson. Thank you.
Let me ask you very quickly. And I'm going to

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show you the document that Mr. Vieira was talking about. And that's document number 000227 in the book. And let me -- may I, Mr. Wilkinson?
A. Yeah.
Q. It's in Plaintiff's Exhibit 2.
MR. VIEIRA: Doug, I know there is going to be a question coming here. I'll just object to the preamble and ask you to ask the question again.
BY MR. WAH:
Q. Number 227, that's the document that was -- I'm sorry, Mr. Wilkinson. That's the document that was a trial run using the following deviation, correct?
A. Yes.
Q. And that's the one that calls for Calaveras two bags 19.8 percent?
A. Yes.
Q. How long was that deviation in effect; do you know?
A. Well, if normal rules of the game were followed, we ran that trial for 90 days or less.
Q. Number three. Item number three in that notice of deviation says, in fact, upon completion of trials; is that correct?
A. Yes.
Q. So flip over one page to page 226. Do you see

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that document?
A. Yeah.
Q. That's a notice of return; is that correct? I know it's a little blurry, but --
A. Yeah, trial was using deviation blend completed. So...
Q. And so that's -- well, strike that.
What does a notice of return indicate to you? Here. Notice of return.
A. Okay. It was blurred out.
Q. I know it was blurred out.
A. Notice of return. Okay. Return to standard blend.
Q. All right. And that's a notice of return which basically says that the trial run deviation using the Calaveras fiber in document number 227 is now completed, correct?
A. Yes.
Q. At the time that this trial run would be affected, and I think that date is 3-23-76, is cancelled on 4-30-76. Do you see that on page 226?
A. Yes.
Q. Does that date, 4-30-76, mean they were actually making blends up to that date, or is that just the date somebody actually signed it? I guess Daryl

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Wilkinson actually signed it.
MR. VIEIRA: Objection. Compound.
THE WITNESS: That's when the trial runs were completed.
BY MR. WAH:
Q. So at this time, for example, because this is a trial run, this is a first deviation showing Calaveras, I think as Mr. Vieira said, the standard blend -- am I correct in assuming that the standard blend did not include Calaveras fiber?
A. Yes.
Q. Because you made a standard blend on an annual basis, correct?
A. Yes.
Q. At the beginning of the year?
A. Yes.
Q. Calaveras wasn't tested until March of that year, correct?
A. Yes.
Q. Would the standard blend for 1976 then be amended to include Calaveras?
A. I don't know.
Q. You would have to have documentation for it?
A. You got to have some documents telling you that.

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Q. A blend you said could lasted 90 days, correct?
MR. VIEIRA: Objection. Misstates the testimony.
MR. WAH: You're right. And I stipulate. Strike that.
BY MR. WAH:
Q. A deviation lasted 90 days?
MR. VIEIRA: Objection. Misstates his testimony.
BY MR. WAH:
Q. Correct?
A. Yes.
Q. Could last up to 90 days?
A. Yes.
Q. Could a deviation also be written for a shorter period of time?
A. Yes.
Q. How short a period of time could a deviation be written for?
A. Well, whenever a deviation is written, it's always good for 90 days. If you choose to shorten it because -- the reason for the deviation was because there was no fiber available and it came in, that would cut off the deviation and go back to the regular blend.
Q. But is it -- do you recall ever writing a

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deviation, for example, that just said this deviation shall be in effect for 30 days?
A. No.
Q. You were asked about the point value of Calaveras and whether it was higher or lower than Cassiar. Do you remember the point value of Cassiar fiber?
A. Which Cassiar fiber?
Q. Let's say the one -- is it 4T? Yeah, 4T.
A. 4T Cassiar?
Q. Uh-huh.
A. Was 79 points.
Q. Did Cassiar have a fiber with a point value that it was higher than 79?
A. Yes.
Q. What was that one?
A. 8K.
Q. How high was that one?
A. 90.
Q. Did the Long Beach JM plant, to the best of your knowledge, ever purchase any -- purchase or use Calaveras asbestos fiber?
A. No.
MR. VIEIRA: Objection. Lack of foundation.
THE WITNESS: Never.

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BY MR. WAH:
Q. How do you know that?
A. Because division said that only Stockton would get Calaveras due to the very cheapest cost to ship.
Q. You were asked a range of percentages that Calaveras was used in blends. And I think it was anywhere from 7 and a fraction percent all the way up to maybe 29 percent.
A. Yes.
Q. Can you tell us, Mr. Wilkinson, on an average what percent Calaveras might be used in all the blends?
A. Ten percent.
MR. VIEIRA: Objection. Lack of foundation.
BY MR. WAH:
Q. Ten percent?
A. Normally it was one bag.
Q. In ten?
A. There are certain times that two bags were used such as the trial runs. And there was a couple of other occasions where we put in two bags of 5K. Lower. You know, the ones when we needed it. We didn't have the lower class Jeffrey available.
Q. Okay.
MR. VIEIRA: Same objections.
MR. WAH: One last area, and then maybe we can

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go home. We'll see.
MR. VIEIRA: I'll be quick.
BY MR. WAH:
Q. You were asked how long you and I have known one another, correct?
A. Yes.
Q. And I believe that started with the Michael Haas trial in 1999. Do you recall that?
A. Yes.
Q. And that was a case in which I believe Michael Haas was a plant worker, correct?
A. Yes.
Q. And that was -- and Michael Haas developed a disease and filed a lawsuit, correct?
A. Yes.
Q. And his lawyer at that time was a gentleman named Steve Harowitz of the Wartnick Chaber firm. Do you recall that?
A. Yes.
MR. VIEIRA: Out of the San Francisco larch (sic). Larch.
MR. WAH: I know what you mean.
MR. VIEIRA: I don't even know what I mean. Objection as to relevance and lack of foundation.
BY MR. WAH:

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Q. And you actually began in that case working with Mr. Harowitz; is that correct?
A. Yes.
Q. And you were consulting with him about I guess various events and occurrences and the history of the JM Stockton plant, correct?
MR. VIEIRA: Same objections including leading.
THE WITNESS: Yes.
BY MR. WAH:
Q. And he was Mr. Haas' attorney?
MR. VIEIRA: Same objections.
THE WITNESS: Yes.
BY MR. WAH:
Q. Do you recall other plaintiffs' attorneys with whom you have consulted over the years?
A. Yeah. There was a firm in Antioch that I worked with.
Q. Is that the Hobin Shingler firm?
A. Yeah.
Q. Who else?
A. There was a firm -- well, your firm.
MR. VIEIRA: Paul Hanley.
THE WITNESS: With Jackson.
MR. VIEIRA: Bruce Jackson.
BY MR. WAH:

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Q. You conferred with Bruce?
A. Advocate Mines.
Q. In fact, I think you've given depositions for Mr. Jackson --
A. Yes.
Q. -- when he was at the Paul, Hanley, Harley firm?
A. Yes, a video deposition.
Q. A video deposition?
A. (Witness nods head.)
Q. That was a case against --
A. Advocate Mines.
Q. -- Advocate Mines?
You've conferred with Mr. Swanson, correct?
A. Yes.
Q. 60 seconds.
Does it matter to you whether you're conferring with Mr. Jackson or Mr. Swanson or me or other defense firms with regards to the testimony you provide about the history of the Johns-Manville records as they relate to JM Stockton as they relate to the period 1976 to 1987?
A. I don't care.
Q. Same history for either side?
A. Yes. It's something that I know. I just tell them the truth.
MR. WAH: Fine. Thank you, Mr. Wilkinson. I think that's all I have.
EXAMINATION BY MR. VIEIRA:
Q. Just so you know, I did not intend to suggest that you had any allegiance one way or the other. I just want to know how long you knew him and whether you had an opportunity to speak with him.
Let's talk just a little bit -- and I truly do believe this won't take us very long -- about some of the deviations that you just addressed with Mr. Wah. Why don't you -- and what I'll do is we'll start at page 225 I think. All right. Maybe we'll start with 226. You guys tell me when you're there.
MR. WAH: Yeah, I'm there.
BY MR. VIEIRA:
Q. So 226, Document 226 in Plaintiff's 2 is a notice of return, right?
A. Right.
Q. And what it tells us is that on 4-30-76 a deviation was cancelled, and the deviation that was cancelled is the one after that number 227, right?
A. Yes, it is.
Q. And the reason is the trial runs using the deviation blend were completed?

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A. Right.
Q. So there was a time period when you all were trying to figure out whether this resource that you had 37 miles away, Calaveras fiber, was actually going to work, right?
A. That's right.
MR. WAH: Objection. But go ahead.
MR. VIEIRA: And maybe it's leading.
MR. WAH: It also misstates.
BY MR. VIEIRA:
Q. And so what you actually did was you did a trial run to figure out whether it would work, right?
A. Yes.
Q. And it did work; didn't it?
(The reporter speaks.)
MR. VIEIRA: It did work.
BY MR. VIEIRA:
Q. The fiber worked in the blends?
A. Yeah, or we wouldn't have started using it.
Q. I understand.
And if we go to the next deviation, deviation number 225 dated 3-24-76 --
A. Uh-huh.
Q. -- which is actually before the notice of calculation, correct?

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A. Uh-huh.
Q. It says "utilized Calaveras 5K fiber in blend," right?
A. Yes, it does.
Q. Right. And so this deviation that I'm looking at, the deviation that actually says use the fiber in the blend dated 3-24-76, has got the Bates stamp numbe MT-STOCK-000225, right?
A. Yes.
Q. And that deviation applies to the number two pipe machine pressure products, right?
A. Yes.
Q. And pressure products are water pipe?
A. Yes.
Q. And then if we flip over to document MT-STOCK-000223 dated 5-3-76, we have a deviation that has Calaveras 4T in it, right?
A. Yes.
Q. And that's for the number three pipe machine pressure products, right?
A. Yes.
Q. And the number two and three pipe machine nonpressure products?
A. Yes.
Q. So for everything that we've addressed in these

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last two deviations, there certainly was no reversion back to the standard blend, correct? We had -- in each case, we had a subsequent deviation that utilized Calaveras fiber as part of its blend?
A. Yeah, for 90 days.
Q. All right. And if we wanted to look further down the road, let's say, within that 90 days -- let's go to MT-STOCK-000221. We have a deviation that's being implemented for again pressure machines or water pipe on the number one and two pipe machine, correct?
A. "This is currently a blend of calcium fiber due to reduced shipments caused by a strike." Okay.
Q. And the date of that deviation is 7-6-76?
A. Okay.
Q. And so this deviation actually includes as well Calaveras 4T fiber?
A. Yeah. One bag of that and one bag of 5K.
Q. So what you might have sometimes is a deviation being cancelled by a subsequent deviation, and the only change is you might continue to have the same percentage of Calaveras fiber, but there might be changes in the percentages of other types of fiber in that blend, correct?
A. As in this case, yes.
Q. As in this case that we just went through,

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right?
A. Yes.
Q. And I think that's all I have for you. I just wanted to point that out. Is there anything else?
There was one other topic I wanted to cover with you. And if you tell me you don't want to talk about it, I won't. Do you have asbestosis?
A. Yes.
Q. Are there other folks that you worked with over the years that have gotten asbestosis?
A. I'm the only asbestosis I know. All the rest are mesothelioma. They're all dead.
Q. What about folks with lung cancer that worked at the plant; any of those?
A. You mean that is not tied into causing by asbestos?
Q. No.
A. Just lung cancer?
Q. I'm not going to ask you to make that call. Just folks that had lung cancer that worked at the plant.
A. Yeah, there's been probably twenty.
Q. All right.
A. That I know of. Personal friends of mine.
Q. I understand.

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That is all I have. Thank you.
MR. WAH: I'll move to strike the last set of questions about his condition on a 352.
All right. Based upon Mr. Vieira's advice, we'll end.
MR. VIEIRA: Advice of counsel.
MR. WAH: Advice of counsel.
(The reporter speaks.)
MR. WAH: Because you're going to send us -- because the reporter is going to send us the -- I'm sorry. Because the transcript is going to be sent to both Mr. Vieira and I electronically, we have agreed that Exhibits 1 through 9 for defendants and Exhibit 1 and 2 for plaintiffs can be retained by Ms. Lee. And she'll bring them back to court with her. And Mr. Vieira has copies of the photographs that have been labeled Defendants' 1 through 8.
(Defendants' Exhibit No. 9 marked for Identification.)
(Whereupon, the deposition was concluded at 4:11 p.m.)

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SIGNATURE OF WITNESS