

IN THE CIRCUIT COURT OF KANAWHA COUNTY,
WEST VIRGINIA

IN RE: ASBESTOS PERSONAL CIVIL ACTION
INJURY LITIGATION NO. 03-C-9600
May 2007
TRIAL GROUP (Proposed)

VERNOR SARTIN AND CIVIL ACTION
LORRAINE SARTIN, his wife NO. 06-C-1655
Plaintiffs

vs.
A & I COMPANY, et al.
Defendants

MICHAEL J. SONGER and
JEANNE SONGER, his wife
Plaintiffs

vs. (06-C-1378
Kanawha
A & I COMPANY, et al. County, WV)
Defendants

Philadelphia, Pennsylvania
May 8, 2007
Videotape deposition of
LLOYD AMBLER, taken on behalf of the
Plaintiff at the offices of Wilbraham,
Lawler & Buba, 1818 Market Street,
Philadelphia, Pennsylvania, on the above
date, commencing at 10:07 a.m., before
Linda A. Ricciardi, Certified Court
Reporter.

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1 (Pages 1 to 4)

1	I N D E X			1	EXHIBIT NO.	DESCRIPTION	MARKED
2				2	39	Photograph	174
3	WITNESS	PAGE		3	40	Photograph	175
4	LLOYD AMBLER			4	41	Photograph	175
5	By Mr. DeLuca	4		5	42	Photograph	175
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7				7	44	Photograph	176
8				8	45	Photograph	177
9	EXHIBIT NO.	DESCRIPTION	MARKED	9	46	Photograph	177
10	1	Notice of deposition	9	10			
11	2	Answers to interrogatories	39	11	CERTIFIED QUESTION		
12	3	Installation guide	47	12	Page No.	Line No.	
13	4	Photograph	51	13	11	15	
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1	EXHIBIT NO.	DESCRIPTION	MARKED	1	VIDEO TECHNICIAN: We are		
2	16	Memo dated 11-3-64	77	2	now on the record. My name is		
3	17	Photograph	90	3	Scott Rowland of 1511 Taylor		
4	18	Photograph	92	4	Road, Lansdowne, Pennsylvania		
5	19	Photograph	93	5	from Henjum Goucher.		
6	20	Photograph	95	6	This deposition is being		
7	21	Photograph	95	7	scheduled for 10 o'clock a.m. on		
8	22	Photograph	96	8	May 8, 2007 at 1818 Market		
9	23	Photograph	122	9	Street, Philadelphia,		
10	24	Photograph	123	10	Pennsylvania, and it is being		
11	25	Photograph	124	11	taken in the case of Vernor		
12	26	Photograph	124	12	Sartin and Lorraine Sartin versus		
13	27	Photograph	127	13	A and I Company and Michael		
14	28	Photograph	128	14	Songer and Jeanne Songer versus A		
15	29	Photograph	128	15	and I Company filed in the		
16	30	Photograph	131	16	Circuit Court of Kanawha County,		
17	31	Photograph	132	17	West Virginia. Case and term		
18	32	Photograph	167	18	number 06-C-1655 and 06-C-1378.		
19	33	Photograph	167	19	Present today are the		
20	34	Photograph	167	20	witness, Lloyd Ambler. This		
21	35	Photograph	168	21	deposition is being taken on		
22	36	Photograph	168	22	behalf of the plaintiff, Aaron		
23	37	Photograph	168	23	DeLuca. The other attorneys will		
24	38	Photograph	168	24	be noted on the stenographic		
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1 record. The court reporter is
 2 Linda Ricciardi of Henjum
 3 Goucher. The court reporter will
 4 now swear in the witness.
 5 LLOYD AMBLER, after
 6 having been first duly sworn, was
 7 examined and testified as
 8 follows:
 9 VIDEO TECHNICIAN: We will
 10 now begin the questioning.
 11 -----
 12 EXAMINATION
 13 -----
 14 BY MR. DeLUCA:
 15 Q. Mr. Ambler, good morning.
 16 A. Good morning.
 17 Q. My name is Aaron DeLuca, and I am
 18 here to take your deposition with
 19 respect to two cases which are in West
 20 Virginia. Do you understand that, sir?
 21 A. Yes.
 22 (Whereupon notice of
 23 deposition was marked for
 24 identification as Exhibit 1.)

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1 BY MR. DeLUCA:
 2 Q. I have marked the notice of
 3 deposition as Exhibit 1. Have you seen
 4 that before?
 5 A. I would have to look at it. I
 6 have seen something about questions
 7 that you are going to ask me, but I did
 8 not see this particular document. This
 9 is nothing but a chart as far as I can
 10 see.
 11 Q. Is it your understanding that you
 12 are here today to testify with respect
 13 to the Vernor Sartin and Michael Songer
 14 cases?
 15 A. Yes.
 16 Q. Could you begin by stating your
 17 name for the record?
 18 A. Yes, Lloyd C. Ambler.
 19 Q. Mr. Ambler, a moment ago the
 20 court reporter administered the oath to
 21 you, do you recall that?
 22 A. Yes.
 23 Q. And it was similar to an oath you
 24 have taken on many prior occasions when

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1 you testified, correct?
 2 A. Yes.
 3 Q. And the oath was to tell the
 4 truth, the whole truth and nothing but
 5 the truth, correct?
 6 MR. PARNELL: I object to the
 7 form of the question. That is
 8 not a proper area for you to go
 9 with him. He is under oath, the
 10 court is not going to allow it, I
 11 am instructing the witness not to
 12 answer. I have instructed the
 13 witness not to answer.
 14 BY MR. DeLUCA:
 15 Q. Sir, do you understand what is
 16 meant by the whole truth?
 17 MR. PARNELL: I instruct the
 18 witness not to answer.
 19 MR. DeLUCA: What is your
 20 basis for that?
 21 MR. PARNELL: I believe it is
 22 an incorrect question,
 23 inappropriate under the rules of
 24 West Virginia.

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1 MR. DeLUCA: I don't think
 2 that is a basis to instruct a
 3 witness not to answer a question.
 4 MR. PARNELL: I have done so,
 5 you can motion me and move on.
 6 MR. DeLUCA: I intend to do
 7 that, and I am going to certify
 8 these questions.
 9 MR. PARNELL: Certainly.
 10 BY MR. DeLUCA:
 11 Q. Mr. Ambler, I am going to begin
 12 by asking you three simple questions.
 13 Did CertainTeed tell the truth, the
 14 whole truth and nothing but the truth
 15 about the hazards of asbestos to end
 16 users of its products during the time
 17 it made asbestos cement pipe?
 18 MR. PARNELL: Objection to
 19 the form of the question. You
 20 can answer.
 21 THE WITNESS: As far as I
 22 know they did, yes.
 23 BY MR. DeLUCA:
 24 Q. Question two, is CertainTeed an

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1 asbestos company?
2 A. What is your definition of an
3 asbestos company?
4 Q. Do you consider CertainTeed to be
5 a company that made asbestos containing
6 products for well over 60 years?
7 A. I don't know how far back they
8 started, Mr. DeLuca. I was involved --
9 the product I was involved with they
10 started to make in 1962, and they
11 stopped the manufacturing of it in
12 1992.
13 Q. During that time period, 1962 to
14 1992, would you consider CertainTeed to
15 be part of the asbestos industry in
16 this country?
17 A. I would consider them to be a
18 part of the asbestos cement pipe
19 industry, yes.
20 Q. Question three, did CertainTeed
21 value its profits more than worker
22 safety?
23 MR. PARNELL: Object, form of
24 the question. You may answer.

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1 THE WITNESS: No.
2 BY MR. DeLUCA:
3 Q. Mr. Ambler, I understand that you
4 have a bachelor's degree in civil
5 engineering from Drexel University,
6 correct?
7 A. Yes.
8 Q. In what year did you get that?
9 A. I graduated in 1962.
10 Q. I understand that you are a civil
11 engineer by training?
12 A. More by education, I worked at it
13 for a few years when I got out of
14 school, yes.
15 Q. Do you have a professional
16 engineering license?
17 A. No, I do not.
18 Q. Do you have any post graduate
19 degrees?
20 A. No.
21 Q. I am told that you worked for
22 CertainTeed from 1967 to about 2001; is
23 that correct?
24 A. That's correct, yes.

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1 Q. At least for a number of years
2 during your employment with CertainTeed
3 your responsibilities included, among
4 other things, the sales and marketing
5 of CertainTeed asbestos cement pipe; is
6 that right?
7 A. Yes.
8 Q. When you started in 1967 I
9 understand that you were a technical
10 service engineer for about two years;
11 is that right?
12 A. Yes.
13 Q. And then following those two
14 years you became the manager of sales
15 engineering, which is a position you
16 held for about two to three years
17 after?
18 A. Yes.
19 Q. And then after you were a manager
20 of sales engineering you became a sales
21 manager, and your sales manager
22 responsibilities included the sales of
23 both asbestos cement pipe as well as
24 PVC products, correct?

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1 A. Yes.
2 Q. PVC is polyvinyl chloride, a
3 substance from which CertainTeed made
4 pipe, correct?
5 A. Yes.
6 Q. After you were a sales manager
7 you became the general marketing
8 manager for the asbestos cement pipe
9 products, correct?
10 A. Yes.
11 Q. That was in 1975?
12 A. Approximately, yes.
13 Q. A few years later you became the
14 vice president and general manager of
15 the asbestos cement pipe division?
16 A. Yes.
17 Q. And then you became senior vice
18 president for asbestos cement products
19 and PVC products?
20 A. Eventually, I didn't start out
21 that way.
22 Q. In 1980 you were the senior vice
23 president, correct?
24 A. Yes.

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1 Q. You had marketing responsibility 2 for asbestos cement products, correct? 3 A. In 1980, yes. 4 Q. And you were part of the pipe and 5 plastics group, correct? 6 A. Yes. 7 Q. And you did this until about 1985 8 when you picked up the PVC product line 9 as well? 10 A. Well, I had more than just 11 marketing responsibility for asbestos 12 cement pipe in 1980. 13 Q. In 1989 did you become president 14 of the pipe and plastics group of 15 CertainTeed? 16 A. Yes. 17 Q. Is that a position you held until 18 you retired in 2001? 19 A. Yes. 20 Q. You were 61 years old when you 21 retired, correct? 22 A. I believe that is correct, yes. 23 Q. That would make you how old 24 today? Page 17	1 you immediately began consulting for 2 CertainTeed; is that right? 3 A. Yes. 4 Q. And you do consulting for 5 CertainTeed strictly on asbestos cement 6 pipe issues? 7 A. Or matters related to asbestos 8 cement pipe, yes. 9 Q. You would consider yourself to be 10 a standing consultant with CertainTeed, 11 correct? 12 MR. PARNELL: Object to the 13 form of the question. I don't 14 know what a standing consultant 15 means. 16 BY MR. DeLUCA: 17 Q. Do you know what a standing 18 consultant means? 19 A. No. I was going to ask you your 20 definition of standing consultant. 21 Q. Well, I am going to have to ask 22 you for your definition because that is 23 how you described yourself in May of 24 2005. Let me show you your testimony. Page 19
1 A. I am 67 today. 2 Q. At present you have a consulting 3 contract with CertainTeed, do you not? 4 A. Yes. 5 Q. You also draw a retirement from 6 CertainTeed? 7 A. I am not sure if it is from 8 CertainTeed or Saint Gobain, but I 9 draw a retirement. 10 Q. Right now you receive a pension 11 as a result of your work at 12 CertainTeed, correct? 13 A. Yes. 14 Q. You are currently employed as a 15 paid consultant for CertainTeed on 16 asbestos issues, are you not? 17 A. Asbestos cement pipe, yes. 18 Q. And you have been a consultant 19 for CertainTeed since about 2002? 20 A. I started one in 2002, yes. 21 Q. And you retired 12-31-2001, 22 correct? 23 A. Yes. 24 Q. So when you retired as president Page 18	1 Mr. Ambler, I am going to hand you page 2 57 of a deposition that you gave. 3 MR. PARNELL: Do you have 4 page 56 as well? 5 MR. DeLUCA: I have page 1 6 through page -- 7 MR. PARNELL: So you have 8 page 56? 9 MR. DeLUCA: Sure. 10 MR. PARNELL: Can you show 11 him that as well? 12 MR. DeLUCA: I am going to 13 show him the whole deposition. 14 MR. PARNELL: Thank you. 15 MR. DeLUCA: I have page 1 16 through 80, which is the whole 17 deposition. 18 BY MR. DeLUCA: 19 Q. And I am going to call your 20 attention to the answer you gave at 21 line 2. Let me read it to you, and I 22 will hand you whatever you like. "I do 23 consulting for CertainTeed on all 24 asbestos cement pipe issues, I mean, I Page 20

1 am just a standing consultant with 2 them. I will be a witness on any cases 3 they want me to be." 4 MR. PARNELL: What is the 5 question? I understand you read 6 him testimony, what is the 7 question? 8 BY MR. DeLUCA: 9 Q. The question is are you a 10 standing consultant for CertainTeed? 11 MR. PARNELL: Thank you. 12 THE WITNESS: What I meant 13 there, Mr. DeLuca, is that I am a 14 consultant for CertainTeed on 15 asbestos cement pipe issues, and 16 I do anything they ask me to do 17 concerning asbestos cement pipe 18 on a consulting basis. 19 BY MR. DeLUCA: 20 Q. That is what you meant when you 21 said I will be a witness on any case 22 they want me to be? 23 A. Yes. If you read the beginning 24 of that it pretty well explains what I Page 21	1 exposed to CertainTeed asbestos cement 2 pipe was correct? 3 MR. PARNELL: I object to the 4 form of the question again. 5 Calling upon a test of memory 6 against a background of nothing, 7 and I, therefore, object and move 8 to strike the question. 9 You may answer. 10 THE WITNESS: There was a 11 case that I can specifically 12 remember where I did not question 13 whether our pipe was there or 14 not. 15 BY MR. DeLUCA: 16 Q. When was that case? 17 A. I believe it was the Dexter case. 18 Q. Do you know what year that was? 19 A. When I testified? 20 Q. Yes, sir. 21 A. I believe it was twice, 2005 and 22 2006. I could be corrected on that. 23 Q. Would you agree that as of May 24 17, 2005 you had never testified in Page 23
1 meant by that. 2 Q. Sir, have you ever testified in 3 court that the allegation that a 4 mesothelioma victim was exposed to 5 CertainTeed asbestos pipe was correct? 6 MR. PARNELL: Object to the 7 form of the question. You are 8 calling upon this witness to 9 remember every single statement 10 that may have ever been made in 11 court, and that is inappropriate. 12 You may answer the question. 13 THE WITNESS: I have 14 testified in court where our pipe 15 was in use. I don't remember 16 saying what disease an individual 17 got from what pipe. I don't 18 believe I am qualified to answer 19 that question, but I did state 20 that our pipe was in use. 21 BY MR. DeLUCA: 22 Q. Let me rephrase the question. 23 Have you ever testified in court that 24 the allegation that the individual was Page 22	1 court that the individual who was 2 alleging exposure to CertainTeed pipe 3 was correct? 4 MR. PARNELL: Object to the 5 form of the question. Again, it 6 calls upon a test of memory 7 without showing any records of 8 prior testimony. 9 You may answer. 10 THE WITNESS: Well, I believe 11 the Dexter case was around May of 12 2005. I could be wrong on that. 13 I don't know how many I testified 14 to prior to that, sir, I would 15 have to check, you know, check 16 files on that. 17 BY MR. DeLUCA: 18 Q. Let me hand you page 6 of the 19 Higgins deposition that was from May of 20 2005, call your attention to the answer 21 you gave on line 13. Would you mind 22 reading the question and the answer, 23 please? 24 MR. PARNELL: I object and Page 24

1 telling the witness not to read 2 the question and answer out loud 3 until he is asked a question by 4 you. I instruct him not to do 5 that out loud. 6 THE WITNESS: Where did you 7 ask me to read, sir? 8 BY MR. DeLUCA: 9 Q. The highlighted portion, sir, on 10 the bottom. 11 A. There are two, on which page? 12 Q. The one on the bottom. 13 A. On page 6? 14 Q. Yes, sir. 15 A. Well, that is nothing more than I 16 already told you. 17 Q. Well, sir, you were asked, "Have 18 you ever testified in court with the 19 allegation that the individual was 20 exposed to CertainTeed asbestos cement 21 pipe was correct," the answer you 22 gave, sir, was, "I don't believe so." 23 A. This was prior to, I believe, 24 prior to the Dexter care. Page 25	1 headquarters located somewhere here in 2 Philadelphia or near here? 3 A. They are in Valley Forge, 4 Pennsylvania, yes. 5 Q. Does CertainTeed view itself as 6 an industry leader? 7 MR. PARNELL: Object to the 8 form of the question. He doesn't 9 represent or is not a part of 10 CertainTeed now, and I don't know 11 how a corporation can have a view 12 period. 13 You may answer. 14 THE WITNESS: I believe they 15 feel that they are a leader in 16 the building products they are 17 involved in, yes. 18 BY MR. DeLUCA: 19 Q. Certainly during the time period 20 you were employed by CertainTeed, 21 CertainTeed viewed itself as an 22 industry leader, correct? 23 A. We felt that we were one of the 24 top companies in the products that we Page 27
1 Q. Okay. 2 A. So I believe I did answer your 3 question correctly, sir. 4 Q. Mr. Ambler, do you still get paid 5 \$100 an hour for your testimony? 6 A. No, no. 7 Q. How much do you get paid? 8 A. For my testimony I get \$125 an 9 hour. 10 Q. Is it true you have been deposed 11 somewhere around 30 to 40 times since 12 you started consulting for CertainTeed? 13 A. That's correct, yes. 14 Q. Sir, do you know whether 15 CertainTeed was founded in 1904 by a 16 guy named George Brown? 17 A. I believe Mr. Brown founded the 18 company, and I believe it was 1904. 19 Q. Was it known as the General 20 Roofing Manufacturing Company at that 21 time? 22 A. That was the first name of the 23 company, yes. 24 Q. Today is CertainTeed's corporate Page 26	1 were involved with, yes. 2 Q. Now, from a review of 3 CertainTeed's interrogatory responses I 4 understand that in June of 1962 5 CertainTeed purchased from a company 6 called Keasbey and Mattison four 7 asbestos cement pipe plants. Do you 8 know that to be true, sir? 9 A. Four asbestos cement pipe plants, 10 that's correct, yes. 11 Q. Sir, you are familiar with a 12 company called Turner and Newall, 13 aren't you? 14 A. I am not that familiar with them, 15 I heard of them. 16 Q. You know enough about them to say 17 they were very much involved with 18 Keasbey and Mattison, correct? 19 A. I don't know who all was involved 20 with Keasbey and Mattison, sir, that 21 was prior to my time. 22 Q. Sir, I am going to hand you a 23 deposition that you gave on April 18, 24 2006 concerning the Whitehead case. Do Page 28

1 you recall that? 2 A. No, I don't. 3 Q. In that deposition, sir, on page 4 78 line 23 you were asked, "Are you 5 familiar with Turner and Newall?" And 6 your answer was, "Somewhat." And then 7 the question is, "What is your 8 familiarity?" The answer you gave was, 9 "They were very much involved with 10 Keasbey and Mattison, and there was a 11 little bit involvement when CertainTeed 12 bought the assets from Keasbey and 13 Mattison." Do you recall giving that 14 testimony? 15 A. If that is what I said I gave it, 16 yes. 17 Q. Does that refresh your 18 recollection at all? 19 A. I would have to go back and see 20 how I answered your original question 21 today. I know that Keasbey and 22 Mattison was involved or Turner Newall 23 was involved with Keasbey and Mattison, 24 I just don't know what all their Page 29	1 these four asbestos cement pipe plants 2 the acquisition was from Keasbey and 3 Mattison's parent company, Turner and 4 Newall, did you know that, sir? 5 MR. PARNELL: You may answer, 6 if you know. 7 THE WITNESS: I don't know. 8 I thought they just -- I don't 9 know who the acquisition was 10 from, I just know they purchased 11 the asbestos cement pipe assets 12 of Keasbey and Mattison. 13 BY MR. DeLUCA: 14 Q. So you wouldn't know one way or 15 another whether Turner and Newall sold 16 the Keasbey and Mattison plants to 17 CertainTeed in exchange for CertainTeed 18 stock? 19 MR. PARNELL: Objection to 20 the form of the question. He 21 didn't come with the company 22 until 1967 and there is no 23 30(b)(6) or other notice that 24 calls for him to answer that type Page 31
1 involvement was. 2 Q. Do you know that Turner and 3 Newall was one of the largest asbestos 4 companies in the world? 5 MR. PARNELL: At what point 6 in time are you asking, today, 7 2007, 1962, when he was employed 8 in 1967? 9 BY MR. DeLUCA: 10 Q. At any point in time were you 11 aware that Turner and Newall was one of 12 the largest asbestos companies in the 13 world? 14 A. I was aware when I came to work 15 in 1967 I remember hearing that Turner 16 and Newall was a very large company, 17 what products they were involved with I 18 didn't get that involved with. 19 Q. They were from England, correct? 20 A. Yes. 21 Q. Sir, have you ever heard of a 22 very young lady named Nellie Kershaw? 23 A. It doesn't ring a bell, no. 24 Q. In 1962 when CertainTeed acquired Page 30	1 of question. 2 You may answer to the extent 3 you know. 4 THE WITNESS: I don't know 5 exactly what the transaction was, 6 sir. 7 BY MR. DeLUCA: 8 Q. So you wouldn't be able to tell 9 me whether in 1962 Turner and Newall 10 owned about 30 percent of CertainTeed, 11 correct? 12 A. I don't know what percentage. I 13 heard that they did own a percentage of 14 CertainTeed, and I am sure those 15 records are some place, I just don't 16 know the answer to that. 17 Q. Would you know if any Turner and 18 Newall executive sat on the board of 19 directors of CertainTeed at any point 20 in time? 21 A. I heard they did at the beginning 22 when the acquisition was made of the 23 asbestos cement pipe assets. 24 Q. Do you know whether Turner and Page 32

1 Newall had any agreements with 2 CertainTeed to supply asbestos fiber to 3 CertainTeed? 4 A. Yes, they did. 5 Q. Now, I understand that in 1976 6 Turner and Newall sold its interest in 7 Turner and Newall to Saint Gobain, did 8 you know that? 9 A. I know they did sell an interest 10 to Saint Gobain, yes. 11 Q. And Saint Gobain fully acquired 12 CertainTeed sometime in the 1980s, is 13 that your recollection? 14 A. Yes. 15 Q. Saint Gobain is a French company, 16 is it not? 17 A. Yes. 18 Q. Traded on the Paris stock 19 exchange? 20 A. Yes. 21 Q. Would you agree, sir, from before 22 1930 based on your experience with the 23 company CertainTeed was producing and 24 placing into the stream of commerce Page 33	1 A. Well, we probably sold a little 2 bit in the first quarter of 1993 3 because we stopped producing in the 4 fourth quarter of 1992. 5 Q. So when you stopped producing 6 asbestos containing pipe in the fourth 7 quarter of 1992 you sold whatever was 8 in inventory and those sales may have 9 taken CertainTeed into 1993, is that 10 what you are saying? 11 A. It sluffed over into the 12 beginning of 1993, not that long, 13 because we didn't have that much. 14 Q. Sir, did you know that 15 CertainTeed sold the following asbestos 16 containing products as set forth in 17 their interrogatories: Asbestos roof 18 coatings, blind nailing cement, plastic 19 cement, sealing cement, cold process 20 cement, cold process asphalt, asphalt 21 fibered emulsions, aluminum roof 22 coating, foundation coating, saturated 23 asbestos felts, asbestos base 24 sheathing, asbestos base flashing, Page 35
1 asbestos containing products? 2 A. I don't know what they -- 3 MR. PARNELL: Object to the 4 form of the question. If you 5 know you can answer. 6 THE WITNESS: I don't know 7 what they were doing in 1930. 8 BY MR. DeLUCA: 9 Q. But you do know CertainTeed 10 continued to sell asbestos products 11 until 1992, correct? 12 MR. PARNELL: Same objection, 13 same statement. 14 THE WITNESS: We stopped 15 manufacturing asbestos cement 16 pipe in the fourth quarter of 17 1992. 18 BY MR. DeLUCA: 19 Q. Is asbestos cement pipe an 20 asbestos containing product, sir? 21 A. Yes. 22 Q. So did CertainTeed continue to 23 sell asbestos containing products until 24 the fourth quarter of 1992? Page 34	1 asbestos cap sheets, asbestos cement 2 siding shingles, asbestos cement 3 pressure pipe, asbestos cement sewer 4 pipe, asbestos cement irrigation pipe, 5 asbestos containing joint compounds, 6 asbestos paper insulation for railroad 7 cars, asbestos cloth insulation for 8 railroad cars and asbestos containing 9 acoustical plaster? 10 MR. PARNELL: Object to the 11 form of the question. You may 12 answer, if you know. 13 THE WITNESS: What is the 14 question? 15 BY MR. DeLUCA: 16 Q. Did you know that CertainTeed 17 sold all of those asbestos containing 18 products that I mentioned? 19 A. Obviously I am very familiar with 20 the pipe products that you mentioned. 21 I heard they were involved with some of 22 the other products, but not all that 23 you had mentioned. 24 Q. Sir, would you agree that prior Page 36

1 to releasing any of CertainTeed's 2 asbestos containing products, any of 3 its products to the public for sale no 4 tests were ever conducted on those 5 products to determine the potential 6 health hazards involved in the use of 7 those products? 8 MR. PARNELL: Object to the 9 form of the question. You may 10 answer to the extent you know. 11 THE WITNESS: I can only talk 12 to you about pipe, sir. 13 BY MR. DeLUCA: 14 Q. Prior to releasing the pipe to 15 the public for sale no tests were ever 16 conducted on it, correct? 17 A. When it became an issue that we 18 knew that there is a problem we did 19 conduct tests, yes. 20 Q. My question, sir, was prior to 21 releasing those products to the public 22 for sale. 23 A. Yes. 24 Q. No tests were ever conducted, Page 37	1 instructing him not to further 2 answer then. 3 BY MR. DeLUCA: 4 Q. Sir, let me show you 5 interrogatory 13, which was answered by 6 CertainTeed in the Dromgoole case 7 D-R-O-M-G-O-O-L-E, which was in Bexar 8 County, B-E-X-A-R, Texas. We will mark 9 this as Exhibit 2. 10 (Whereupon answers to 11 interrogatories were marked for 12 identification as Exhibit 2.) 13 BY MR. DeLUCA: 14 Q. First of all, sir, do you know 15 from your work as a consultant for 16 CertainTeed with respect to asbestos 17 litigation what an interrogatory is? 18 A. Yes. 19 Q. You understand that those are 20 questions and answers that the parties 21 send to each other that are to be 22 answered under oath? 23 A. Yes. 24 Q. And by under oath we mean Page 39
1 correct? 2 A. We didn't have to conduct tests 3 because it was our opinion that nothing 4 that we suggested and recommended in 5 the installation of the product would 6 create an issue or a problem. 7 MR. DeLUCA: Object as non 8 responsive. Would you please 9 read the question back to the 10 witness? 11 MR. PARNELL: I believe the 12 witness answered the question. 13 MR. DeLUCA: Would you please 14 read the question back to the 15 witness. 16 (Whereupon the court reporter 17 read back from the record.) 18 MR. PARNELL: I believe the 19 witness answered the question, 20 move on. 21 MR. DeLUCA: No, Mr. Parnell, 22 we are not going to move on, it 23 is my deposition. 24 MR. PARNELL: I am Page 38	1 truthfully, right? 2 A. Yes. 3 Q. Interrogatory number 13 asks the 4 following question of CertainTeed, 5 "Prior to releasing the products listed 6 in interrogatory number 9," and 7 interrogatory number 9 asks CertainTeed 8 to disclose the products it made which 9 contained asbestos, "Prior to releasing 10 the products listed in interrogatory 11 number 9 to the public for sale, were 12 any tests conducted on those products 13 to determine potential health hazards 14 involved in the use of the products." 15 Sir, would you read CertainTeed's 16 answer, please? 17 MR. PARNELL: Read it to 18 yourself, if you would, and then 19 wait for a question. Is there a 20 question pending? 21 MR. DeLUCA: I will let him 22 read it first. 23 BY MR. DeLUCA: 24 Q. Mr. Ambler, my question to you -- Page 40

1 A. Sir, wait a second, I am not 2 finished. 3 Q. Sure. 4 A. Where is interrogatory question 5 number 9? 6 Q. Here, let me help you. 7 Interrogatory number 9 is here, and 8 then the answer stretches over three or 9 four pages. 10 A. Okay, thank you. Okay. 11 Q. Mr. Ambler, here is my question 12 to you, what was the answer CertainTeed 13 gave to interrogatory number 13? 14 A. No. 15 Q. Thank you. May I have that back? 16 I want to ask you some questions about 17 CertainTeed asbestos cement pipes. Is 18 it correct that CertainTeed's asbestos 19 cement pipe was gray in color? 20 A. Gray in color? 21 Q. Yes, sir. 22 A. What does that mean to you, sir, 23 gray in color? 24 Q. Well, it looked like concrete Page 41	1 written on the pipe? 2 A. Yes. 3 Q. Is all CertainTeed pipe pressure 4 pipe? 5 MR. PARNELL: Is that the 6 question? 7 BY MR. DeLUCA: 8 Q. No, strike the question. Did 9 CertainTeed ever make a cement pipe 10 that did not contain asbestos? 11 A. A cement pipe that did not -- 12 what is a cement pipe, sir? 13 Q. I don't want to talk about PVC, 14 okay? 15 A. Yes, I understand. 16 Q. PVC did not contain asbestos, 17 correct? 18 A. That's correct. 19 Q. CertainTeed was in the business 20 of making asbestos cement pipe? 21 A. Yes. 22 Q. Did all of CertainTeed's cement 23 pipe contain asbestos fibers? 24 A. We made a telephone conduit that Page 43
1 pipe. 2 A. Yes. 3 Q. You are familiar with the color 4 gray, are you not, gray? 5 A. Yes, but there is shades of gray, 6 sir. 7 Q. There certainly are. 8 A. That is why I asked you my 9 question. I can show you some gray 10 pipe that looks like it is almost 11 black. 12 Q. How would you describe the 13 appearance of CertainTeed asbestos 14 cement pipe? 15 A. Well, you just described it, you 16 said concrete in color, that's correct. 17 Q. Is that light gray, medium gray 18 or dark gray? 19 A. Whatever you want. It is 20 concrete gray to me. 21 Q. It is not what I want, how would 22 you describe it? 23 A. Concrete gray. 24 Q. Fair enough. Was CertainTeed Page 42	1 did not contain asbestos fibers. 2 Q. Was all of the CertainTeed cement 3 pipe that was used for pressure pipe, 4 sewer pipe or irrigation pipe asbestos 5 containing? 6 MR. PARNELL: Prior to third 7 quarter of 1993? 8 MR. DeLUCA: Let me rephrase 9 the question. 10 MR. PARNELL: Thank you. 11 BY MR. DeLUCA: 12 Q. Between 1962 and the end of 1992 13 did all CertainTeed cement pipe used as 14 pressure pipe, sewer pipe or irrigation 15 pipe contain asbestos? 16 A. Yes. 17 Q. Now, the CertainTeed asbestos 18 cement pipe, did it have a rough 19 texture to the outside? 20 A. Yes. 21 Q. Was the inside smooth? 22 A. Yes. 23 Q. Was it generally transported to 24 job sites on pallets? Page 44

1 A. Yes.
2 Q. Now, is it correct, sir, that the
3 machine that made the CertainTeed
4 asbestos cement pipe was a four meter
5 machine, which meant the lengths of the
6 pipe were generally about 13 feet long?
7 A. CertainTeed's, yes.
8 Q. CertainTeed also in addition to
9 making pipe that was 13 feet long made
10 some shorter lengths of pipe, pipe that
11 was three foot three inches in length
12 and six foot six inches in length?
13 A. Yes, we even made smaller than
14 three foot three on occasion.
15 Q. What would the size be of the
16 smaller pipe?
17 A. I believe it was 19 and a half
18 inches.
19 Q. That would be half of three foot
20 three?
21 A. Roughly, yes.
22 Q. CertainTeed even made some random
23 lengths between seven and 13 foot long
24 if pipe were damaged and it was able to

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1 be tested and determined to be suitable
2 for use?
3 A. As long as it was in six inch
4 increments, yes. Only a portion of it
5 could be shipped, though.
6 Q. Generally speaking CertainTeed
7 asbestos cement pipe was 10 to 20
8 percent asbestos by weight; is that
9 right?
10 A. Depending on the product, yes.
11 Q. Of that 10 to 20 percent asbestos
12 by weight, of that 10 to 20 percent
13 crocidolite was generally 10 to 15
14 percent of that?
15 A. On the average it was 10 to 15
16 percent of the asbestos content.
17 Q. I understand that a 13 foot long
18 section of eight inch asbestos pipe
19 weighs about 125 pounds, is that fairly
20 accurate?
21 A. I really don't know that, I would
22 have to look at a specification. If
23 you have a specification that says that
24 then it is a fact.

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1 Q. I am going to hand you a page out
2 of a document that I am going to mark
3 later, but for the record it bears
4 CertainTeed Bate stamp CTD 0620, and
5 ask you are you generally familiar with
6 a chart like that prepared by
7 CertainTeed concerning --
8 MR. PARNELL: May I see it
9 first?
10 BY MR. DeLUCA:
11 Q. Concerning the weight of its
12 pipe? And also while you are looking
13 at that, Mr. Parnell, that is page 18
14 of a document that we will mark the
15 whole thing as Exhibit 3, which is an
16 installation guide for CertainTeed
17 fluid-tite pressure pipe.
18 (Whereupon installation guide
19 was marked for identification as
20 Exhibit 3.)
21 BY MR. DeLUCA:
22 Q. Mr. Ambler, are you familiar with
23 this document that I have marked as
24 Exhibit 3? Let me hand you the whole

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1 thing.
2 A. Did you want to see this, A?
3 MR. PARNELL: No.
4 THE WITNESS: Yes, I have.
5 BY MR. DeLUCA:
6 Q. In fact, sir, you will see on the
7 front cover there, there is an exhibit
8 sticker that was marked at one of your
9 prior depositions.
10 A. Okay.
11 Q. Would you look at page 18, sir?
12 A. Yes.
13 Q. Is that a chart which sets forth
14 various characteristics about
15 CertainTeed asbestos cement pipe
16 including the length and the diameter
17 and the weight per linear foot?
18 A. It specifies the weight per foot
19 per class per size of pipe and the
20 method of unloading.
21 Q. Would you agree, sir, just by way
22 of example, a 13 foot length, well, one
23 foot of class 100 eight inch
24 CertainTeed asbestos cement pipe would

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1 be 15.6 pounds per linear foot? 2 A. Yes, that is the weight of the 3 pipe per foot of pipe plus the weight 4 of the coupling spread over 13 feet. 5 Q. Okay. 6 A. So you have a little bit of 7 coupling weight added to the weight of 8 the pipe. 9 Q. Then let me couch my questions in 10 terms of piece of pipe with a coupling 11 attached. 12 A. Okay, that is fair. 13 Q. If it is 13 feet long and it is 14 about 15 pounds per foot? 15 A. 180 pounds. 16 Q. 180 pounds? 17 A. Right. 18 Q. And if the pipe and the coupling 19 are 10 to 20 percent asbestos by weight 20 that is 15 to 30 pounds of asbestos in 21 a single piece of pipe with an attached 22 coupling, is it not? 23 A. You said it is 180 pounds, right, 24 and we are saying that on the average Page 49	1 A. It could be depending on the 2 pipe, yes. 3 Q. I understand that CertainTeed 4 made asbestos cement pipe that was as 5 big as 24 inches in diameter? 6 A. That's correct, yes. 7 Q. Sir, I would like to show you 8 some exhibits and ask you about them, 9 just to give the jury an appreciation 10 of what we are talking about. 11 (Whereupon photograph was 12 marked for identification as 13 Exhibit 4.) 14 BY MR. DeLUCA: 15 Q. Let me hand you Exhibit 4, and 16 ask you if this is a fair and accurate 17 representation of what the Keasbey and 18 Mattison asbestos cement pipe looked 19 like, if you know? 20 MR. PARNELL: I move to 21 strike all of the preamble to the 22 question, which is can you tell 23 whether that is what Keasbey and 24 Mattison had looked like. Page 51
1 15 percent of that is asbestos by 2 weight so 15 percent of that would 3 be -- 4 Q. Twenty-seven pounds? 5 A. Twenty-seven pounds, right. 6 Q. So a single piece of eight inch 7 class 100 CertainTeed asbestos cement 8 pipe had 24 pounds of asbestos in it; 9 is that right? 10 A. It could on the average, yes. 11 Q. It could have more, and that is 12 the nature of an average? 13 A. It could have less. 14 Q. And it could have less? 15 A. Yes. 16 Q. Of that 24 pounds on average 2.4 17 to 4.8 pounds would be crocidolite, 18 correct? 19 A. I would say, I don't want to go 20 to 4.8, I would say 10 to 15 percent of 21 it could be crocidolite on the average, 22 yes. 23 Q. 2.4 to 3.6 pounds would be 24 crocidolite asbestos fiber? Page 50	1 THE WITNESS: I don't know, 2 Mr. DeLuca, on that one. 3 (Whereupon photograph was 4 marked for identification as 5 Exhibit 5.) 6 BY MR. DeLUCA: 7 Q. Here is Exhibit 5, is that a fair 8 and accurate depiction of Keasbey and 9 Mattison pipe to your knowledge? 10 A. Again, I don't know, I've never 11 seen a piece of Keasbey and Mattison 12 pipe with markings on it. 13 (Whereupon photograph was 14 marked for identification as 15 Exhibit 6.) 16 BY MR. DeLUCA: 17 Q. Let me hand you Exhibit 6 and ask 18 you if this is a fair and accurate 19 depiction of what CertainTeed 20 fluid-tite sewer pipe looked like? 21 A. What year are we speaking of, 22 sir? 23 Q. I don't know, sir, the photo 24 isn't dated, but does that appear to be Page 52

1 a fair and accurate depiction of what 2 CertainTeed asbestos cement fluid-tite 3 sewer pipe looked like at any point in 4 time that you worked there? 5 A. Yes. 6 Q. Are you able to tell me the year 7 that picture was taken? 8 A. No, I can't. 9 (Whereupon photograph was 10 marked for identification as 11 Exhibit 7.) 12 BY MR. DeLUCA: 13 Q. Sir, is Exhibit 7 a fair and 14 accurate depiction of what the 13 foot 15 lengths of pipe would look like stacked 16 up? 17 A. It could certainly look like 18 that, yes. 19 Q. Did most of the CertainTeed 20 asbestos cement pipe come with a collar 21 already installed on one end such as 22 depicted in that picture? 23 A. Prebelled, yes. 24 Q. Prebelled? Page 53	1 was your question, again, I am sorry, 2 because I want to answer it correctly? 3 Q. Would that exhibit, Exhibit 9, be 4 a fair and accurate depiction of what 5 the CertainTeed asbestos cement pipe 6 that came in three foot three inch 7 lengths looked like? 8 A. I can't answer that question. It 9 could or couldn't. I don't know what 10 length this is by looking at it, and 11 this looks to me as if it is a specific 12 type of short length. 13 Q. You would agree that this doesn't 14 appear to be the 13 foot length of 15 CertainTeed pipe? 16 A. That is a fact, yes. 17 Q. You would agree this is 18 CertainTeed asbestos cement pipe? 19 A. I believe I can read CertainTeed 20 on there. On the ones I can read it 21 looks to me it says CertainTeed, and it 22 is in orange, yes. 23 Q. That is consistent with your 24 understanding as to how CertainTeed Page 55
1 A. Yes. 2 (Whereupon photograph was 3 marked for identification as 4 Exhibit 8.) 5 BY MR. DeLUCA: 6 Q. Is Exhibit 8 a fair and accurate 7 depiction of what the six foot six 8 lengths of CertainTeed asbestos cement 9 pipe looked like? 10 A. I don't believe that is asbestos 11 cement pipe. I can't tell. It looks 12 like it is belled on the end, it looks 13 like it may have an integral bell on 14 the end so I can't say that is asbestos 15 cement pipe by looking at it. 16 (Whereupon photograph was 17 marked for identification as 18 Exhibit 9.) 19 BY MR. DeLUCA: 20 Q. Does Exhibit 9 appear to be a 21 fair and accurate depiction of 22 CertainTeed asbestos cement pipe in 23 three foot three inch lengths? 24 A. Well, a certain type of -- what Page 54	1 asbestos cement pipe was marked, 2 correct? 3 A. Well, in all fairness I can't 4 read all of it so I don't know what all 5 is on this marking. The bigger marking 6 does look to me as if it says 7 CertainTeed, it is kind of blurred 8 though. Maybe somebody better than me 9 can answer that question. 10 (Whereupon photograph was 11 marked for identification as 12 Exhibit 10.) 13 BY MR. DeLUCA: 14 Q. Does Exhibit 10 fairly and 15 accurately depict those prebelled ends 16 of the CertainTeed asbestos cement pipe 17 that you referenced? 18 A. Yes, that is what Certain -- I 19 can't say this is CertainTeed's pipe, 20 but that is what CertainTeed's 21 prebelled pipe would look like. 22 (Whereupon photograph was 23 marked for identification as 24 Exhibit 11.) Page 56

1 BY MR. DeLUCA:
2 Q. Does Exhibit 11 depict what the
3 stockyard would look like for a
4 CertainTeed asbestos cement pipe plant?
5 A. Yes.
6 (Whereupon photograph was
7 marked for identification as
8 Exhibit 12.)
9 BY MR. DeLUCA:
10 Q. Would Exhibit 12 also fairly and
11 accurately depict what it would look
12 like at a CertainTeed plant stockyard?
13 MR. PARNELL: Assuming that
14 was CertainTeed pipe.
15 THE WITNESS: Yeah, that was
16 the question I was going to ask,
17 assuming it is CertainTeed's
18 pipe. It certainly depicts an
19 asbestos cement pipe yard.
20 BY MR. DeLUCA:
21 Q. During the time period that you
22 worked for CertainTeed when CertainTeed
23 was manufacturing asbestos cement pipe
24 CertainTeed maintained stock piles of

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1 materials that looked like what we have
2 seen in these exhibits, correct?
3 A. Yes, we maintained inventory.
4 Q. Now, Mr. Ambler, CertainTeed had
5 a medical director, correct?
6 A. What time period are you speaking
7 about?
8 Q. At any point during the time
9 period you were employed by CertainTeed
10 did it have a medical director?
11 A. Yes.
12 Q. To your knowledge, Mr. Ambler,
13 did CertainTeed have a medical director
14 prior to your employment in 1967?
15 A. I don't know exactly when Dr.
16 Goodman started. I don't know what
17 year he started so I can't answer that
18 question.
19 Q. Dr. Goodman was the first medical
20 director of CertainTeed to your
21 knowledge?
22 A. As I can recall, yes.
23 Q. And then later Dr. Mellon took
24 his position; is that right?

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1 A. Yes.
2 Q. You met Dr. Goodman but only once
3 in a meeting; is that right?
4 A. I don't know whether you call it
5 a meeting, I was in a meeting that he
6 was at and spoke at, yes.
7 Q. But that was only one time that
8 you had interaction with him; is that
9 right?
10 A. As best I can recall.
11 Q. Mr. Ambler, would you be able to
12 tell us when the medical department at
13 CertainTeed knew that asbestos could
14 cause mesothelioma?
15 A. The medical department?
16 Q. Yes, sir.
17 A. I don't know what you mean by the
18 medical department.
19 Q. Well, let me back up then. These
20 medical directors that CertainTeed had,
21 Dr. Goodman and then later Dr. Mellon.
22 A. Yes.
23 Q. Did they have people working for
24 them?

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1 A. Well, Dr. Goodman was like a
2 consultant, I don't believe he was on
3 the payroll, he was a consultant. Dr.
4 Mellon certainly had people working for
5 him, yes.
6 Q. So let me restate the question.
7 Would you know when, for example, Dr.
8 Goodman first knew that asbestos could
9 cause mesothelioma?
10 A. I have no idea when he would
11 think that.
12 Q. Would you know when Dr. Mellon or
13 the people who worked for him first
14 knew that asbestos could cause
15 mesothelioma?
16 A. I am assuming, it is only an
17 assumption, I've never spoken to Larry
18 about that, I can't tell you exactly
19 when Larry came, it was sometime, I
20 believe, in the '70s, I could be wrong
21 about that, but I am assuming he knew
22 that when he came. By Larry I mean
23 Larry Mellon, I am sorry.
24 Q. Yes, sir. Mr. Ambler, in the

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1 early 1960s CertainTeed was aware that 2 workers had the possibility of 3 contracting cancer if they were 4 subjected to large amounts of asbestos 5 over long periods of time in 6 conjunction with smoking, correct? 7 MR. PARNELL: Object to the 8 form of the question. There is 9 no definition of who workers are, 10 could be workers in the field 11 nowhere near asbestos. 12 MR. DeLUCA: Mr. Parnell, 13 would you please just provide the 14 basis of the objection and leave 15 it at that. So objection form I 16 think would be sufficient. Can 17 we agree on that? 18 MR. PARNELL: No. 19 MR. DeLUCA: Could we agree 20 that you won't make speaking 21 objections in this deposition? 22 MR. PARNELL: No, can't agree 23 to it, no. 24 MR. DeLUCA: Can we agree Page 61	1 I believe that is in the 2 interrogatories. 3 BY MR. DeLUCA: 4 Q. So you recall it was the mid 5 '60s? 6 A. Yes, sir. 7 MR. DeLUCA: Could we go off 8 the record please? 9 VIDEO TECHNICIAN: We are 10 now going off the record, the 11 time is 10:56. 12 (Whereupon a short recess was 13 taken.) 14 VIDEO TECHNICIAN: We are 15 now on the record, the time is 16 11:04. 17 MR. DeLUCA: Would you read 18 the last two questions and 19 answers back, please? 20 (Whereupon the court reporter 21 read back from the record.) 22 BY MR. DeLUCA: 23 Q. Mr. Ambler, you testified in the 24 Caesuras case in Rasorial County in Page 63
1 that you will make objections 2 consistent with the West Virginia 3 Rules of Civil Procedure and 4 Evidence? 5 MR. PARNELL: I believe I 6 have done that. 7 MR. DeLUCA: So we can agree 8 on that? 9 MR. PARNELL: We can agree on 10 that. 11 BY MR. DeLUCA: 12 Q. Mr. Ambler, I am sure by now you 13 forgot my question so I am going to ask 14 it again. Would you agree that in the 15 early 1960s CertainTeed was aware that 16 workers had the possibility of 17 contracting cancer if they were 18 subjected to large amounts of asbestos 19 over long periods of time in 20 conjunction with smoking? 21 MR. PARNELL: Same objection. 22 THE WITNESS: Yeah, 23 CertainTeed was aware of that, I 24 believe it was like the mid '60s, Page 62	1 January of 2005, I don't know if you 2 recall that or not. 3 MR. PARNELL: Is that a 4 question, does he recall? 5 BY MR. DeLUCA: 6 Q. Do you recall that? 7 A. I recall the name, I just don't 8 recall when I testified. 9 Q. It was a deposition held here in 10 the very same law firm in Philadelphia. 11 A. Okay. 12 Q. Let me hand you your testimony 13 from page 118 and 119, and ask you if 14 that refreshes your recollection as to 15 whether or not CertainTeed was aware of 16 the possibility of contracting cancer 17 if workers are subjected to large 18 amounts of asbestos over long periods 19 of time in conjunction with smoking in 20 the early 1960s? 21 A. Mr. DeLuca, whether it was 1963 22 or 1965 it was sometime in that time 23 period that they were aware of that. 24 It was asbestosis in '62. Page 64

1 Q. Did CertainTeed communicate that 2 information that exposure to asbestos 3 in conjunction with smoking could lead 4 to the development of cancer to its 5 employees? 6 A. CertainTeed did not hold anything 7 back in the plants, and obviously their 8 focus was to control the asbestos fiber 9 in the plants, and they communicated 10 information as it became available to 11 the best of my knowledge. 12 Q. Did CertainTeed convey 13 information to its employees in its 14 plants where it made its asbestos 15 cement pipe that exposure to asbestos 16 and smoking could lead to the 17 development of cancer? 18 A. Could you read that question 19 back, please? 20 (Whereupon the court reporter 21 read back from the record.) 22 THE WITNESS: The exposure to 23 asbestos, large amounts of 24 asbestos over long periods of Page 65	1 A. Yes. 2 (Whereupon photograph was 3 marked for identification as 4 Exhibit 14.) 5 BY MR. DeLUCA: 6 Q. Could you tell me what is in 7 Exhibit 14, please? 8 A. That is a lave. 9 Q. Is that a worker working on the 10 lave? 11 A. Yes. 12 Q. Does he have a cigar in his 13 mouth? 14 A. Yes. 15 (Whereupon photograph was 16 marked for identification as 17 Exhibit 15.) 18 BY MR. DeLUCA: 19 Q. What is depicted in Exhibit 15? 20 A. That is pipe coming out of the 21 pipe machine on the mandrel. 22 Q. Is that a worker working on that 23 pipe machine? 24 A. Yes. Page 67
1 time could lead to cancer for 2 smokers, yes. 3 BY MR. DeLUCA: 4 Q. CertainTeed conveyed that 5 information to its employees in its 6 plants, correct? 7 A. Yes. 8 (Whereupon photograph was 9 marked for identification as 10 Exhibit 13.) 11 BY MR. DeLUCA: 12 Q. Let me hand you Exhibit 13 and 13 ask if you can tell me what is depicted 14 in the picture? 15 A. Looks like the pipe coming out of 16 the secondary tunnel to the best of my. 17 Q. Is that a machine that makes 18 asbestos cement pipe? 19 A. A tunnel is part of the machine, 20 yes. 21 Q. Is there a worker pictured in 22 that picture? 23 A. Yes. 24 Q. Is he smoking a cigarette? Page 66	1 Q. Is that a cigarette in his mouth? 2 A. Yes. Obviously the question is 3 when were these pictures taken because 4 CertainTeed did implement a no smoking 5 policy. 6 Q. When did it implement a no 7 smoking policy? 8 A. I don't know exactly what year it 9 was, but they did implement a no 10 smoking policy. 11 Q. That would have been sometime in 12 the 1970s, correct? 13 A. I believe it was, yes. 14 Q. So at least from the early '60s, 15 however you choose to define that, 16 until sometime in the '70s that 17 CertainTeed was aware that asbestos 18 exposure and smoking could lead to 19 cancer but did not implement a no 20 smoking policy for its employees, 21 correct? 22 A. They were aware that if you were 23 exposed to large amounts of asbestos 24 over long periods of time there was a Page 68

1 risk of lung cancer for particularly
 2 smokers, but CertainTeed was focused on
 3 controlling the asbestos dust in their
 4 plants so that situation wouldn't
 5 arise.
 6 MR. DeLUCA: Object as non
 7 responsive.
 8 BY MR. DeLUCA:
 9 Q. Now, sir, you previously
 10 testified that CertainTeed knew that
 11 asbestos could cause a disease called
 12 asbestosis in 1962, correct?
 13 A. They were aware of that, yes, if
 14 you were, again, subjected to large
 15 amounts of asbestos over long periods
 16 of time.
 17 Q. How large an amount of asbestos
 18 did you have to be exposed to, sir?
 19 A. It was our understanding that you
 20 had to be at least at the requirements
 21 of the governing agencies at that
 22 point, depending on what point we are
 23 talking about.
 24 Q. What government agencies had

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1 regulations in 1962?
 2 A. It was the ACGIH, and then also
 3 the US Bureau of Health came in and
 4 tested in accordance to the ACGIH.
 5 Q. When did the U.S. Public Health
 6 Service come in, sir?
 7 A. Come in where, CertainTeed
 8 plants?
 9 Q. Yes.
 10 A. They came into the plants in the
 11 '60s.
 12 Q. They studied the manufacturing
 13 process, correct?
 14 A. They took counts.
 15 Q. They weren't taking counts of
 16 pipe being cut in the field, were they,
 17 sir?
 18 A. They came into the plants.
 19 Q. Sir, my question was they weren't
 20 taking dust counts of workers cutting
 21 pipe in the field were they, sir?
 22 A. Who wasn't?
 23 Q. The United States Public Health
 24 Service.

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1 A. Not that I am aware of, no.
 2 Q. Nonetheless, CertainTeed knew in
 3 1962 that asbestos could cause
 4 asbestosis, CertainTeed never put a
 5 warning on its asbestos products to
 6 that effect in 1962, did it?
 7 A. Again, sir, it was our opinion
 8 that the recommended practices for the
 9 installation of the product in the
 10 field was not an issue, and it proved
 11 out to be right later on when we did
 12 the testing.
 13 MR. DeLUCA: Object as non
 14 responsive.
 15 BY MR. DeLUCA:
 16 Q. Sir, I am going to have the
 17 question read back to you, I would like
 18 you to answer the question.
 19 A. I will continue to answer it as I
 20 have, sir.
 21 MR. DeLUCA: Would you read
 22 it back, please?
 23 (Whereupon the court reporter
 24 read back from the record.)

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1 MR. PARNELL: Mr. Ambler, you
 2 have an obligation to answer, to
 3 either adopt your prior answer,
 4 which you have a right to do
 5 under the law or you may rephrase
 6 and verbalize another answer.
 7 THE WITNESS: Could you read
 8 my answer please, I am sorry?
 9 (Whereupon the court reporter
 10 read back from the record.)
 11 THE WITNESS: That is my
 12 answer, sir.
 13 MR. DeLUCA: Object as non
 14 responsive. I am entitled to an
 15 answer to the question that is
 16 responsive.
 17 MR. PARNELL: I believe the
 18 answer was responsive.
 19 MR. DeLUCA: Well, that is
 20 your opinion.
 21 MR. PARNELL: You can certify
 22 the question, ask Judge Wilson,
 23 if Judge Wilson agrees with you
 24 you get a reshot to ask that

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1 question or not. 2 MR. DeLUCA: I am going to 3 change the videotape right now, 4 and then we will continue. 5 VIDEO TECHNICIAN: We are 6 now going off the record. This 7 completes tape number 1, the time 8 is 11:13. 9 We are now on the record. 10 This begins tape number 2. The 11 time is 11:14. 12 BY MR. DeLUCA: 13 Q. Mr. Ambler, did CertainTeed put a 14 warning on any of its asbestos products 15 in 1962? 16 A. I can only answer for pipe, and 17 we did not put a warning on our pipe 18 products for the reasons that I gave 19 you because we felt that it was our 20 understanding that if you would follow 21 the recommended work practices in our 22 installation guide you would not have 23 an issue in the field, and it proved 24 out that we were well within the OSHA Page 73	1 as you want to any answer that 2 you give, okay? So you can 3 answer his question yes or no, 4 but that doesn't prevent you from 5 then explaining the answer before 6 he gets to ask another question. 7 So you may answer yes or no, and 8 if it calls for an explanation do 9 so. 10 THE WITNESS: I think I've 11 just done what Mr. Parnell said I 12 could do. 13 BY MR. DeLUCA: 14 Q. So the answer is no, with the 15 explanation you gave? 16 A. Yes. 17 Q. Now, Mr. Ambler, you worked with 18 a man or at least knew a man named Leon 19 Horowitz, correct? 20 A. I did not work with him, I knew 21 of him. I don't believe I ever met 22 him. 23 Q. You know that he was the safety 24 director of CertainTeed at some point Page 75
1 standards when the testing was done. 2 MR. DeLUCA: Object to the 3 non-responsive portion. 4 BY MR. DeLUCA: 5 Q. Sir, do you have an agenda today? 6 A. Do I have an agenda? 7 Q. Yes, sir. 8 A. What do you mean by an agenda? 9 Q. Are there certain things that you 10 want to say today or are you just here 11 to answer questions? 12 A. I want to try to answer your 13 questions to the best of my ability and 14 answer any questions that either Mr. 15 Parnell or Ms. Ross may have. 16 Q. Can you answer my question with a 17 yes or a no? Did CertainTeed put a 18 warning on its asbestos cement pipe in 19 1962? 20 MR. PARNELL: Mr. Ambler, you 21 have a right under the law of 22 West Virginia to answer the 23 question yes or no and explain in 24 any way you want to for as long Page 74	1 in time, do you not? 2 A. Yes. 3 Q. And that Mr. Horowitz was very 4 much involved in researching asbestos 5 hazards and communicating the results 6 of his research to management, correct? 7 A. As far as I know that is correct, 8 yes. 9 Q. You know that Mr. Horowitz 10 attended a meeting in New York City in 11 1964, correct? 12 A. What meeting are you speaking of, 13 sir? 14 Q. That would be the Selikoff 15 conference? 16 A. Yes. 17 Q. In association with the New York 18 Academy of Sciences? 19 A. Yes. 20 Q. In October of '64? 21 A. I don't know when it was, I know 22 it was in '64 or I heard it was in '64. 23 Q. You also knew a man named Mr. 24 Hutchcroft, do you recall Mr. Page 76

1 Hutchcroft?
2 A. Yes.
3 Q. What position with CertainTeed
4 did he have?
5 A. At what time period?
6 Q. Well, at any point during the
7 time period that you were employed by
8 CertainTeed.
9 A. He was one of the directors and
10 one of the managers in the technical
11 department when I came to work for the
12 company.
13 Q. The technical department that
14 serviced the pipe group?
15 A. Yes.
16 Q. Was he employed by CertainTeed
17 when you started in 1967?
18 A. Yes.
19 Q. He had been there for sometime
20 before that, correct, to the best of
21 your knowledge?
22 A. Yes.
23 (Whereupon memo dated
24 November 3, 1964 was marked for
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1 identification as Exhibit 16.)
2 BY MR. DeLUCA:
3 Q. Let me hand you what I have
4 marked as Exhibit 16, which is a memo
5 dated November 3, 1964. I believe you
6 have seen this before, but please take
7 a look at it.
8 A. Okay.
9 Q. You have been asked about that
10 document before, correct?
11 A. I believe I have, yes.
12 Q. As you said earlier, Mr.
13 Hutchcroft worked in the pipe division
14 technical department; is that right?
15 A. Yes, yes.
16 Q. This memo that I handed you,
17 which has been marked as Exhibit 16,
18 discusses the conference in New York in
19 October '64, correct?
20 MR. PARNELL: Do you need to
21 read the document in order to
22 answer those questions?
23 THE WITNESS: Well, so far I
24 don't have to.
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1 MR. PARNELL: Okay.
2 THE WITNESS: Yes.
3 BY MR. DeLUCA:
4 Q. It also discusses a disease
5 called mesothelioma, does it not?
6 A. That word is mentioned in this
7 letter, yes.
8 Q. Yes, sir. And, Mr. Ambler, it
9 discusses mesothelioma in the context
10 of an example of a little girl who
11 lived near an asbestos factory until
12 she was just five years old, she moved
13 away, and 20 years later she got
14 mesothelioma, do you see that?
15 A. Sir, do you want me to read this
16 whole letter?
17 Q. Yes. We will go off the record
18 while you do that.
19 MR. PARNELL: Off the record.
20 VIDEO TECHNICIAN: We are
21 going off the record. The time
22 is 11:20.
23 (Whereupon a discussion was
24 held off the record.)
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1 VIDEO TECHNICIAN: We are
2 now on the record. The time is
3 11:25.
4 BY MR. DeLUCA:
5 Q. Mr. Ambler, while we were off the
6 record did you have a chance to review
7 the document that I marked as Exhibit
8 16?
9 A. Yes, I did.
10 Q. As you stated earlier, it does
11 discuss mesothelioma, correct?
12 A. Yes.
13 Q. And it discusses mesothelioma in
14 the context of a little girl who lived
15 near an asbestos factory until she was
16 five years old and then she moved away,
17 and 20 years later she got
18 mesothelioma, correct?
19 A. Yes, in England.
20 Q. This was reported to Mr.
21 Hutchcroft in 1964?
22 A. The letter was written by Mr.
23 Shaw to Mr. Hutchcroft concerning that
24 meeting, yes.
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1 Q. It goes on to talk about another
2 little girl who had mesothelioma, and
3 it turns out she is a playmate of the
4 first girl, did you see that?
5 A. Yes.
6 Q. This letter also references a
7 doctor, Dr. Ragelschmidt, did you see
8 that?
9 A. It doesn't jump out at me. Where
10 was that?
11 Q. Can I find it for you, sir?
12 A. Sure.
13 Q. It is here on page 2 at the very
14 bottom, paragraph 3, I know it is a
15 little --
16 A. You get that out of that?
17 Q. Can you see it, sir?
18 A. I don't know what the name is, it
19 is hard to read, but go ahead, what is
20 your question, I am sorry?
21 Q. It says, "Ragelschmidt reported
22 that the amount of asbestos exposure in
23 time and quantity is not necessarily
24 the important factor. One or a very

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1 few asbestos bodies can serve as the
2 mechanism for the development of a
3 malady and an asbestos body may lay
4 dormant in a human body many years
5 before becoming active." Were you able
6 to make that out?
7 A. Yes.
8 Q. Mr. Hutchcroft was advised by
9 this letter that at least some
10 physicians had the opinion that the
11 amount of asbestos exposure and the
12 duration of exposure wasn't necessarily
13 the important factor in the development
14 of mesothelioma, correct?
15 MR. PARNELL: Object to the
16 form of the question,
17 particularly the word some.
18 THE WITNESS: Mr. Hutchcroft
19 was advised by Mr. Shaw that that
20 is what this doctor's opinion
21 was.
22 BY MR. DeLUCA:
23 Q. Mr. Hutchcroft was advised that
24 at least one physician was of the

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1 opinion that the amount of asbestos
2 exposure and the duration of exposure
3 were not necessarily the important
4 factors in the development of
5 mesothelioma, correct?
6 A. That is what this gentleman
7 reported, yes.
8 Q. That is somewhat different than
9 the concept of large amounts of
10 asbestos over long periods of time that
11 you referenced earlier, correct?
12 A. That is this gentleman's opinion,
13 sir.
14 Q. Do you know what research
15 CertainTeed did following this 1964
16 letter to Hutchcroft to determine
17 whether this one physician, whether he
18 was right or wrong?
19 A. I can only tell you that
20 CertainTeed did everything that they
21 could and focused their attention on
22 keeping the fiber dust counts in the
23 plant below the standards at that
24 particular time.

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1 MR. DeLUCA: Object as non
2 responsive. Would you read the
3 question back, please?
4 (Whereupon the court reporter
5 read back from the record.)
6 MR. PARNELL: You have the
7 same options, you may adopt
8 answers you gave or give a new
9 one.
10 THE WITNESS: No, I will stay
11 with the answer I gave.
12 MR. DeLUCA: Your objection
13 was not responsive, sir, you
14 can't adopt a non responsive
15 answer.
16 MR. PARNELL: I believe it
17 was responsive.
18 MR. DeLUCA: That is your
19 opinion.
20 MR. PARNELL: And you have
21 yours, and our only option other
22 than arguing with the witness is
23 to take it before Judge Wilson,
24 which I am more than willing to

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1 do. And if he rules in your 2 favor I will make him available 3 again, Mr. DeLuca. 4 BY MR. DeLUCA: 5 Q. Mr. Ambler, you cannot tell me 6 that CertainTeed did any research to 7 determine whether this physician was 8 right or wrong, correct? 9 A. They didn't do any research 10 pertaining to this individual, that's 11 correct as far as I can tell, as far as 12 I know. 13 Q. As far as you know this 14 individual or the opinion expressed in 15 this letter, correct? 16 A. Well, and that is going a little 17 further now. As I said, Mr. DeLuca, it 18 was CertainTeed's understanding that if 19 you controlled the dust in the plant in 20 accordance with what the standard was, 21 you had a safe operation in that plant. 22 That was CertainTeed's 23 understanding that you had to follow 24 the standards, and CertainTeed not only Page 85	1 were being set either by ACGIH or OSHA. 2 MR. DeLUCA: Object as non 3 responsive. Would you read the 4 question back for the witness, 5 please. 6 MR. PARNELL: Can we go off 7 the record for a moment, please? 8 MR. DeLUCA: Can I have 9 the -- 10 MR. PARNELL: It will be 11 helping you if we go off the 12 record. 13 MR. DeLUCA: I will accept 14 that. 15 VIDEO TECHNICIAN: We are 16 now going off the record. The 17 time is 11:32. 18 (Whereupon the witness 19 confers with his attorney.) 20 MR. PARNELL: I think it 21 would be best if you ask the 22 question again as narrowly as you 23 can and then go from there. 24 VIDEO TECHNICIAN: We are Page 87
1 tried to follow the standards, they 2 tried to do better than the standards 3 through the whole period that I was 4 there. 5 MR. DeLUCA: Object as non 6 responsive. 7 BY MR. DeLUCA: 8 Q. Did CertainTeed ever undertake 9 any investigation to determine whether 10 mesothelioma could be caused by 11 relatively short or relatively low 12 doses of asbestos? 13 A. I don't know how else to answer 14 your question, sir. CertainTeed was 15 focused on keeping the dust counts 16 below the standards that they were 17 working within. 18 The government, sir, OSHA or 19 ACGIH never differentiated between 20 fiber types. You had to control the 21 fiber in the plant, and that was our 22 understanding what you had to do and 23 that is what we did, and we set 24 standards lower than the standards that Page 86	1 now on the record. The time is 2 11:33. 3 BY MR. DeLUCA: 4 Q. Mr. Ambler, I am going to have 5 the court reporter read the last 6 question back to you, okay? 7 A. Sure. 8 (Whereupon the court reporter 9 read back from the record.) 10 THE WITNESS: The answer is 11 as far as I know, no, they did 12 not, but for the reason that it 13 was CertainTeed's understanding 14 that as long as you kept your 15 plants at or below the standards 16 and controlled the fiber you 17 would have a safe operation. 18 MR. DeLUCA: Object to the 19 non-responsive portion. 20 BY MR. DeLUCA: 21 Q. Sir, you previously testified 22 that CertainTeed had an in plant 23 respirator policy in 1967; is that 24 right? Page 88

1 A. Yes.
2 Q. Respirators were available to all
3 employees if they wanted to wear them?
4 A. Yes.
5 Q. But they were only mandatory in
6 areas where there was a potential of
7 having exposure greater than what the
8 regulations were at the time?
9 A. Yes.
10 Q. What would those areas be where
11 there was a greater potential for
12 exposure?
13 A. Depending on, you know, obviously
14 we tried to control the plant through
15 engineering design, but there were
16 times when a maintenance man would have
17 to go in and clean out a specific area,
18 and he would be required to wear a
19 respirator.
20 And if there were certain areas
21 where a saw was not -- did something
22 and fowled up or miss functioned we
23 make people put respirators on right
24 away until we could correct that

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1 particular situation.
2 (Whereupon photograph was
3 marked for identification as
4 Exhibit 17.)
5 BY MR. DeLUCA:
6 Q. Can you identify what is depicted
7 in Exhibit 17 for me, please?
8 A. I believe that is the scrap
9 crusher, I believe it is.
10 Q. What does the scrap crusher do?
11 A. It crushes defective pipe or
12 scrap so you can re-process it back
13 through the system.
14 Q. Would crush asbestos cement pipe
15 that was unsuitable for sale?
16 A. Or scrap, yes, either one, right.
17 Q. Would that be a job where
18 CertainTeed would want that person to
19 wear a respirator?
20 A. There were times when this person
21 was required to wear a respirator, yes.
22 Q. There were times when that person
23 who had that job was not required,
24 correct?

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1 A. If it was such that your dust
2 count at that particular location was
3 less than the standard he was not
4 required to wear one.
5 Q. How frequently were dust counts
6 taken at CertainTeed's plants, sir?
7 A. Depending on the time period,
8 they were taken at -- every station was
9 taken at a minimum of twice a year by
10 the people in the plant, and then they
11 were audited by people come out from
12 headquarters, and then OSHA would come
13 in unannounced and take dust counts.
14 If you had an operation that
15 there was a potential for a process
16 issue or a process problem they would
17 take them more frequently to make
18 certain that that area was well
19 protected.
20 Q. Sir, you would agree that OSHA
21 was not coming into your plants until
22 1972 at the earliest?
23 A. That's correct, US Bureau of
24 Health would come in prior to that,

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1 yes. OSHA wasn't established until
2 1970, and they set their first permit
3 standard in '72.
4 (Whereupon photograph was
5 marked for identification as
6 Exhibit 18.)
7 BY MR. DeLUCA:
8 Q. Sir, can you tell me what is
9 depicted in Exhibit 18?
10 A. That pipe is coming out of the
11 secondary tunnel as far as I can see.
12 Q. And the worker in that picture
13 isn't wearing a respirator, is he?
14 A. No.
15 Q. Would you agree that people who
16 are handling raw asbestos fibers would
17 have larger exposures to asbestos than
18 say perhaps to people who didn't?
19 A. I don't understand that question,
20 sir.
21 Q. Would you agree that the workers
22 who handled the raw bags of asbestos
23 fibers would have potentially large
24 exposures to asbestos?

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1 A. I guess the potential would be 2 there. Obviously depending on what the 3 counts were in that area. 4 (Whereupon photograph was 5 marked for identification as 6 Exhibit 19.) 7 BY MR. DeLUCA: 8 Q. For example, the gentlemen who 9 are depicted in Exhibit 19 would be 10 among those workers who could 11 potentially have large exposures to 12 asbestos, correct? 13 A. I think that is pretty relative, 14 Mr. DeLuca. I don't know what you mean 15 by that. I can only say there were 16 dust counts taken at these work 17 stations, and if there was a potential 18 for the exposure to be greater than 19 what the standard was they would be 20 required to wear respirators. There 21 are certain areas where you have 22 asbestos rolled up in the pipe. 23 Q. The gentlemen depicted in this 24 picture are not wearing respirators, Page 93	1 (Whereupon photograph was 2 marked for identification as 3 Exhibit 20.) 4 BY MR. DeLUCA: 5 Q. Does Exhibit 20 depict a stock 6 pile of asbestos? 7 A. It is relatively close, yes. 8 Q. Can you even make out on the bags 9 on the right-hand side says something 10 like product of South Africa, can you 11 see that? 12 A. Yes. 13 Q. That would be the crocidolite 14 asbestos that CertainTeed used, 15 correct? 16 A. Could be, could be, they bought 17 some white fiber from South Africa. 18 (Whereupon photograph was 19 marked for identification as 20 Exhibit 21.) 21 BY MR. DeLUCA: 22 Q. And Exhibit 21 would depict a 23 worker with a fork lift taking a pallet 24 of asbestos fibers off the shelf so to Page 95
1 are they, sir? 2 A. They are not. 3 Q. And they are handling bags of raw 4 asbestos fibers, are they not? 5 A. The picture speaks for itself, 6 sir. 7 Q. Yes, it does, but does this 8 depict workers handling bags of raw 9 asbestos? Strike that question. 10 Sir, does Exhibit 19 depict 11 workers handling bags of raw asbestos? 12 A. Yes, it does. 13 Q. In CertainTeed's plants it had 14 thousands of bags of raw asbestos at 15 any given time, did it not? 16 A. Thousands, I mean, we tried -- I 17 don't know what the word thousands 18 means. 19 Q. How about hundreds? 20 A. It had enough to carry on the 21 operation. We try to keep -- we try to 22 turn our inventory six times a year so 23 we would keep a two month supply of 24 materials to make pipe. Page 94	1 speak, correct? 2 A. Yes. 3 Q. That gentleman is not wearing a 4 respirator, is he? 5 A. That's correct. 6 (Whereupon photograph was 7 marked for identification as 8 Exhibit 22.) 9 BY MR. DeLUCA: 10 Q. Here is a picture, sir, of 11 another gentleman looking at some type 12 of instrumentation, that is Exhibit 22, 13 that gentleman is wearing a respirator, 14 correct? 15 A. That's correct. 16 Q. Or at least it is a dust mask, it 17 is not a respirator that has canisters? 18 A. It is a respirator that would 19 suffice for the operation the 20 individual had. 21 Q. What kind of machine is he 22 working on, do you know? 23 A. He is just working on a chart at 24 this point. Page 96

1 Q. Nonetheless he has respiratory 2 protection, correct? 3 A. Is this a picture from a 4 CertainTeed plant, sir? 5 Q. It is a picture I got from 6 CertainTeed's lawyers. 7 A. This doesn't necessarily mean he 8 is wearing a respirator to mark off 9 these charts, he may have come from 10 another operation where the respirator 11 is required, and he is just marking off 12 the chart to see what the readings are 13 or put something on that chart. 14 Q. Can you identify what kind of 15 machinery he is working on? 16 A. Not from this picture, no. I 17 don't know where he came from. 18 Q. You would agree that in 1967 19 CertainTeed had dust collection systems 20 in their plant, correct? 21 A. Yes. 22 Q. CertainTeed was aware of 23 engineering controls to prevent 24 excessive levels of asbestos in the Page 97	1 mesothelioma, you were aware of that 2 relationship in 1970; is that right? 3 A. Yes. 4 Q. CertainTeed belonged to various 5 industrial trade organizations, 6 correct? For example, it joined the 7 AIA, the Asbestos Information 8 Association in the early 1970s? 9 A. Yes. 10 Q. Perhaps in '71 or '72? 11 A. I believe it was that time 12 period, yes. 13 Q. You personally attended Asbestos 14 Information Association meetings from 15 the late 1970s until 1991, correct? 16 A. Yes, yes. 17 Q. Did you ever get a chance to meet 18 a gentleman named Matthew Switonic? 19 A. Matthew who? 20 Q. Switonic. 21 A. No. 22 Q. Did you ever meet Mr. Pigg? 23 A. Yes. 24 Q. Bob Pigg was in charge of the AIA Page 99
1 workplace, correct? 2 A. CertainTeed, that was their whole 3 objective is to control the dust in the 4 plants through engineering means, yes. 5 Q. The engineering means that 6 CertainTeed employed would include 7 large industrial dust collectors, 8 correct? 9 A. Yes. They also had work 10 practices within the plant, too, but, 11 yes. 12 Q. Large industrial dust collectors 13 are not typically employed at job sites 14 where asbestos cement pipe is 15 installed, are they? 16 A. No. 17 Q. Now, I showed you that memo 18 earlier from 1964 addressed to Mr. 19 Hutchcroft that referenced 20 mesothelioma. Do you recall that? 21 A. Yes. 22 Q. With respect to your personal 23 knowledge about the relationship 24 between asbestos exposure and Page 98	1 during the time you attended meetings? 2 A. I don't know whether he was at 3 the very beginning, but he took that 4 job over in time, yes. 5 Q. Did Mr. Pigg as president of the 6 AIA send you correspondence about the 7 AIA's efforts to comment on proposed 8 legislation regarding asbestos 9 exposure? 10 A. Yes. 11 Q. The AIA lobbied the government on 12 behalf of its memberships for less 13 strict regulations concerning asbestos 14 exposure in the workplace, didn't it? 15 A. They lobbied to make certain that 16 any standard that was going to be 17 implemented was based on good 18 scientific and health information, yes, 19 they did. 20 Q. They resisted regulatory efforts 21 that would have been very expensive for 22 industry to implement, correct? 23 A. I don't know how to answer that 24 question, Mr. DeLuca. I can only Page 100

1 assure you that any regulations that 2 were implemented or any regulations 3 that were instituted that companies 4 spent the money to make certain they 5 met those standards, I think it went 6 all the way down to a tenth of a fiber 7 in time. 8 MR. DeLUCA: Object to 9 everything after I don't know how 10 to answer that, it is non 11 responsive. 12 BY MR. DeLUCA: 13 Q. I want to ask you about some 14 things you said in the past, and 15 determine whether they are still your 16 opinions today. 17 Do you still believe that a 18 company had the responsibility to 19 advise users of the proper way of 20 installing pipe, asbestos cement pipe, 21 without generating excessive amounts of 22 dust? 23 A. Did I say it like that, without 24 generating excessive? I believe a Page 101	1 right, has the obligation to do 2 that. I just question the word 3 excessive. I think they have to 4 make certain that they are 5 telling their customers the 6 proper way to install the 7 product. 8 BY MR. DeLUCA: 9 Q. You believe that the company had 10 a responsibility to advise people who 11 were using the products the corporation 12 made as to how they should use the 13 products without putting themselves in 14 a position where they could be injured, 15 correct? 16 A. To install without being injured, 17 correct. 18 Q. Sir, in 1962 CertainTeed realized 19 that if workers used an abrasive tool 20 to cut the asbestos cement pipe, a high 21 powered abrasive tool, that that worker 22 would be generating high levels of 23 asbestos dust which could cause 24 disease, correct? Page 103
1 company has a right to make certain 2 that their customers install the pipe, 3 to make certain that their customers 4 know how to install the product 5 properly. 6 Q. Sir, do you recall being deposed, 7 again at the very same law firm we are 8 at today, in October of 2002 in 9 relation to the Lenhart case? 10 A. Yes. 11 Q. It was from Dallas County, Texas? 12 A. Yes. 13 Q. And on page 77 beginning at line 14 19 you stated, "I feel that the company 15 had the responsibility to advise users 16 of the proper way of installing pipe 17 without generating excessive amounts of 18 asbestos dust." 19 MR. PARNELL: I object to the 20 form of the question, improper 21 question. You can answer. 22 THE WITNESS: I absolutely 23 think the company has the right 24 and the obligation -- not the Page 102	1 A. It depends on the tool, sir. I 2 mean, there were tools that had high 3 abrasive operations that would have 4 been within the standard at the time. 5 Q. Sir, my question focused on high 6 powered abrasive tools. 7 A. Yes. 8 Q. CertainTeed realized that the use 9 of high powered abrasive tools could 10 expose a worker to high levels of 11 asbestos dust which could cause disease 12 and CertainTeed knew that in 1962, 13 correct? 14 A. Yes, if it was done continuously 15 over long periods of time. 16 MR. DeLUCA: Object to the 17 non-responsive portion. 18 BY MR. DeLUCA: 19 Q. Sir, you were aware, at least 20 when you got there in 1967, that there 21 were mechanical means used to saw pipe 22 including using a hack saw or a hand 23 saw, correct? 24 A. To cut pipe, yes. Page 104

1 Q. Yes, sir. 2 A. Yes. 3 Q. In fact, didn't some of the use 4 instructions provided by CertainTeed 5 include a suggestion that that was one 6 way to cut the pipe? 7 A. Which way, sir? 8 Q. With a hand saw or hack saw. 9 A. Yes. 10 Q. CertainTeed management became 11 aware in the mid 1970s that it was 12 becoming prevalent in the field that 13 workers were using high powered disc 14 saws to cut CertainTeed cement pipe? 15 A. Correct, yes. 16 Q. It was your own experience that 17 the power saw was coming into major use 18 in the mid 1970s? 19 A. Correct. 20 Q. You would agree that if power 21 saws were used to cut asbestos cement 22 pipe it could expose the workers to 23 high dosages of asbestos dust, correct? 24 A. If done over -- continuously for Page 105	1 your question, that's correct. 2 BY MR. DeLUCA: 3 Q. Did you say anything when you 4 answered the question in 2002 about 5 exposed to asbestos dust at high enough 6 levels over long period of time, sir? 7 A. I didn't say over long periods of 8 time, but I am saying it now. 9 Q. So, sir, going back to Exhibit 3, 10 which was the installation guide that 11 we talked about earlier, if you turn to 12 page 39, does CertainTeed in its 13 installation guide discuss the use of a 14 portable electric saw with a flexible 15 or abrasive blade as a means of cutting 16 asbestos cement pipe? 17 A. Yes. 18 Q. That was one of the ways that 19 CertainTeed recommended that its cement 20 pipe be cut, wasn't it? 21 MR. PARNELL: I object to the 22 difference in tone with the 23 screaming of the word 24 recommended, and move to strike Page 107
1 some length of time it could generate 2 fiber that would be greater than the 3 OSHA standard, yes, that was being 4 implemented in 1976. 5 MR. DeLUCA: Object to the 6 non-responsive portion. 7 BY MR. DeLUCA: 8 Q. Sir, going back to your testimony 9 in the Lenhart case from October 2002, 10 you were asked on page 72, line 19 the 11 following question, "And so CertainTeed 12 certainly understood that if power saws 13 were used that could expose workers to 14 excessive levels of asbestos from the 15 asbestos cement pipe?" Your answer on 16 page 73 line 12 was "Yes, if power saws 17 were used it could expose workers to 18 high dosages of asbestos pipe." Did I 19 read that correctly? 20 MR. PARNELL: Object to the 21 form of the question. It is an 22 improper way. 23 THE WITNESS: It is no 24 different than how I answered Page 106	1 the question. 2 MR. DeLUCA: I am not 3 screaming. 4 MR. PARNELL: The elevation 5 in tone, I move to strike the 6 question. 7 BY MR. DeLUCA: 8 Q. Let me ask it again. 9 MR. PARNELL: Thank you. 10 BY MR. DeLUCA: 11 Q. Let me see if I can make sure 12 this tone is all right. 13 MR. PARNELL: I move to 14 strike those comments. 15 BY MR. DeLUCA: 16 Q. Isn't it true, Mr. Ambler, that 17 in Exhibit 3, CertainTeed's very own 18 installation guide, CertainTeed 19 recommended the use of a portable 20 electric saw with a flexible or 21 abrasive blade to cut its asbestos 22 cement pipe? 23 A. It does state here, sir, that as 24 you say, a flexible portable electrical Page 108

1 saw with a flexible blade may also be 2 used. 3 MR. DeLUCA: Would you read 4 the answer back, please? 5 (Whereupon the court reporter 6 read back from the record.) 7 BY MR. DeLUCA: 8 Q. Sir, it says a flexible or 9 abrasive? 10 A. Okay, I am sorry, Mr. DeLuca, it 11 says what you said, yes. 12 Q. It talks about using an abrasive 13 blade to cut pipe? 14 A. Sir, it says you can use a 15 portable electric saw that has 16 either -- with a flexible or abrasive 17 blade, that is what it says, and that 18 is not much different than the electric 19 machining tool that was being used in 20 the field, which generated dust less 21 than the OSHA standard. 22 MR. DeLUCA: Object to the 23 non-responsive portion. 24 BY MR. DeLUCA: Page 109	1 release was done in 1977, correct? 2 A. Yes, for the reasons I stated. 3 That is when the abrasive disc saw was 4 becoming a prevalent way to cut pipe, 5 and we were concerned that that would 6 be generating fiber greater than the 7 OSHA standards and we tested it. 8 So, therefore, we tested all the 9 other ways that had already been 10 recommended, and they proved out that 11 we were right. 12 MR. DeLUCA: Object to the 13 non-responsive portion. 14 BY MR. DeLUCA: 15 Q. Mr. Ambler, you are not aware of 16 any tests performed on asbestos 17 containing pipe to determine levels of 18 exposure prior to 1977, are you? 19 A. No, because it was our opinion 20 that the proper -- that the ways we 21 were recommending did not generate 22 fiber in excess of the OSHA standards. 23 MR. DeLUCA: Object to the 24 non-responsive portion. Page 111
1 Q. Not only did CertainTeed 2 recommend the use of a portable 3 electric saw with a flexible or 4 abrasive blade to cut its asbestos 5 cement pipe, CertainTeed knew those 6 tools were being used to cut the pipe 7 in the field, correct? 8 A. Which tools, sir? 9 Q. Portable electric saws with 10 flexible or abrasive blades. 11 A. Oh, they knew that some of those 12 machines were probably being used, yes. 13 Q. Mr. Ambler, you would agree that 14 CertainTeed recognized that asbestos 15 exposure could cause the diseases 16 asbestosis and lung cancer before 1977, 17 correct? 18 A. That's correct, yes. 19 Q. CertainTeed recognized that 20 asbestos could cause mesothelioma 21 before 1977, correct? 22 A. That's correct, yes. 23 Q. And the very first test done on 24 asbestos cement pipe to determine fiber Page 110	1 BY MR. DeLUCA: 2 Q. Sir, do you know what a mantra 3 is? 4 A. A what? 5 Q. Mantra, M-A-N-T-R-A? 6 A. No, I don't. 7 Q. Now, Mr. Ambler, you recognize 8 that there is the possibility of high 9 asbestos dust release if recommended 10 work practices are not followed, 11 correct? 12 A. Can I have that question again, 13 please? 14 (Whereupon the court reporter 15 read back from the record.) 16 THE WITNESS: Yes. 17 BY MR. DeLUCA: 18 Q. CertainTeed knew that workers 19 were using abrasive saws to cut 20 asbestos cement pipe before it placed 21 its caution label on the product in 22 1977, correct? 23 A. In the mid '70s CertainTeed was 24 being -- it was being found out that Page 112

1 the abrasive disc, gas operated
 2 abrasive disc saw was starting to be
 3 used prevalently in the mid '70s, and
 4 that is when the testing was done.
 5 MR. DeLUCA: Object as non
 6 responsive.
 7 BY MR. DeLUCA:
 8 Q. Sir, the question is this,
 9 CertainTeed knew that workers were using
 10 abrasive saws to cut asbestos cement
 11 pipe before it placed its caution label
 12 on the product in 1977, correct?
 13 A. I don't understand your question
 14 at all, Mr. DeLuca, I am very sorry, I
 15 can't answer your question the way it
 16 is asked.
 17 Q. Let me see if I can make it
 18 easier to understand.
 19 A. Thank you.
 20 Q. CertainTeed first put a caution
 21 label on asbestos cement pipe in 1977,
 22 do you agree with that?
 23 A. No, I don't.
 24 Q. Did CertainTeed put a caution

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1 label on its product before 1977?
 2 A. No.
 3 Q. Let me try it again. CertainTeed
 4 first put a caution label on asbestos
 5 cement pipe in 1977, correct?
 6 A. No.
 7 Q. Okay. When did CertainTeed first
 8 put a caution label on asbestos cement
 9 pipe?
 10 A. In 1979, but we came out with the
 11 recommended work practices and
 12 distributed those to everybody in 1977.
 13 And if you are going to show me a
 14 deposition, sir, I am going to tell you
 15 something. Excuse me.
 16 Q. Go ahead, keep going.
 17 A. No.
 18 Q. No, please. Did you have
 19 something you wanted to add?
 20 A. No, I don't.
 21 Q. I am sorry, you are right.
 22 CertainTeed didn't put a caution label
 23 on its products in 1977, it didn't do
 24 that until 1979, correct?

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1 A. That's correct, yes.
 2 Q. Let me restate the question. Mr.
 3 Ambler, CertainTeed knew that workers
 4 were using abrasive saws to cut its
 5 asbestos cement pipe before it placed
 6 its caution label on the product in
 7 1979, correct?
 8 A. Yes, but when they found out that
 9 the workers were using the high powered
 10 abrasive disc saw they did the
 11 recommended work -- they did the
 12 testing and put out the recommended
 13 work practices in 1977. The whole
 14 industry put it out in 1977.
 15 MR. DeLUCA: Object to the
 16 non-responsive portion.
 17 BY MR. DeLUCA:
 18 Q. Sir, do you think that -- strike
 19 that. Sir, prior to the time that
 20 CertainTeed put a caution label on its
 21 product in 1979 CertainTeed knew that
 22 the use of the abrasive saw could
 23 create certain amounts of asbestos
 24 dust, didn't it?

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1 A. What time period are we talking
 2 about, sir?
 3 Q. Prior to 1979, sir.
 4 A. I have answered that question
 5 twice now to the best of my ability.
 6 They knew it, yes, when they found out
 7 the abrasive disc saw was being used we
 8 ran the test and got the results and
 9 distributed the results right away.
 10 Q. When the test was done in 1977
 11 CertainTeed knew that if a worker in
 12 the field used a gas powered disc saw
 13 to cut CertainTeed asbestos cement pipe
 14 the study indicated the exposure could
 15 be greater than OSHA standards?
 16 A. It could be, yes.
 17 Q. And yet CertainTeed did not put a
 18 caution label on its product until
 19 1979, correct?
 20 A. That's correct, but we
 21 distributed the recommended work
 22 practices telling you not to use that
 23 saw with every load of pipe we shipped
 24 in 1977.

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1 MR. DeLUCA: Object to the
2 non-responsive portion.
3 BY MR. DeLUCA:
4 Q. Sir, the interrogatories that I
5 referenced earlier, which have been
6 marked as Exhibit 2, discuss
7 CertainTeed's sales records of asbestos
8 cement pipe, and I will hand you the
9 question and answer to interrogatory
10 20, which discusses that, just ask you
11 to take a brief look at it, and while
12 you are looking at that we will go off
13 the video record, please.
14 VIDEO TECHNICIAN: We are
15 now going off the video record,
16 the time is 12:03.
17 THE WITNESS: Okay.
18 VIDEO TECHNICIAN: We are
19 now on the record, the time is
20 12:04.
21 BY MR. DeLUCA:
22 Q. Mr. Ambler, have you reviewed
23 CertainTeed's answer to interrogatory
24 number 20?

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1 A. Well, I reviewed not the whole
2 answer, just the part that had to do
3 with the invoices for pipe.
4 Q. Correct. I believe that the
5 interrogatory establishes that
6 CertainTeed doesn't have records of its
7 sales of asbestos cement pipe from '62
8 to '66, but there appear to be some
9 invoices, at least from '79 to '77, and
10 those invoices are discussed in this
11 interrogatory response, would that be
12 fair to say?
13 A. I didn't quite understand that.
14 I don't think those dates were correct
15 that you said.
16 Q. Let me ask a better question.
17 Does the response discuss the number of
18 invoices that CertainTeed possesses
19 during the years 1969 to 1977?
20 A. '77?
21 Q. Yes, sir.
22 A. It does have that, yes.
23 Q. Actually it goes all the way to
24 '79, what I showed you?

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1 A. Yes.
2 Q. So '69 to '79 it shows the number
3 of invoices that CertainTeed possesses
4 for the sales of asbestos cement pipe?
5 A. Yes.
6 Q. It starts out in 1969 there is a
7 little under 15,000 invoices?
8 A. Correct.
9 Q. Which would that reflect 15,000
10 sales of asbestos cement pipe or
11 associated fittings, things like that?
12 A. What is your definition of sales?
13 Q. Well, someone buys pipe from
14 CertainTeed, would that be a sale?
15 A. I am asking you, you are asking
16 me a question, and I can't answer it
17 because I don't know your definition of
18 sale.
19 Q. Okay. People buying asbestos
20 pipe from CertainTeed in exchange for
21 money, that is my definition of sale.
22 A. Okay. Then what is your
23 question?
24 Q. CertainTeed sold its pipe,

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1 correct, it didn't give it away
2 obviously, correct?
3 A. That's correct.
4 Q. When CertainTeed sold pipe to a
5 customer there was an invoice, correct?
6 A. CertainTeed sold pipe to a
7 customer there is an invoice, not
8 really correct, but go ahead.
9 Q. Tell me how that is not really
10 correct?
11 A. We cut an invoice for every truck
12 that went out of the plant, and you
13 could have placed an order on us for
14 five trucks, so you wouldn't have
15 gotten just one invoice for that order,
16 you would have gotten five invoices for
17 that order.
18 Q. Okay, fair enough.
19 A. Every truck had to have an
20 invoice cut.
21 Q. Every truck that left
22 CertainTeed's plant carrying asbestos
23 cement pipe generated an invoice?
24 A. That's correct, yes.

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1 Q. Would it be fair to say that 2 basically from 1969 to 1979 each and 3 every year more and more trucks were 4 leaving CertainTeed's plants carrying 5 asbestos cement pipe? 6 A. For what years again, sir, I am 7 sorry? 8 Q. Basically from '69 to '79. 9 A. Yeah, well, it stayed -- yes, it 10 increased over that time period, yes, 11 by year. 12 Q. For example, in 1972 there would 13 have been over 15,000 invoices? 14 A. Correct. 15 Q. Would that be 15,000 trucks 16 leaving CertainTeed's plants carrying 17 asbestos cement pipe? 18 A. Or a distributor coming in and 19 picking up, but it doesn't mean it is a 20 full truck load of pipe. You can have 21 two invoices and one can be for 20,000 22 tons of product, and one could be for 2 23 tons of product, depending on -- this 24 is the number of trucks that left, it Page 121	1 Q. Exhibit 23, is this a depiction 2 of one of CertainTeed's plants? 3 A. Well, it has CertainTeed products 4 Corporation on the building so, yes, it 5 is. I am sorry, what was the question? 6 Q. Is that a picture of one of 7 CertainTeed's plants? 8 A. One of CertainTeed's plants, yes. 9 Q. Does CertainTeed have various 10 sales divisions from which it sold its 11 asbestos containing pipe throughout the 12 United States? 13 A. We had districts in the field, 14 yes. 15 (Whereupon photograph was 16 marked for identification as 17 Exhibit 24.) 18 BY MR. DeLUCA: 19 Q. Would Exhibit 24 depict the 20 relative amount of asbestos cement pipe 21 that CertainTeed was selling per sales 22 district again in 1974? 23 A. Your question, sir? 24 Q. Does Exhibit 24 depict the Page 123
1 doesn't necessarily say it is the 2 volume of pipe that left. 3 I am not being too clear here. 4 When a truck left, we didn't ship full 5 trucks all the time I am sorry to say, 6 so any time a truck went out it had to 7 have an invoice, whether it was a full 8 truck or not. 9 Q. For example, in 1976 there were 10 25,000 invoices? 11 A. Yes, that's correct. 12 Q. In 1977 there were 28,000 13 invoices? 14 A. Correct. 15 Q. 1978 there were over 30,000 16 invoices? 17 A. That's correct. 18 Q. 1979 there were over 33,000 19 invoices? 20 A. That's correct. 21 (Whereupon photograph was 22 marked for identification as 23 Exhibit 23.) 24 BY MR. DeLUCA: Page 122	1 various sales divisions of CertainTeed 2 and indicate the amount of pipe they 3 were selling in 1974? 4 A. What kind of pipe? 5 Q. Cement pipe, asbestos cement 6 pipe. 7 A. I don't believe so. 8 Q. What does that depict, do you 9 know? 10 A. I believe -- let me answer, it is 11 not asbestos cement pipe. 12 Q. Okay, then let's put that aside. 13 (Whereupon photograph was 14 marked for identification as 15 Exhibit 25.) 16 BY MR. DeLUCA: 17 Q. Does Exhibit 25 show us the 18 quantity and tons of asbestos cement 19 gravity sewer pipe that CertainTeed was 20 selling during the time period 1970 to 21 1975? 22 A. Yes. 23 (Whereupon photograph was 24 marked for identification as Page 124

1 Exhibit 26.)
 2 BY MR. DeLUCA:
 3 Q. Does Exhibit 26 indicate the
 4 tonnage of asbestos cement building
 5 sewer pipe that CertainTeed was selling
 6 during the period of 1970 to 1975?
 7 A. Between '70 and '75?
 8 Q. Yes, sir.
 9 A. Building sewer pipe, yes.
 10 Q. Do both Exhibit 25 and 26 show
 11 that the tonnage of asbestos cement
 12 sewer pipe that CertainTeed was selling
 13 began to decline in 1973, if not
 14 perhaps a little bit earlier?
 15 A. Yes.
 16 Q. CertainTeed at that time was not
 17 able to increase its sales of asbestos
 18 cement sewer pipe after it had peaked
 19 in about '72, '73, correct, that market
 20 was declining?
 21 A. Well, yes, asbestos cement sewer
 22 pipe was declining industry wide.
 23 Q. Sir, adding a warning label to
 24 that pipe would not have increased

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1 sales either, correct?
 2 MR. PARNELL: Object to the
 3 form of the question. You may
 4 answer.
 5 THE WITNESS: I don't know
 6 how to answer that. It wouldn't
 7 have increased it nor decreased
 8 it.
 9 BY MR. DeLUCA:
 10 Q. It certainly wouldn't have sold
 11 more pipe to tell people that exposure
 12 to the pipe could kill them, would it?
 13 A. Sir, we would never put a pipe in
 14 the field that would kill somebody
 15 knowingly.
 16 MR. DeLUCA: Object as non
 17 responsive.
 18 BY MR. DeLUCA:
 19 Q. Sir, obviously your job and the
 20 job of other people involved in the
 21 sales and marketing department of
 22 CertainTeed was to sell as much pipe as
 23 humanly possible, correct?
 24 MR. PARNELL: Object to the

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1 form of the question.
 2 THE WITNESS: When I was in
 3 sales my job was to sell as much
 4 product as I could for a profit,
 5 yes.
 6 BY MR. DeLUCA:
 7 Q. Profit is a key component of
 8 that, correct, the corporation exists
 9 to make money?
 10 A. Correct.
 11 (Whereupon photograph was
 12 marked for identification as
 13 Exhibit 27.)
 14 BY MR. DeLUCA:
 15 Q. Sir, could you tell me what is
 16 set forth in Exhibit 27?
 17 A. It is the sales volume for the AC
 18 division for two years, 1976 and 1977.
 19 Q. In 1976 the sales volume for the
 20 asbestos cement division was 55 million
 21 dollars?
 22 A. Yes.
 23 Q. And in 1977 it went up to 68
 24 million dollars, did it not?

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1 A. That's correct, yes.
 2 Q. A 23 percent increase?
 3 A. In revenue, not necessarily in
 4 volume. It went up 23 percent in
 5 revenue, and I am saying not
 6 necessarily in volume.
 7 (Whereupon photograph was
 8 marked for identification as
 9 Exhibit 28.)
 10 BY MR. DeLUCA:
 11 Q. What does Exhibit 28 tell us
 12 about the sales of CertainTeed's
 13 asbestos cement products in 1977?
 14 MR. PARNELL: Is your
 15 question specific about asbestos
 16 cement pipe? I just didn't hear
 17 your question.
 18 MR. DeLUCA: Let me have her
 19 read it back.
 20 (Whereupon the court reporter
 21 read back from the record.)
 22 THE WITNESS: It doesn't tell
 23 me a thing, sir.
 24 (Whereupon photograph was

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1 marked for identification as
2 Exhibit 29.)
3 BY MR. DeLUCA:
4 Q. Okay. Does Exhibit 29 allow you
5 to tell me the profit CertainTeed
6 realized from sales of asbestos cement
7 pipe in 1977?
8 A. Yes, it states the profit it made
9 in 1977.
10 Q. Was that profit a pre-tax profit
11 of 11 million dollars?
12 A. What was the question again,
13 please, the first question I answered
14 yes to?
15 MR. PARNELL: As to AC pipe.
16 BY MR. DeLUCA:
17 Q. Sir, let me have her read it
18 back, okay?
19 A. Sure.
20 (Whereupon the court reporter
21 read back from the record.)
22 THE WITNESS: Yeah, I was
23 wrong on that answer. I don't
24 know what profit this is, it

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1 could be anybody's profit.
2 BY MR. DeLUCA:
3 Q. Okay. Now, CertainTeed had at
4 least five plants that made asbestos
5 cement pipe or four?
6 A. What time period?
7 Q. Well, at any time during your
8 period of employment.
9 A. At any one time the maximum we
10 had was six.
11 Q. Fair enough. There was a plant
12 in Ambler, correct?
13 A. Yes.
14 Q. There was a plant in Hillsboro,
15 Texas?
16 A. Yes.
17 Q. St. Louis, Missouri?
18 A. Yes.
19 Q. Riverside, California?
20 A. Yes.
21 Q. And Santa Clara, California?
22 A. Yes.
23 Q. And there was a plant in the
24 Buffalo area for a limited period of

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1 time?
2 A. Yes, and it was a different
3 process, but it did make asbestos
4 cement pipe.
5 Q. That was the extrusion process?
6 A. Yes.
7 Q. But primarily there were five
8 main plants, correct?
9 A. Yes.
10 Q. And each plant had a certain
11 geographical area it would ship to,
12 correct?
13 A. It had a shipping area, yes.
14 (Whereupon photograph was
15 marked for identification as
16 Exhibit 30.)
17 BY MR. DeLUCA:
18 Q. Does Exhibit 30 tell us where
19 CertainTeed's asbestos cement pipe
20 plants were located and the shipping
21 areas associated with each?
22 A. For whatever time period this --
23 this is a shipping map, to answer your
24 question. I can't tell you for what

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1 time period because they obviously,
2 they would change periodically, but
3 this was for a specific time period.
4 Q. In addition to having different
5 areas associated with each plant that
6 manufactured asbestos cement pipe there
7 were various sales districts that would
8 have responsibility for selling
9 asbestos cement pipe in various states
10 and localities, correct?
11 A. They would have the
12 responsibility to sell pipe.
13 (Whereupon photograph was
14 marked for identification as
15 Exhibit 31.)
16 BY MR. DeLUCA:
17 Q. Would Exhibit 31 show us the
18 various sales districts of CertainTeed
19 in their territories?
20 A. For a particular time, yes,
21 however, the sales districts not only
22 had responsibility for asbestos cement
23 pipe, that has to be understood.
24 Q. Fair enough. But with respect to

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1 asbestos cement pipe, Exhibit 31 shows
 2 us where the sales districts were
 3 located in their territories, at least
 4 at some point in time?
 5 A. Yes.
 6 Q. They may have changed over the
 7 years, but it wouldn't have changed too
 8 drastically, correct?
 9 A. What?
 10 Q. The sales areas.
 11 A. Oh, yeah, they changed
 12 drastically.
 13 Q. Did it?
 14 A. Oh, yeah.
 15 Q. When did that happen?
 16 A. Started in 1980.
 17 Q. Was it when there was less and
 18 less cement pipe being purchased?
 19 A. That had some bearing on it, but
 20 also had a major impact on it was the
 21 way we start distributing PVC pipe.
 22 Q. Are you finished with your
 23 answer?
 24 A. Yes.

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1 Q. This would be a good time to
 2 change the tape.
 3 VIDEO TECHNICIAN: We are
 4 now going off the record. This
 5 completes tape number 2, the time
 6 is 12:20.
 7 (Whereupon a short recess was
 8 taken.)
 9 VIDEO TECHNICIAN: We are
 10 now on the record, this begins
 11 tape number 3, the time is 12:26.
 12 BY MR. DeLUCA:
 13 Q. Mr. Ambler, I want to hand you
 14 Exhibit 2, the CertainTeed answers to
 15 interrogatories, and call your
 16 attention to CertainTeed's response to
 17 interrogatory 15 where CertainTeed
 18 describes the labels that began to
 19 appear on asbestos cement pipe
 20 beginning in 1979. If you take a look
 21 at that, please, it is on the left
 22 part.
 23 A. Yes.
 24 Q. Sir, did the label that began to

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1 appear on CertainTeed asbestos cement
 2 pipe beginning in 1977 read as follows:
 3 "Caution, always use recommended work
 4 practices. Do not use abrasive saws.
 5 When cutting, machining and tapping
 6 refer to recommended work practices
 7 guide furnished by manufacturer to your
 8 employer?"
 9 A. Yes, except you said '77. The
 10 answer is yes.
 11 Q. I don't know why I keep doing
 12 that, let me re-ask the question, okay.
 13 Sir, did the label which began to
 14 appear on CertainTeed asbestos cement
 15 pipe beginning in 1979 read as follows:
 16 "Caution, always use recommended work
 17 practices. Do not use abrasive saws.
 18 When cutting, machining and tapping
 19 refer to recommended work practices
 20 guide furnished by manufacturer to your
 21 employer?"
 22 A. That's correct, yes.
 23 Q. Is that the truth, is everything
 24 in that caution label truthful?

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1 A. Yes.
 2 Q. But, Mr. Ambler, what appeared in
 3 that caution label was not the whole
 4 truth, was it, the whole truth known to
 5 CertainTeed at that time, correct?
 6 Well, I don't know what you mean
 7 by the whole truth. They were telling
 8 you what not to use that would create a
 9 problem.
 10 Well, for example, Mr. Ambler,
 11 the caution in 1979 didn't say that the
 12 failure to follow the recommended work
 13 practices could result in a fatal
 14 disease, did it?
 15 A. It did not say that, but it told
 16 you what not to do.
 17 MR. DeLUCA: Object as non
 18 responsive.
 19 BY MR. DeLUCA:
 20 Q. Mr. Ambler, the caution in 1979
 21 didn't say that the failure to follow
 22 the work practices could result in
 23 asbestosis, did it?
 24 A. Sir, it didn't say that. I mean,

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1 I am going to have to answer your 2 question each time the same way. It 3 did not say that, but it told you what 4 not to do that would create an issue. 5 MR. DeLUCA: Object as non 6 responsive. 7 BY MR. DeLUCA: 8 Q. Sir, the 1979 caution label 9 didn't say that the failure to follow 10 work practices could result in lung 11 cancer or mesothelioma, did it? 12 A. It did not say that, but it told 13 you what not to do. 14 MR. DeLUCA: Objection. 15 THE WITNESS: It did also 16 refer you to the recommended work 17 practices, which had language in 18 it stating that, and I would have 19 to read it exactly, but did have 20 some language in it concerning 21 the health issues with asbestos. 22 MR. DeLUCA: Object to the 23 non-responsive portion. 24 BY MR. DeLUCA: Page 137	1 language in it concerning that. 2 MR. DeLUCA: Object to the 3 non-responsive portion. 4 BY MR. DeLUCA: 5 Q. Now, sir, if you take a look 6 below what I have cited you to, 7 CertainTeed sets forth the warning that 8 began to appear on its asbestos cement 9 pipe in 1985, correct? 10 A. Yes. 11 Q. In 1985 CertainTeed began to put 12 a label on its asbestos cement pipe 13 that had the word asbestos and cancer 14 on the label, correct? 15 A. Yes. 16 Q. Between the time period 1979 to 17 1985 when this new label began to 18 appear CertainTeed never mentioned 19 anything about asbestosis or lung 20 cancer or mesothelioma or the need to 21 avoid breathing dust from asbestos 22 cement pipe, did it? 23 A. It never mentioned that to whom? 24 Q. The label on the pipe, sir. Page 139
1 Q. Sir, the 1979 caution label 2 didn't indicate workers should wear 3 masks or respirators, did it? 4 A. No, it told you what you 5 shouldn't do. 6 MR. DeLUCA: Object to the 7 non-responsive portion. 8 BY MR. DeLUCA: 9 Q. Sir, that label didn't say that 10 workers should avoid breathing dust, 11 did it? 12 A. Sir, it did not say that, but it 13 told you what not to do. 14 MR. DeLUCA: Object to the 15 non-responsive portion. 16 BY MR. DeLUCA: 17 Q. Sir, there was nothing about the 18 label from 1979 that would tell a 19 worker that he needs to avoid breathing 20 asbestos dust because he can get sick 21 and die, is there? 22 A. Not in the label itself, but, 23 again, it does refer you to the 24 recommended work practices, which has Page 138	1 A. Oh, on the label, no. I mean, 2 you have this label in '79 and you have 3 the label in 1985, they are the two 4 labels, which were done voluntarily by 5 the way. CertainTeed put these on 6 voluntarily, and they were the first 7 company to do it. 8 MR. DeLUCA: Object to the 9 non-responsive portion. 10 BY MR. DeLUCA: 11 Q. While every label that was on 12 every pipe from 1979 to 1985 told the 13 truth, those labels didn't tell the 14 whole truth as known by CertainTeed, 15 did they? 16 MR. PARNELL: Object to the 17 form. 18 THE WITNESS: Sir, I don't 19 know how to answer that question. 20 CertainTeed put that label on 21 there telling the individuals not 22 to use the abrasive disc saw and 23 to refer to the recommended work 24 practices. So in that context Page 140

1 that was the truth.
 2 BY MR. DeLUCA:
 3 Q. But it wasn't the whole truth,
 4 sir?
 5 MR. PARNELL: Object to the
 6 form of the question. It is
 7 argumentative.
 8 THE WITNESS: I don't know
 9 how to answer that question.
 10 BY MR. DeLUCA:
 11 Q. Did CertainTeed put everything
 12 that it knew about the hazards of
 13 asbestos on the 1979 label?
 14 A. No, but, again, they put on there
 15 not to use the means that would create
 16 the problem. Not to use the operation
 17 that would create the problem.
 18 MR. DeLUCA: Object to the
 19 non-responsive portion.
 20 BY MR. DeLUCA:
 21 Q. Sir, couldn't a worker have
 22 looked at that warning and
 23 misunderstood it and thought that
 24 perhaps wearing safety goggles would

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1 have been sufficient to protect against
 2 the danger of a saw blade braking off?
 3 MR. PARNELL: Object to the
 4 form of the question.
 5 THE WITNESS: I don't know
 6 what an individual could have.
 7 To me it is pretty clear, and it
 8 was very clear to every worker
 9 that I knew that read it.
 10 BY MR. DeLUCA:
 11 Q. Well, it is clear to you, sir,
 12 because you were one of the people who
 13 participated in the decision of what
 14 the warning should say.
 15 MR. PARNELL: That was a
 16 statement, not a question.
 17 BY MR. DeLUCA:
 18 Q. Correct?
 19 MR. PARNELL: That is a
 20 statement, not a question, I
 21 object to its form.
 22 BY MR. DeLUCA:
 23 Q. Let's put a question mark on the
 24 end of that. It is clear to you, sir,

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1 what it meant because you were one of
 2 the individuals who participated in
 3 deciding the language that the caution
 4 label was to have, correct?
 5 MR. PARNELL: Object to the
 6 form of the question.
 7 THE WITNESS: It was clear to
 8 me, but I believe it was clear to
 9 the people that were reading the
 10 label in the field. We never had
 11 anybody say I don't understand
 12 it.
 13 MR. DeLUCA: Object to the
 14 non responsive.
 15 THE WITNESS: It also refers
 16 you back to the recommended work
 17 practices.
 18 BY MR. DeLUCA:
 19 Q. Sir, do you really think workers
 20 in the field are going to go find the
 21 manual for the pipe?
 22 A. Well, they didn't have to go far
 23 because the manuals were shipped with
 24 the loads of pipe.

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1 Q. In your experience, sir, do
 2 workers on job sites stand around
 3 reading manuals, particularly if they
 4 have done that work many, many times?
 5 A. I don't know how to answer that
 6 question, sir. If you see a caution on
 7 a piece of pipe and it hadn't been on
 8 there before, I would certainly think
 9 you would read it, I would certainly
 10 think a foreman would read it and tell
 11 his people, I would certainly think the
 12 owner of the company would know what it
 13 is and not allow him to use the
 14 abrasive disc saw.
 15 Q. Do you think that bystanders,
 16 people who weren't working with the
 17 pipe but were working in the area where
 18 the pipe was used would have, number 1,
 19 see the caution label or, number 2,
 20 have had the opportunity or the ability
 21 to go find the manual?
 22 MR. PARNELL: Object as
 23 compound.
 24 THE WITNESS: The caution

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1 label, sir, was meant for the 2 people who were installing the 3 product. So if, in fact, the 4 product was being installed 5 properly the bystander would have 6 no issue. 7 BY MR. DeLUCA: 8 Q. Sir, CertainTeed made a business 9 decision in 1979 to not put anything on 10 the caution label that would leave 11 workers to think that their health or 12 their lives were in jeopardy from using 13 your product, correct? 14 MR. PARNELL: Object to the 15 form. 16 THE WITNESS: No, I don't 17 believe that is a fact at all. 18 BY MR. DeLUCA: 19 Q. Sir, CertainTeed didn't put 20 anything on there about cancer, did it? 21 A. Sir, they put on this caution 22 label, which we have just been talking 23 about for the past five minutes, 24 telling you what not to do and it Page 145	1 that breathing asbestos dust could 2 cause serious bodily harm? 3 A. At the time that the caution 4 label was designed in '79 I believe 5 CertainTeed was doing everything they 6 thought was needed and required to put 7 a safe product in the field. You can 8 always sit here today in 2007 and look 9 back and say should you have done 10 something differently. 11 Q. You agree looking back that 12 CertainTeed should have been more 13 informative in the caution label that 14 it put on its products in 1979? 15 A. I am not saying that. 16 Q. Okay. 17 A. I am not saying that. 18 Q. You would agree that all of the 19 information that was on the 1985 20 caution label was available to 21 CertainTeed in 1979, correct? 22 A. That's correct, yes. 23 Q. If not, in the 1960s? 24 A. Well, depending on what period in Page 147
1 referred you to the recommended work 2 practices. 3 Q. Do you think workers who read 4 that caution label were able to make an 5 informed judgment as to whether or not 6 they wanted to work with the pipe? 7 A. I would think they should, yes. 8 Q. The label in 1985 referenced 9 cancer, why didn't CertainTeed put 10 cancer on the label in 1979? 11 A. I don't know the answer to that 12 question. In retrospect maybe we 13 should have. 14 Q. In 1985 the caution label 15 indicated that breathing asbestos dust 16 could cause serious bodily harm 17 including cancer and asbestosis, why 18 wasn't that language on the 1979 label? 19 A. I just answered that question, 20 sir. 21 Q. So your answer would be the same? 22 A. I don't know the answer to that. 23 Q. Do you think that CertainTeed 24 should have indicated on the 1979 label Page 146	1 the 1960s, but it wasn't an issue as I 2 told you -- depending on what period 3 you are talking about in the 1960s. 4 Let me stop there. 5 Q. In fact, there was really no 6 change in the state of mind of 7 CertainTeed in terms of what it knew 8 about the hazards of asbestos between 9 1979 and 1985, correct? 10 MR. PARNELL: I object to the 11 form of the question. 12 THE WITNESS: Can I have that 13 question read back, please? 14 (Whereupon the court reporter 15 read back from the record.) 16 THE WITNESS: There is no 17 change, would you ask me that 18 question again, please, sir? 19 BY MR. DeLUCA: 20 Q. Sure. There was no change in the 21 state of mind of CertainTeed in terms 22 of what they knew about the hazards of 23 asbestos between 1979 and 1985, true? 24 A. No, there was no change. Page 148

1 Q. Sir, you would agree that a
2 company needs to make certain that the
3 company knows all there is to know
4 about the product they are making,
5 correct?
6 A. I believe a company -- yes, I
7 believe a company should know all --
8 they should find out all they can about
9 the product they are making, yes.
10 Q. Companies like CertainTeed
11 should, indeed, stay abreast of the
12 scientific research that would regard
13 the ingredients in their products,
14 correct?
15 A. Yes, which I believe they did.
16 Q. And they should make certain that
17 their customers are aware of any
18 information that would apply to them?
19 A. Yes, which we did.
20 Q. And you believe that CertainTeed
21 had a responsibility to inform its
22 customers how to install the product in
23 a safe fashion?
24 A. Yes, which we did.

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1 Q. You believe that the company had
2 a responsibility to make certain that
3 the company is doing everything that it
4 can possibly do to insure the safe use
5 of the product?
6 A. Yes, which I believe we did.
7 Q. If a company is doing an
8 investigation on its product, Mr.
9 Ambler, any investigation on the safe
10 use of a product has to be done in an
11 unbiased way, correct?
12 A. Yes.
13 Q. And you would agree that
14 CertainTeed obviously was in a much
15 better position to know the safe uses
16 of its product than workers, and
17 CertainTeed had a responsibility to get
18 that information out to the public?
19 A. Yes, which they did.
20 Q. Just not until 1985?
21 MR. PARNELL: Object. It is
22 argumentative, object to form.
23 BY MR. DeLUCA:
24 Q. Correct?

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1 A. No, I believe it was done in
2 1977.
3 Q. By that time CertainTeed had made
4 asbestos cement pipe for 15 years with
5 the knowledge that exposure to asbestos
6 could cause disease?
7 MR. PARNELL: Object to form.
8 BY MR. DeLUCA:
9 Q. Correct?
10 A. Exposures to certain amounts of
11 asbestos, not the way that we were
12 recommending the product to be
13 installed in the field, and when that
14 way became a common way is when we took
15 action.
16 Q. Do you think CertainTeed's
17 recommendation of how the product was
18 to be used in the field would have
19 carried more weight with workers if
20 they knew that the failure to follow
21 those suggestions could result in their
22 death?
23 MR. PARNELL: Object to form.
24 THE WITNESS: I don't know

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1 how to answer that question. I
2 don't even understand the
3 question.
4 BY MR. DeLUCA:
5 Q. Let me have it read back, and
6 maybe if you need me to rephrase it I
7 will try.
8 A. Okay.
9 (Whereupon the court reporter
10 read back from the record.)
11 THE WITNESS: I don't know if
12 you actually fail to follow
13 specific instructions it would
14 cause death. Again, I think that
15 CertainTeed acted very
16 responsibly in what they did.
17 MR. DeLUCA: Object to the
18 non-responsive portion.
19 BY MR. DeLUCA:
20 Q. Sir, both in 1979 and in 1985
21 CertainTeed's label began with the word
22 caution, correct?
23 A. Yes.
24 Q. It never began with the word

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1 warning, did it? 2 A. It did not, no. 3 Q. Sir, are you a warnings expert? 4 A. Am I a warnings expert, no, I am 5 not an expert in anything, sir. 6 Q. Mr. Ambler, you told me that you 7 thought CertainTeed had a 8 responsibility to meet any applicable 9 standards. In fact, you said I think 10 CertainTeed had a responsibility to do 11 better than the standards, is that your 12 testimony? 13 A. Yes. 14 Q. But CertainTeed didn't do that, 15 did it? 16 A. It certainly did. 17 Q. I am told that CertainTeed was 18 cited by the Occupational Safety and 19 Health Administration in St. Louis for 20 having levels of asbestos in its plant 21 greater than the regulations permitted, 22 is that true? 23 A. Yes, I believe it was one citing, 24 and it was a very small amount and Page 153	1 one in the code, do you have 2 that? 3 MR. MARSHALL: Not at my 4 fingertips. 5 MR. DeLUCA: Let me try 6 without a tonal difference. 7 BY MR. DeLUCA: 8 Q. Sir, isn't it true that people 9 who worked for CertainTeed have filed 10 claims against CertainTeed for their 11 occupationally induced asbestos related 12 diseases? 13 A. There have been some workmen's 14 comp claims, yes. 15 Q. In fact, the first one was in 16 December of 1972? 17 A. That's correct, yes. 18 Q. There have been numerous claims 19 brought against CertainTeed by its 20 employees who have been diagnosed with 21 asbestosis? 22 A. There have been claims, yes. 23 Q. In fact, you know John McGinley 24 or you knew him I should say, correct? Page 155
1 correction was done right away. 2 Q. Could it have been more than one, 3 sir? 4 A. Maybe it was two, but it was 5 either one or two, one plant was one 6 and one plant was two. 7 Q. Sir, what -- I am sorry, please. 8 A. I am sorry, go ahead. 9 Q. No, I didn't mean to interrupt 10 you. 11 A. No, that is all I have to say. 12 Q. So workers who worked for 13 CertainTeed have filed claims against 14 CertainTeed for getting sick as a 15 result of occupationally induced 16 asbestos related disease, correct? 17 MR. PARNELL: Object to the 18 question and move to strike the 19 difference in tonal phrase of the 20 word sick. 21 MR. DeLUCA: Objection tonal 22 difference. 23 MR. PARNELL: Absolutely. 24 MR. DeLUCA: I missed that Page 154	1 A. Yes. 2 Q. John McGinley worked in central 3 engineering? 4 A. Amongst other places, yes. 5 Q. He worked on dust control issues 6 for CertainTeed, didn't he? 7 A. Yes. 8 Q. And, sir, Mr. McGinley died of 9 mesothelioma, didn't he? 10 A. Yes. 11 Q. CertainTeed -- 12 A. But he also worked a long time 13 with Keasbey and Mattison. 14 MR. DeLUCA: Object as non 15 responsive. 16 BY MR. DeLUCA: 17 Q. Mr. McGinley died in 1995, 1996, 18 didn't he? 19 A. I don't know when John died. It 20 seems about that time period, yes. 21 Q. That would have been about 34 22 years after he started with 23 CertainTeed, correct? 24 A. Well, he came with CertainTeed, Page 156

1 he worked with Keasbey and Mattison, he 2 left for a while and then came back. 3 Q. So are you telling us you think 4 his mesothelioma was the fault of 5 Keasbey and Mattison and not 6 CertainTeed? 7 MR. PARNELL: I object to the 8 form of the question. 9 THE WITNESS: I am not saying 10 where it stems from, sir, I am 11 just stating the facts. 12 BY MR. DeLUCA: 13 Q. At CertainTeed's corporate 14 headquarters, sir, there was a library, 15 correct? 16 A. Yes. 17 Q. That library didn't come into 18 existence until 1977? 19 A. I don't know the answer to that 20 question. 21 Q. Sir, would you agree that 22 CertainTeed never informed any of its 23 customers or the end users of its 24 products about any threshold limit Page 157	1 distributed on the safe uses of 2 asbestos in the plants that may have 3 said something concerning that. 4 Q. Are you certain about that? 5 A. We can get a brochure out and 6 see. 7 Q. Sir, I am going to hand you page 8 56 of the deposition you gave on 9 November 9, 2006 in the Reinfleisch 10 case from New York, do you recall that 11 case? 12 A. Yes. 13 Q. Sir, beginning on page 56 at line 14 14 you were asked the following 15 questions: "Does CertainTeed to your 16 knowledge ever communicate in any 17 warning accompanying the sale of their 18 products that workers should not bring 19 home their clothing to be laundered 20 unless special precautions are taken?" 21 Your answer, "To our own workers in the 22 plants? Question: No, to the 23 customers out in the field. And your 24 answer said not that I am aware of Page 159
1 values which existed for its asbestos 2 exposure? 3 A. No, I wouldn't agree with that. 4 Q. Sir, do you think that 5 CertainTeed would be in a better 6 position to answer that question than 7 you? 8 A. Sure. 9 Q. CertainTeed's response to 10 interrogatory number 21 states, 11 "CertainTeed has never informed its 12 customers of any threshold limit 13 values, et cetera." Did I read that 14 correctly? 15 A. Yes, you did. 16 Q. Sir, you are not aware of 17 CertainTeed ever communicating the fact 18 to workers that workers shouldn't bring 19 their asbestos laden work clothes home 20 to be laundered unless special 21 precautions are taken, correct? 22 A. I believe there was a -- I am not 23 100 percent sure of this, but I think 24 there is a brochure that had been Page 158	1 because as I said our goal was to make 2 certain that we had a product that 3 could be installed within the 4 standards." 5 A. That is two questions there. 6 Q. Right. 7 A. I think your question asked me, 8 your question, forget this just for one 9 second, I think your original question 10 had to do with our plant people, didn't 11 it? 12 No. 13 Q. Oh, it didn't, then I didn't 14 answer it correctly then, I am sorry. 15 Sir, are you aware of CertainTeed 16 ever communicating the fact that 17 workers should not bring home their 18 asbestos laden work clothes to be 19 laundered unless special precautions 20 were taken? 21 A. I made an assumption and I was 22 wrong. I thought you were meaning our 23 plant people. 24 Q. So did you tell your plant people Page 160

1 that?
 2 A. Like I said, there was some
 3 brochures, there were pamphlets that
 4 were given to our plant people about
 5 the safe uses of asbestos in the plant,
 6 and there was something in there
 7 concerning laundering of clothes, but
 8 the deposition you are talking about
 9 people in the field, totally different
 10 subject.
 11 Q. Let me re-ask the question, sir.
 12 You are not aware that CertainTeed ever
 13 communicated the fact to end users of
 14 its products that workers who were
 15 installing those products such as
 16 asbestos cement pipe should not bring
 17 home their asbestos laden work clothes
 18 to be laundered unless special
 19 precautions were taken, correct?
 20 MR. PARNELL: Objection to
 21 form.
 22 THE WITNESS: No, I am not
 23 aware of that.
 24 BY MR. DeLUCA:

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1 Q. CertainTeed never recalled any of
 2 its asbestos cement pipe that it sold
 3 throughout the United States, did it?
 4 A. Ever recalled it?
 5 Q. Yes.
 6 A. For what reason?
 7 Q. For any reason. Related to
 8 health or safety.
 9 A. Health or safety, no, not that I
 10 am aware of.
 11 Q. Now, sir, I understand that
 12 asbestos was used in asbestos cement
 13 pipe to give it strength; is that true?
 14 A. The majority of it was to give it
 15 strength, yes.
 16 Q. The majority of it that was to
 17 give it strength would have been the
 18 chrysotile asbestos, correct?
 19 A. That's correct, yes.
 20 Q. The other asbestos in the product
 21 was a type of asbestos called
 22 crocidolite, correct?
 23 A. Yes.
 24 Q. That wasn't put in the product to

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1 give the pipe strength, was it?
 2 A. Well, the result would be better
 3 strength because it gave you better
 4 process techniques in the plant.
 5 Q. What do you mean it gave you
 6 better process techniques in the plant?
 7 A. You were able to drain the water
 8 off better and more uniformly to give
 9 the pipe more strength.
 10 Q. You testified before that the
 11 crocidolite gave you better drainage,
 12 is that what you are speaking of?
 13 A. Yes.
 14 Q. There was a lot of water in the
 15 slurry that became the pipe eventually,
 16 correct?
 17 A. Yes.
 18 Q. Crocidolite was added so that
 19 there would be better drainage and you
 20 get a better quality product?
 21 A. Correct.
 22 Q. Isn't another reason that
 23 crocidolite was added to your pipe,
 24 sir, the fact that it was less costly

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1 for CertainTeed to make that pipe if it
 2 put crocidolite in there than if it was
 3 just chrysotile?
 4 A. Less costly, I don't know whether
 5 that is the proper way of saying. We
 6 couldn't make a real quality product,
 7 and if we had to I guess not use it --
 8 we tried to make some products without
 9 crocidolite, and we just couldn't make
 10 a quality product, consistently quality
 11 product.
 12 Q. So you don't think less costly
 13 would be a fair way of describing why
 14 crocidolite was used in the product?
 15 A. It did give you a more
 16 competitive product to compete against
 17 other piping products in the field.
 18 Q. Competitive from a price
 19 perspective, correct?
 20 A. The selling price of the product,
 21 yes.
 22 Q. It was cheaper for CertainTeed to
 23 make asbestos cement pipe that used
 24 crocidolite than it could have been for

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1 CertainTeed to make asbestos cement 2 pipe that only had chrysotile in it, 3 correct? 4 A. Well, cheaper to the point that 5 if we didn't use crocidolite we 6 wouldn't be able to put a quality 7 product in the field. 8 Q. But you don't think less costly 9 is a fair way of describing it, is that 10 fair? 11 A. I think that we put the 12 crocidolite in there to have a 13 consistently quality product to ship to 14 the field. 15 Q. Sir, let me show you your 16 testimony from March 18, 2003, that was 17 taken in connection with the Short 18 case, also in Brezar County, Texas, and 19 I will call your attention to page 87 20 beginning at line 5 when you were asked 21 the following questions: "Did using 22 crocidolite also save some money in the 23 manufacturing process?" Your answer, 24 "What do you mean by save money?" Page 165	1 Q. Sir, I want to hand you some 2 other slides that I got from 3 CertainTeed and ask if you have seen 4 them before, and if you can help me to 5 understand what they depict. 6 (Whereupon photograph was 7 marked for identification as 8 Exhibit 32.) 9 BY MR. DeLUCA: 10 Q. What is Exhibit 32, what does 11 that say? 12 A. CertainTeed Piping Materials, 13 Incorporated. 14 (Whereupon photograph was 15 marked for identification as 16 Exhibit 33.) 17 BY MR. DeLUCA: 18 Q. What does Exhibit 33 say? 19 A. Sales. 20 (Whereupon photograph was 21 marked for identification as 22 Exhibit 34.) 23 BY MR. DeLUCA: 24 Q. And what does Exhibit 34 say? Page 167
1 Question: Reduce production costs. 2 Answer: It obviously it was -- it 3 would produce a product that was less 4 costly to make than if you put all 5 chrysotile in there and you wouldn't 6 nearly the quality product that you 7 would have had with the little bit of 8 crocidolite that we used." Did I read 9 that correctly? 10 A. I testified to that three minutes 11 ago. 12 Q. One of the reasons that 13 crocidolite was put into the product, 14 sir, it was added so the product was 15 less costly to make, correct? 16 A. It would give you a more 17 consistently quality product and if you 18 didn't use the crocidolite, yes, if you 19 didn't use the crocidolite you would 20 have to use more chrysotile, and it 21 would be more costly, but it wouldn't 22 have a good consistent quality, either, 23 and that is exactly what I testified to 24 before. Page 166	1 A. High profit. 2 (Whereupon photograph was 3 marked for identification as 4 Exhibit 35.) 5 BY MR. DeLUCA: 6 Q. What does Exhibit 35 say, sir? 7 A. Maximum profits. 8 Q. Maximum profits? 9 A. Yes. 10 (Whereupon photograph was 11 marked for identification as 12 Exhibit 36.) 13 BY MR. DeLUCA: 14 Q. What does Exhibit 36 say, sir? 15 A. Create a plan. 16 (Whereupon photograph was 17 marked for identification as 18 Exhibit 37.) 19 BY MR. DeLUCA: 20 Q. What does Exhibit 37 say, sir? 21 A. We are committed. 22 (Whereupon photograph was 23 marked for identification as 24 Exhibit 38.) Page 168

1 BY MR. DeLUCA: 2 Q. Tell the jury, sir, what Exhibit 3 38 says? 4 A. Produce as much as you can sell. 5 Q. Isn't it true, sir, that 6 CertainTeed only quit making asbestos 7 cement pipe because the business became 8 unprofitable for CertainTeed? 9 A. We stopped, yes, we stopped 10 making asbestos cement pipe because it 11 wasn't a profitable product, we felt 12 that CertainTeed asbestos cement pipe 13 could be sold and used very, without 14 any issues in the field as far as 15 health issues. 16 MR. DeLUCA: Object to the 17 non-responsive portion. 18 BY MR. DeLUCA: 19 Q. Sir, you testified that you do 20 not agree with the proposition that 21 CertainTeed had an obligation to inform 22 workers about the health risks 23 associated with asbestos, haven't you? 24 A. Boy, I don't remember saying Page 169	1 believe CertainTeed told the 2 truth as it was needed to make 3 certain that a quality product -- 4 or a product was being used 5 safely in the field. 6 BY MR. DeLUCA: 7 Q. I understand, sir, that you 8 personally never physically cut or 9 sawed a piece of CertainTeed asbestos 10 cement pipe, is that true? 11 A. That's correct, yes. 12 Q. You've never been present when a 13 person was using a gas powered saw to 14 cut CertainTeed asbestos cement pipe 15 either, correct? 16 A. That's correct. 17 Q. When you were walking around the 18 plant you never wore a respirator, did 19 you? 20 A. Never. What was your question 21 before that, I may have answered that 22 improperly? 23 Q. You've never been present when a 24 person was using a gas powered saw to Page 171
1 that. 2 Q. Well, was it your testimony 3 today? 4 A. What is the question; ask me the 5 question? 6 Q. Do you think CertainTeed had an 7 obligation to inform workers about the 8 health risks associated with asbestos? 9 A. Certainly I do, yes. 10 Q. Given the fact that asbestos was 11 in CertainTeed's products? 12 A. As I testified to earlier today, 13 Mr. DeLuca, I feel that any company has 14 a responsibility to make certain that 15 the people who are either making or 16 using their product know the proper and 17 safe way to do both. 18 Q. Would you agree, sir, it is not 19 enough to just tell the truth about the 20 hazards of a product, it is important 21 to tell the whole truth? 22 MR. PARNELL: Object to form, 23 argumentative. 24 THE WITNESS: Yes. And I Page 170	1 cut CertainTeed asbestos cement pipe? 2 A. I have been in the finishing 3 department and walked through the 4 finishing department, but I've never 5 been in the field to see it done. 6 Q. Sir, let me show you your 7 testimony on page 100 line 17 through 8 20. 9 MR. PARNELL: What year was 10 this? 11 BY MR. DeLUCA: 12 Q. Of the deposition you gave in 13 November of 2006. Question: "Have you 14 ever been present when a person was 15 using a gas powered saw to cut asbestos 16 cement pipe by CertainTeed? Answer: 17 No, no." Did I read that correctly? 18 A. Yes, but, I mean, I have not seen 19 a gas powered saw used in the field. I 20 am saying that I have -- I am trying to 21 answer your question, sir, as factually 22 and as honestly as I can. 23 And I am sure you can find areas 24 like this that we found all day, but Page 172

1 let me just say I have walked through
 2 the finishing department of a plant,
 3 and there has been times when a gas, I
 4 don't know, it wasn't gas operated in
 5 the finishing department, it was
 6 electric operated, and it was a cut off
 7 saw to cut pipe in the finishing
 8 department, but I have not seen anybody
 9 use a gas powered saw.
 10 Q. Sir, you were one of the persons
 11 from CertainTeed that was involved in
 12 the decision making of what should be
 13 included on the caution labels,
 14 correct?
 15 A. I attended the meetings, yes.
 16 Q. You were involved in the
 17 decisions about whether to warn or
 18 whether not to warn regarding the
 19 hazards of asbestos, correct?
 20 A. I was a part of those
 21 discussions, yes.
 22 Q. You understand that this is a
 23 failure to warn case that we are here
 24 today to talk about?

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1 A. I don't understand what the
 2 actual legal terms are.
 3 (Whereupon photograph was
 4 marked for identification as
 5 Exhibit 39.)
 6 BY MR. DeLUCA:
 7 Q. Sir, I want to hand you Exhibit
 8 39, and ask you if it is true that
 9 there is over 2 million miles of
 10 asbestos cement pipe in use in the
 11 world?
 12 A. There probably are.
 13 Q. And that pipe carries the water
 14 that we drink, correct?
 15 A. Not all of it, no.
 16 Q. But it carries some of the water
 17 we drink?
 18 A. Some of the water. I believe
 19 this was an industry number that was
 20 put out so it would also carry sewage,
 21 it would carry electrical conduit, it
 22 would be vent pipe, it would be exhaust
 23 pipe, it would be all kinds of
 24 different asbestos cement pipe.

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1 (Whereupon photograph was
 2 marked for identification as
 3 Exhibit 40.)
 4 BY MR. DeLUCA:
 5 Q. CertainTeed was obviously aware
 6 as evidenced by Exhibit 40 that its
 7 pipe carried water that we use in our
 8 homes, correct?
 9 A. Yes.
 10 (Whereupon photograph was
 11 marked for identification as
 12 Exhibit 41.)
 13 BY MR. DeLUCA:
 14 Q. As evidenced by Exhibit 41, water
 15 that we drink?
 16 A. Yes.
 17 (Whereupon photograph was
 18 marked for identification as
 19 Exhibit 42.)
 20 BY MR. DeLUCA:
 21 Q. And as evidenced by Exhibit 42,
 22 water that our children drink, correct?
 23 A. The whole family drinks the
 24 water, yes.

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1 (Whereupon photograph was
 2 marked for identification as
 3 Exhibit 43.)
 4 BY MR. DeLUCA:
 5 Q. Let me hand you Exhibit 43, and
 6 ask if you can tell me what we are
 7 looking at?
 8 A. That is somebody's rendition of
 9 the Riverside plant, and it may have
 10 been at the time when we were adding
 11 the sales district to the plant up
 12 front in the office there.
 13 Q. There is a contractor on the
 14 bottom, the Austin Company?
 15 A. Yeah, I don't know.
 16 Q. Do you know anything about the
 17 Austin Company?
 18 A. No.
 19 (Whereupon photograph was
 20 marked for identification as
 21 Exhibit 44.)
 22 BY MR. DeLUCA:
 23 Q. This will be the last question I
 24 ask you, at least for right now. What

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1 is Exhibit 44 about?
2 A. I have no idea. I have no idea
3 what it means.
4 Q. I guess finally --
5 MR. PARNELL: He didn't tell
6 you the whole truth just then.
7 MR. DeLUCA: I object to the
8 side bar.
9 (Whereupon photographs marked
10 for identification as Exhibit 45
11 and 46.)
12 BY MR. DeLUCA:
13 Q. I guess while I am here and since
14 this is the only opportunity I have to
15 talk to you, I have to ask you why Mr.
16 CertainTeed pipe man in Exhibit 45 has
17 six fingers on his right hand, but on
18 Exhibit 46 he has only five, do you
19 know?
20 A. No. The artist must have made a
21 mistake, I don't know.
22 Q. I will pass the witness.
23 MR. PARNELL: Let's take a
24 five minute break.

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1 VIDEO TECHNICIAN: We are
2 now going off the record, the
3 time is 1:05.
4 (Whereupon a short recess was
5 taken.)
6 VIDEO TECHNICIAN: We are
7 now on the record, the time is
8 1:25.
9 MR. PARNELL: CertainTeed has
10 no questions.
11 MS. ROSS: The witness will
12 read and sign the transcript.
13 VIDEO TECHNICIAN: This
14 completes the videotape
15 deposition. We are now going off
16 the record, the time is 1:25.
17 (Witness excused.)
18
19
20
21
22
23
24

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1 CERTIFICATION
2
3 I, Linda A. Ricciardi,
4 hereby certify that the foregoing is a
5 true and accurate transcript of the
6 deposition of LLOYD AMBLER, who was
7 first sworn by me at the time, place
8 and on the date herein before set
9 forth.
10 I further certify that I am
11 neither attorney nor counsel for, not
12 related to or employed by any of the
13 parties to the action in which this
14 deposition was taken; further, that I
15 am not a relative or employee of any
16 attorney or counsel employed in this
17 case, nor am I financially interested
18 in this action.
19
20
21
22
23 Linda A. Ricciardi
24 Court Reporter and Notary
Public

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1 CERTIFICATE
2 I, the undersigned, LLOYD AMBLER, do
3 hereby certify that I have read the
4 foregoing deposition, and that to the best
5 of my knowledge, recollection and belief,
6 said deposition is true and correct with
7 the exception of the following corrections
8 listed below.
9 PAGE LINE REASON
10
11
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16
17
18
19
20
21 SIGNATURE
22
23 DATE
24

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LLOYD AMBLER

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