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NO. 94-01-497-E

GWENDA MCDONALD, INDIVIDUALLY: IN THE DISTRICT COURT
AND AS REPRESENTATIVE OF THE :
ESTATE OF NORMAN MCDONALD :
:
:
:
VS : CAMERON COUNTY, TEXAS
:
:
:
UNION PACIFIC RAILROAD :
COMPANY IND. AND F/D/B/A :
MISSOURI PACIFIC RAILROAD :
CO., ET AL. : 357TH JUDICIAL DISTRICT

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DEPOSITION OF JOHN D. CALL

COPY

December 7, 1994

Houston, Texas

REPORTED BY: Lois Fields



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7 ALSO PRESENT:

8 Mr. Tim Hennessy
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I N D E X

PAGE NO.

EXAMINATION BY MR. MORRISON

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EXAMINATION BY MR. MAHONEY

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1 (Whereupon, Deposition Exhibit Number
2 2 was marked for identification
3 by the reporter.)
4

5 MR. MORRISON: Let's do
6 appearances for the record. My name
7 is Greg Morrison with the firm of
8 Cook & Butler, and I represent the
9 plaintiff, Gwenda McDonald.

10 MR. MAHONEY: My name is
11 William Mahoney from Segal,
12 McCambridge, Singer & Mahoney in
13 Chicago, Illinois, and I am here on
14 behalf of The Anchor Packing Company
15 and Garlock, Inc.

16 MS. BURKEY: Ann Burkey for
17 John Crane, Inc.

18 MS. FROST: Gwen Frost for
19 Fibreboard Corporation and North
20 American Refractories.

21 MR. MORRISON: And again,
22 just for the record, Mr. Tim
23 Hennessy is here in what capacity
24 today?

25 MR. MAHONEY: Tim is an

1 employee and attorney for Coltech
2 Industries. He has not filed an
3 appearance in the case and will not
4 be a fact witness in the case. He's
5 here as an observer.

6 MR. MORRISON: With that
7 representation, as yesterday, we
8 have no objection to him sitting in
9 on the depo then.

10 THE REPORTER: Same
11 stipulations?

12 MR. MORRISON: Yes, by the
13 rules, all objections except as to
14 form and responsiveness are reserved
15 until the time of trial. Do you all
16 want to sign again?

17 MR. MAHONEY: Yes, we are
18 going to reserve signature again.

19 MR. MORRISON: And as
20 yesterday, if there is some need for
21 this deposition in the meantime,
22 prior to the time that we get it
23 back, an unsigned copy may be used
24 for purposes of a hearing, or if the
25 deposition is not returned in the

1 statutorily allowed time, then an
2 unsigned copy may be used at time of
3 trial.

4 MR. MAHONEY: So stipulated.
5 That's fine.

6
7
8 JOHN D. CALL,
9 having been first duly sworn, testified as
10 follows:

11
12 EXAMINATION

13
14 BY MR. MORRISON:

15 Q Mr. Call, would you state your full name for
16 the record, please?

17 A John D. Call.

18 Q Mr. Call --

19 A C-A-L-L.

20 Q Thank you. My name is Greg Morrison. And as
21 I indicated earlier, I'm with the firm of Cook
22 & Butler, and I represent the plaintiff,
23 Gwenda McDonald. You understand that
24 Ms. McDonald has filed a personal injury
25 lawsuit in which she has alleged that the

1 death of her husband, Norman McDonald, was
2 caused by his exposure to asbestos-containing
3 products?

4 A Yes.

5 Q And you understand that one of the products
6 that he was exposed to by his own deposition
7 or his own allegation was products sold by The
8 Anchor Packing Company?

9 A Yes.

10 Q And you have been designated here, as I
11 understand it today, as a corporate
12 representative of The Anchor Packing Company?

13 A That's correct.

14 MR. MAHONEY: Let me make a
15 statement in that regard. Mr. Call
16 is being produced today pursuant to
17 plaintiff's notice of intent to take
18 the deposition of corporate
19 representative or representatives of
20 The Anchor Packing Company. I would
21 like the record to show that
22 Mr. Call is being produced to that
23 notice, but that several things
24 should be clearly stated on the
25 record.

1 Number one, that The Anchor
2 Packing Company ceased business
3 operations in October of 1993. The
4 consequence of that cessation of
5 operations, The Anchor Packing
6 Company has not done business in any
7 form or capacity since October of
8 1993. The Anchor Packing Company
9 has had no employees since October
10 of 1993. The Anchor Packing Company
11 has no office since October of
12 1993.

13 Therefore, Mr. Call is being
14 produced today in good faith by
15 Anchor Packing Company on the
16 following basis. Mr. Call was
17 employed by The Anchor Packing
18 Company in a variety of capacities
19 from 1967 through October of 1993.
20 And he has been identified as the
21 individual who is best able to
22 respond to the items identified in
23 plaintiff's notice. And plaintiff,
24 I'm sure, will explore, you know,
25 his background.

1 In producing him as our
2 corporate representative, we want to
3 make clear that Mr. Call may not be
4 competent to testify in all areas of
5 the subpoena, but that simply he is
6 the best person available at the
7 present time, in view of Anchor's
8 overall situation to give the best
9 good faith responses to the areas
10 identified in the subpoena. And I
11 can clearly state on the record,
12 similar to what I did for
13 Mr. Whittaker yesterday, that
14 Mr. Call is not competent to testify
15 on net worth, but that documents as
16 required under Texas law regarding
17 the issue of net worth will be
18 produced.

19 I can also represent that
20 Anchor Packing Company is -- will
21 respond fully to plaintiff's request
22 for production and interrogatories.
23 A response has been filed. We
24 received a letter two days ago from
25 the plaintiff with respect to

1 outstanding discovery issues, and
2 those responses will be made and be
3 forthcoming, separate and distinct
4 from the deposition.

5 I also want to make clear as
6 to what is being produced today in
7 response to the notice right off the
8 bat. Mr. Call has been deposed on
9 four prior occasions. And we have
10 provided plaintiff today with the
11 following depositions with attached
12 exhibits from those depositions: A
13 deposition from June 13th, 1985
14 taken in the United States District
15 Court of Massachusetts; a deposition
16 taken on September 11th, 1992, State
17 Court in North Dakota; a deposition
18 taken on October 19th, 1993 from
19 Baltimore City; and a deposition
20 from June 25th, 1993 taken from a
21 case pending in Jackson County,
22 Mississippi. All of those cases
23 involved allegations of personal
24 injury or wrongful death related to
25 alleged exposure to asbestos

1 products.

2 Having said that, proceed.

3 MR. MORRISON: I'll tell you
4 what, Bill. While we're on that,
5 why don't we go ahead and just --
6 where's the stack of exhibits, other
7 than the depositions?

8 MR. MAHONEY: Okay.

9 MR. MORRISON: What you've
10 indicated to me and I think what you
11 just stated for the record is you
12 produced those four depositions, plus any
13 and all attachments to those
14 depositions?

15 MR. MAHONEY: Right.

16 MR. MORRISON: As they
17 appeared in your copy of the
18 deposition?

19 MR. MAHONEY: Correct.

20 MR. MORRISON: In addition to
21 that, Anchor has produced, in
22 response to the subpoena duces
23 tecum -- and I'm going to use
24 Anchor's Bates stamp numbers --
25 Exhibit 0024, which is the

1 employment history of Mr. Call;
2 documents 0609 through 0613, which
3 is a list of asbestos-containing
4 products sold and/or distributed by
5 Anchor Packing Company; document
6 0614 through 0639, which is an MSDS
7 sheet for a compressed asbestos
8 sheet, or multiple sheets; A0020,
9 which appears to be Anchor Packing
10 correspondence dated November 19th,
11 1975; document A0021, Anchor Packing
12 correspondence or memo dated
13 February 2, 1976; and three
14 photocopies of caution labels,
15 number 0025, 26, and 27.

16 Can we agree that that's the
17 extent of what was produced today in
18 response -- and there may be some
19 catalogs.

20 MR. MAHONEY: Forthcoming,
21 exactly.

22 MR. MORRISON: And we will
23 indicate those on the record. But
24 at this point, that's what's been
25 produced at the deposition today in

1 response to the subpoena duces
2 tecum?

3 MR. MAHONEY: That's correct.

4 MR. MORRISON: Okay.

5 Q (By Mr. Morrison) Mr. Call, counsel has
6 indicated that you have been deposed on four
7 prior occasions; is that correct?

8 A That's correct.

9 Q You have not been deposed any other times,
10 other than those four, in asbestos-related
11 litigation?

12 A No, I have not.

13 Q Have you ever been called upon to testify live
14 at trial?

15 A Yes.

16 Q On how many occasions?

17 A Once.

18 Q And do you remember what case or at least what
19 city that was in?

20 A That was in Philadelphia.

21 Q Would that have been a case in which you also
22 gave a deposition here?

23 A No.

24 Q Okay. Was that a single plaintiff or a group
25 of plaintiffs?

1 A I believe that was a single plaintiff.

2 Q Okay. And do you recall the name of that
3 plaintiff?

4 A I do not.

5 Q Do you recall what year that was,
6 approximately?

7 A That was last week.

8 Q Do you remember the name of the plaintiff's
9 attorney who cross-examined you?

10 A No.

11 Q From the depositions that you have given and
12 the trial testimony, I take it you're familiar
13 with what a deposition is and what we're doing
14 here today?

15 A Yes, I am.

16 Q You understand that the oath that you have
17 taken here today is the same oath that you
18 would have taken if we were in the court of
19 law today starting this trial?

20 A Yes.

21 Q That you are subject to the same penalties of
22 perjury as you would be were we in a court of
23 law?

24 A Yes.

25 Q Mr. Call, if at any time during the

1 deposition -- I just want to make sure I'm
2 sure you know this -- you want to take a
3 break, just let me know or your counsel know
4 and we'll make sure you get that. I have
5 never been in the asbestos manufacturing
6 business or the manufacturing business of any
7 sort, so I may ask questions that just don't
8 make any sense. If I do that, would you stop
9 me and let me know that my lack of knowledge
10 or just the way that I stated it just doesn't
11 make sense to you so I can make sure that we
12 are communicating?

13 A All right.

14 Q If you would, continue to give verbal
15 responses for me and wait until I finish my
16 question, and I'll try to wait until you
17 finish your answer, okay?

18 A Okay.

19 Q When did you first start with The Anchor
20 Packing Company?

21 A January of 1967.

22 Q And what was the official name of the company
23 when you started with it?

24 A The Anchor Packing Company.

25 Q Has it undergone any name changes from that

1 time until October of 1939?

2 A No, it has not.

3 Q My understanding is that in October of 1993,
4 The Anchor Packing Company ceased to do
5 business; is that correct?

6 A That is correct.

7 Q They are still listed as a corporation in some
8 state of the United States, I take it, do you
9 know?

10 A I'm not aware of that.

11 Q Do you know what state The Anchor Packing
12 Company is incorporated in?

13 A Delaware.

14 Q Is there also a "The Anchor Packing Company,
15 Incorporated" in the state of New Jersey, do
16 you know?

17 A No.

18 Q Are you aware of any merger which might have
19 taken place in 1984 between two different
20 Anchor Packing companies?

21 A No.

22 Q As a part of your job prior to October of
23 1993, did you assist persons, including
24 possibly counsel, in preparing written
25 discovery answers on behalf of The Anchor

1 Packing Company?

2 A On what date?

3 Q When you ceased doing business --

4 A Oh, yes.

5 Q -- in October of 1993.

6 A Yes.

7 Q Do you know if you assisted in this particular
8 case in preparing written discovery answers
9 with Ms. Hermese when she originally
10 represented The Anchor Packing Company?

11 A I believe so.

12 Q When you helped prepare those discovery
13 responses, did you respond on behalf of The
14 Anchor Packing Company that you had worked
15 with from '67 until the time that you helped
16 prepare those responses?

17 A Yes, I did.

18 Q Do you have knowledge or have you seen
19 documents that would tell you when The Anchor
20 Packing Company was first begun, when it
21 became a company?

22 A Yes. I was aware that the company was
23 started in 1908 in Philadelphia by the Adams
24 family.

25 Q And primarily was a family business?

1 A That is correct.

2 Q Do you have any knowledge of, in 1911, another
3 Anchor Packing Company being formed in New
4 Jersey?

5 A No, I don't.

6 MR. MORRISON: Can we go off
7 the record for a minute?

8 (Discussion off the record.)

9 MR. MORRISON: Back on.

10 Q (By Mr. Morrison) My understanding, Mr. Call,
11 is that during the time that you have been
12 with The Anchor Packing Company from '67 to
13 1993, you were never aware of any other
14 company bearing the name, The Anchor Packing
15 Company?

16 A That's correct.

17 Q Mr. Call, you have been kind enough to provide
18 us with a copy of a document which gives us
19 your employment history. If I need to share
20 this with you, I'll be glad to. I've attached
21 that today as Call Exhibit Number 2. And I
22 want to go through that. As I'm reading it,
23 it indicates that from 1967 through 1993, you
24 have been employed by The Anchor Packing
25 Company of Philadelphia and Greensboro as a

1 salesman and as a district manager; is that
2 correct?

3 A That is correct.

4 Q As a salesman, which your employment history
5 states you worked as from '67 to '74 in the
6 Buffalo, New York territory, what, as a
7 salesman, would you have done for The Anchor
8 Packing Company?

9 A I traveled Upstate New York calling on The
10 Anchor Packing Company's customers and
11 developed sales.

12 Q What types of businesses would you
13 characterize as being those which were Anchor
14 Packing customers in your territory?

15 A Commercial industrial accounts.

16 Q Did those accounts include shipyards?

17 A Yes.

18 Q Did they include oil refineries?

19 A Not in my territory. There were none.

20 Q Did they include any of the railroads in your
21 territory?

22 A Yes.

23 Q Do you recall what railroads that would have
24 been in your territory?

25 A Not specifically.

1 Q And as I say that, sir, I see that you have
2 changed territories some during your time.
3 But at any time that you have been with
4 Anchor, do you recall any of the railroads
5 that you personally have dealt with to sell
6 products or deal with in a sales type
7 relationship?

8 A Specifically, the railroad at Bethlehem Steel
9 in Lackawanna, New York.

10 Q Do you recall any dealings with Union Pacific
11 Railroad?

12 A No.

13 Q I'm not sure they did business this way, but
14 I'll ask, Missouri Pacific?

15 A No.

16 Q How about Burlington?

17 A No.

18 Q How did you, as a salesman, make a
19 determination on whom you would make sales
20 calls?

21 A When I took over the territory, there was a
22 sales listing of the customers. And I would
23 call on those customers, plus develop other
24 accounts through leads with contacts and just
25 making cold calls.

1 Q And I take it that you knew from the products
2 that you were selling the general type of
3 company that would be most profitable for you
4 to call upon?

5 A Yes, that's correct.

6 Q And generally, what was the product line that
7 you were selling in '67?

8 A Packing, gaskets, molded rubber goods,
9 hydraulic seals; generally anything that the
10 customer required for maintenance of his
11 equipment.

12 Q And what kind of equipment would you generally
13 be supplying parts for?

14 A Pumps, valves, high pressure presses, material
15 or equipment handling chemicals, water, steam,
16 oil.

17 Q Would it include boilers?

18 A Boilers.

19 Q Turbines?

20 A That's correct.

21 Q Refractories?

22 A Yes, there was a refractory.

23 Q When you started in 1967, did the product line
24 which you were selling also include asbestos
25 gloves?

1 A No.

2 Q Asbestos mits?

3 A No.

4 Q Hoses?

5 A Rubber hose.

6 Q Heat-holding tapes?

7 A Yes.

8 Q Insulating tapes of other types?

9 A No.

10 Q Brake linings?

11 A Yes.

12 Q Clutch facings?

13 A Yes.

14 Q Asbestos wick?

15 A Yes.

16 Q And asbestos rope?

17 A Yes.

18 Q Do you know if any of the products that you

19 just mentioned that you did sell in 1967 were

20 not sold in the '50's, that they were new

21 products after the '50's?

22 A I believe that they were standard product

23 line.

24 Q Of the products that you have just indicated

25 to me that you did sell in '67, were there any

1 of those, other than the hoses that you
2 indicated were rubber, that did not contain
3 asbestos?

4 MR. MAHONEY: I'm going to
5 object to the form to the extent
6 that it assumes all gaskets and all
7 packings may have contained
8 asbestos. If you're asking him if
9 some of them may have or the
10 category included asbestos,
11 that's --

12 MR. MORRISON: I don't think
13 we talked about gaskets.

14 MR. MAHONEY: Okay.

15 Q (By Mr. Morrison) You probably did mentioned
16 it, in fairness, and I meant to get the other
17 things that you sell. But let's start out
18 that way. When you started in '67, the
19 packings that you were selling included lines
20 which contained asbestos and which didn't
21 contain asbestos; is that correct?

22 A That's correct.

23 Q That was also true of the 1950's?

24 A That is correct.

25 Q The gasket lines that you were selling

1 included some gaskets that contained asbestos
2 and some that did not, correct?

3 A That is right.

4 Q And that was also true of the Anchor Packing
5 gaskets sold in the '50's?

6 A That's correct.

7 Q You indicated that you did not have in the
8 line of items that you were selling asbestos
9 gloves or mits; is that correct?

10 A That's right.

11 Q Were you aware that those were sold at any
12 time by The Anchor Packing Company?

13 A No, I was not.

14 Q What is the best way to find out from The
15 Anchor Packing Company what products were sold
16 in a given year?

17 MR. MAHONEY: Today?

18 MR. MORRISON: Yes.

19 MR. MAHONEY: You can't.

20 Q (By Mr. Morrison) I mean, if we look at a
21 catalog -- you would agree with me that if a
22 catalog from 1942, for example, shows a
23 product, that Anchor was trying to sell that
24 product in 1942, wouldn't you?

25 A That would indicate so.

1 Q You indicated that you sold some heat-holding
2 tape. Was that an asbestos-containing
3 products?

4 A Yes, it was.

5 Q And was also an asbestos-containing product in
6 the '50's that was sold by Anchor?

7 A I would assume so.

8 Q I can't remember now what your answer was on
9 brake linings. Were you selling those in the
10 '60's?

11 A Yes.

12 Q And those were asbestos-containing; is that
13 correct?

14 A Yes.

15 Q And would those also have been
16 asbestos-containing in the '50's sold by
17 Anchor?

18 A Yes.

19 Q What kind of brake linings were you selling?
20 Were they automobile? Or was it a full line
21 of brake linings?

22 A No, it was industrial brake linings for use on
23 large equipment.

24 Q Would that have included brake linings for
25 railroad use?

1 A No.

2 Q You indicated that you -- I'm sorry. Did you
3 or did you not sell asbestos wick and rope in
4 '67?

5 A Yes.

6 Q And that would have been a product that Anchor
7 would have sold in the 1950's as well?

8 A I believe so.

9 Q As a salesman in the '67 period, was it a part
10 of your job to explain to your customers the
11 proper uses of the products that you were
12 selling?

13 A No, it wasn't. We dealt with experienced
14 maintenance people in the industrial
15 marketplace who have their own expertise and
16 their own shops in applying this material.

17 Q And how is it that you know that they were
18 experienced persons? Did you check that out
19 before you agreed to sell them products?

20 A They let you know.

21 Q Okay.

22 A They let you know that they did not need your
23 help.

24 Q Okay. Did you make it a part of your normal
25 sales practice to ascertain for yourself that

1 they knew how to properly apply and/or remove
2 your products before you would agree to sell
3 them to them?

4 A Not specifically.

5 Q Okay. You've qualified your answer by saying
6 not specifically. What is it that you did
7 along that line, if anything?

8 A Our dealings were normally through the
9 purchasing agent. And he would have
10 requisition from the shop. And it was not
11 common to be called over into the shop to
12 have any dealings directly with the
13 applications engineering or the maintenance
14 mechanic.

15 Q So the person you usually called upon or dealt
16 with would have been the purchasing agent?

17 A Yes.

18 Q And I think you just indicated to me that
19 that's not the type of person that's usually
20 out in the field doing the application,
21 correct?

22 A That's right.

23 Q Did you try to ascertain for yourself that
24 this purchasing agent knew what the people out
25 in the field were doing in terms of

1 application?

2 A We didn't question them regarding that.

3 Q Whenever you got a purchase order asking for
4 gaskets, for example, did they usually specify
5 specifically what kind of gaskets that they
6 wanted?

7 A They --

8 Q Or they just asked for gaskets and you
9 supplied then with what you had?

10 A They would usually specify.

11 Q They would specify size and style and all of
12 that?

13 A That is correct.

14 Q Now, Anchor sold, at the time you started in
15 '67, gaskets, for example, that were made by
16 different companies, asbestos-containing
17 gaskets; is that correct?

18 A In '67, the gasket material in gaskets,
19 pre-cut gaskets, were mainly supplied by one
20 supplier.

21 Q And who was that supplier?

22 A Raybestos Manhattan.

23 Q But there were product lines containing
24 asbestos in the '60's that you were selling in
25 which you had nearly identical products, but

1 they were supplied by different companies; is
2 that a fair statement?

3 A There were some.

4 Q And you had to make a decision, I assume, as
5 to which one you would sell?

6 A I don't think I follow your question.

7 Q Okay. If, for example, the purchase order
8 said I want product X, and then for product X,
9 which contained asbestos in the '60's, you had
10 manufacturer A that supplied you something
11 that would meet that specification and you had
12 supplier B who would -- who had a product that
13 you sold that met that specification, how did
14 you, as a salesman, determine whether you
15 would sell product A or product B?

16 A At that -- during that time, product A was our
17 first choice and -- unless we couldn't acquire
18 that, the customer needed it tomorrow and we
19 could only get it next month from supplier A,
20 we would then go to an alternative source to
21 give proper service to the customer.

22 Q Let me go back, because I think this will help
23 me understand. As I understand it from the
24 answers to interrogatories in this case,
25 Anchor has never manufactured any

1 asbestos-containing products? Is that a true
2 statement?

3 A That is correct.

4 Q Has -- Anchor was a supplier of
5 asbestos-containing products, as well as
6 possibly other things, at the time that you
7 started in '67, and those products were made
8 by -- they were manufactured by somebody
9 else?

10 A That is right.

11 Q And that would have been true in the '50's
12 also?

13 A Correct.

14 Q Would that have been true for the entire
15 history of Anchor Packing from 1908 up to
16 1993, that it was always just a supplier and
17 not a manufacturer of asbestos-containing
18 products?

19 A Yes. As far as my knowledge is, that was the
20 situation throughout the history of the
21 company.

22 Q In 1967 when you came to the company, was
23 there one manufacturer whose products you
24 considered -- company A -- was there one
25 company that you supplied theirs, unless you

1 just couldn't get them?

2 A That was Raybestos Manhattan.

3 Q So as long as you could get a Raybestos
4 product which met their purchase order in the
5 time limit that that they needed it, that
6 would have been the company whose product you
7 supplied in 1967?

8 A That's correct.

9 Q In the 1950's, would that have also been true
10 for Raybestos Manhattan to have been the
11 primary supplier?

12 A I believe so.

13 Q Okay.

14 A I don't know specifically who was purchasing
15 at that time.

16 Q At the time that you came in 1967, Anchor
17 already had this sales relationship, if you
18 will, established with Raybestos where they
19 were selling Raybestos products?

20 A That's right.

21 Q You were not a part of whatever transactions
22 took place that led to Anchor selling
23 Raybestos products?

24 A No, I was not.

25 Q Have you ever reviewed any documents, read

1 depositions, or talked with individuals in the
2 company or outside the company that would
3 enable you to share with the jury how that
4 relationship came about?

5 A No, I -- I have no knowledge of that
6 relationship.

7 Q At some point in the history of the company
8 and the time that you were with it, did
9 Raybestos cease to be the primary supplier of
10 asbestos-containing products to The Anchor
11 Packing Company?

12 A Yes, they did.

13 Q Do you recall approximately when that would
14 have occurred?

15 A It was in the late '70's or early '80's.

16 Q Do you recall why that occurred?

17 A The district offices were receiving advice
18 from the home office that certain products
19 were better -- could be better purchased at
20 other locations. And gradually, we ceased to
21 do as much business with R/M.

22 Q And who became the primary supplier as that
23 relationship with R/M receded?

24 A Various suppliers on the braided packing.
25 Gasket material primarily was then purchased

1 from Klinger and Garlock. And gradually,
2 Garlock became one of our more major suppliers
3 in the braided packing field.

4 Q You've limited yourself in that answer to
5 braided packing. And I'm sure that's probably
6 the easiest way to do it. Can you make a
7 generalization as to asbestos-containing
8 products and tell me generally when Raybestos
9 began to be -- their share of your market
10 began to recede, if there is one company, not
11 just for braided packing, but for the whole
12 product line of asbestos-containing products
13 that primarily became the chief supplier to
14 The Anchor Packing Company?

15 A No, that wasn't true at that time.

16 Q Okay.

17 A The first product that we stopped buying from
18 R/M was the gasket sheet out of the R/M plant
19 in Stratford, Connecticut. The braided
20 packing came from another facility in
21 Pennsylvania. And we continued to use that
22 for a little while longer. I believe the
23 gasket sheet plant was having problems in
24 their manufacturing, and that prompted a
25 change in that sense. And --

1 Q I tell you what. I'm trying to be fair to
2 you. My question is, can you make a
3 generalization, or do I need to go product by
4 product? Is it fair to say that as Raybestos
5 Manhattan, upon the recommendation of the
6 general office to the district offices, began
7 to have a smaller and smaller share of the
8 product market that Anchor was selling to, did
9 any one company step up and become the primary
10 supplier as Raybestos had been to that point
11 of asbestos-containing products that Anchor
12 would sell?

13 A There was not an abrupt change, but in
14 general, I would say that Garlock slowly
15 became our major supplier. Each district
16 office had the ability and the authority to
17 purchase products from any manufacturer or
18 supplier as the need arose to service a
19 customer. So each district manager ran an
20 autonomous operation. It's difficult to say
21 that everybody jumped on the same band wagon
22 at the same time.

23 Q Would that have been true, as far as running
24 an autonomous shop, for the Houston sales
25 office also?

1 A I would assume it was, yes.

2 Q Were there any limitations on you once you
3 became a district manager? You said you would
4 kind of buy whoever's product you needed.
5 Were there any limitations on that? Was there
6 a list of approved vendors, or was it just
7 anybody that you could find that had a product
8 that was suitable for the purchase order you
9 were being asked to fill?

10 A Each district sort of developed their own
11 list, as you mentioned. However, if you got
12 into a problem, you would call one of your
13 friend's managers in another district and ask
14 for assistance, where can you get this or
15 where can you find that product. And we would
16 be helping each other in that sense.

17 Q Were there any companies that the home office
18 or principal office told the district offices,
19 you don't use their products?

20 MR. MAHONEY: At any time?

21 Q (By Mr. Morrison) At any time that you have
22 been working with the company, has there ever
23 been a company that the home office put a
24 moratorium on and said you are not to buy from
25 this company?

1 A Not that I recall.

2 Q Has there ever been a moratorium or cessation
3 of any particular type of product where they
4 said no matter what the customer asks for, we
5 will not supply this anymore?

6 A Yes.

7 Q Okay. And what kind of product would that
8 have been?

9 A It would have been the braided packing. We
10 were advised in, I believe, late '81 that
11 there would be a -- that there would be a
12 cessation in manufacturing the material. And
13 our advice came from the home office that we
14 had approximately a year to dispose of product
15 on the shelf. In '86, we stopped selling
16 sheet gasket material, except to customers
17 that specified that they required material for
18 a high temperature gasketing over seven
19 hundred and fifty degrees.

20 Q The cessation of the braided packing in 1981,
21 that was more a function of the fact that you
22 weren't going to have a supply anymore? They
23 didn't tell you that you couldn't buy it
24 anymore as long as it was out there, right?

25 A Yes, they told us we couldn't buy it anymore.

1 Q Okay. And what reason was given for that?

2 A Well, our major supplier was not manufacturing
3 it, but there were half a dozen others that
4 were still manufacturing it. But the company
5 was going to cease marketing it.

6 Q Okay. And at that time in 1981, the primary
7 supplier of braided packing -- which was an
8 asbestos-containing product, right?

9 A Yes, sir, some of it was.

10 Q Okay. In 1981, the major supplier of the
11 asbestos-containing braided packing sold by
12 Anchor was Garlock, correct?

13 A That's correct.

14 Q And was there a reason given to you as a
15 district manager in the Boston sales office in
16 1981 as to why sales were to cease of this
17 product?

18 A I don't recall specific notice of that.

19 Q What was your understanding, as the district
20 manager, of why you weren't to sell that
21 product anymore?

22 A My understanding was that there were better
23 products available with the -- that did not
24 carry the hazard warning that the asbestos
25 products were. And a lot of the customers

1 were, at that point, asking for alternative
2 materials.

3 Q Part of the reason that the braided packing
4 containing asbestos ceased to be sold by
5 Anchor in 1981 was because of the asbestos
6 hazard warning that was being placed on that
7 product?

8 A I assumed that that was the reason.

9 Q Okay.

10 A We weren't told that.

11 Q Okay. Had you had personal experience of the
12 fact that your customers in your sales
13 territory had some reservations about buying
14 that product with the warning on it?

15 A Some did and some didn't.

16 Q Okay.

17 A Some always requested that they had to have
18 it.

19 Q The product, not the warning, right?

20 A Right.

21 Q Okay. In 1986, you indicated that the main
22 office indicated that you were to stop selling
23 sheet gasket material. And at that time, you
24 were the district manager of the northeast
25 district, the New York City area and Boston

1 also; is that correct?

2 A That's correct.

3 Q At that time, was a reason given for why that
4 material should not be sold any longer, except
5 for specific applications?

6 A We had available more alternative materials to
7 use, and we sold the asbestos-containing
8 gasket sheet to customers that required its
9 use for high temperatures.

10 Q Temperatures in excess of seven hundred and
11 fifty degrees?

12 A That's correct.

13 Q Okay.

14 A Most of our major customers, such as power
15 plants, which was one of our major accounts,
16 major type of business, had those type of
17 temperatures in their system.

18 Q In 1986 when that halt was put to the sale of
19 that product except in the instances that we
20 talked about, was Garlock the primary supplier
21 of that asbestos-containing product?

22 A They were one of the major -- at that time, we
23 had Klinger also supplying material.

24 Q Where was Klinger out of if you needed to get
25 ahold of that company to buy products?

1 A I believe Sidney, Ohio.

2 Q Some of the purchasing agents that you worked
3 with at some of your jobs, were they always
4 men or were they men and women that you dealt
5 with?

6 A Men and women.

7 Q And the full gamut of ages, young people,
8 older people, middle-aged people?

9 A That's correct.

10 Q Going back to Call Exhibit Number 2, after
11 your tenure initially from '67 to '74 as a
12 salesman for the Western New York territory,
13 you became a district manager in 1974 of the
14 Boston sales district office?

15 A That's right.

16 Q And continued in that position until 1985?

17 A That's right.

18 Q As you held that position as a district
19 manager, did you continue direct sales
20 yourself also?

21 A No.

22 Q You supervised a staff of salesmen?

23 A That's correct.

24 Q Let me go back and I'll come back to this.

25 When you first became a salesman in 1967, were

1 you given any training as to the job that you
2 were to do for this company?

3 A No.

4 Q Any on-the-job training where somebody went
5 out with you for a while and kind of taught
6 you how to sell these products?

7 A Yes, I traveled with the current salesman in
8 that territory for a period of three weeks.

9 Q During that three-week period, did this other
10 salesman describe to you the different
11 products that you were selling?

12 A In general.

13 Q All right. Do you recall if he ever indicated
14 to you that some of these products contained
15 asbestos?

16 A No, I don't recall that.

17 Q Do you recall him ever telling you as a part
18 of that three-week training -- on-the-job type
19 training program, whether or not there were
20 any hazards connected with the use of
21 asbestos-containing products?

22 A I don't recall any such discussions. In
23 general, my period of time with that salesman
24 was just to learn the territory and the
25 location of the various accounts and an

1 introduction to the proper people.

2 Q Okay.

3 A Product knowledge was -- came secondhand in
4 that sense.

5 Q Had you had employment between completing your
6 education and 1967?

7 A Yes.

8 Q Why don't you start for me -- what's the
9 highest level of education that you achieved,
10 sir?

11 A College.

12 Q And what kind of degree did you obtain in
13 college?

14 A Business management.

15 Q And where was that obtained?

16 A Clarion State College, Pennsylvania.

17 Q Immediately after college, what was the first
18 job that you had?

19 A I worked in the customer service departments
20 of Ducane Light Company in Pittsburgh,
21 Pennsylvania.

22 Q During your employment -- what was your job
23 there at Ducane?

24 A Customer service.

25 Q You wouldn't have had any job assignments

1 which would have included the application of
2 the type products that you sold with Anchor,
3 would you?

4 A Oh, no, it was an inside office job.

5 Q How long were you with that company,
6 approximately?

7 A A little over four years.

8 Q After your employment there, what was your
9 next employment?

10 A I worked with a company by the name of Shields
11 Rubber Corporation in Pittsburgh also as an
12 inside sales. They sold rubber products;
13 mainly hose, rubber sheet, O-rings.

14 Q I'm sorry, O-rings?

15 A O-rings.

16 Q Did any of those products that you were doing
17 sales for at Shields contain asbestos?

18 A No.

19 Q How long were you in that position?

20 A Roughly ten years.

21 Q And your next employment after Shields?

22 A Was with Anchor Packing.

23 Q Prior to the time that you began with Anchor,
24 what, if anything, was your knowledge about
25 asbestos and its uses? Let's start with

1 that.

2 A Really, very limited.

3 Q Did you have any knowledge, whether acquired
4 on a previous job or just from reading
5 newspapers or wherever you might have gotten
6 it in 1967 when you started with Anchor, about
7 any possible health hazards of exposure to
8 asbestos?

9 A No.

10 Q And no one with Anchor ever communicated to
11 you at the time that you began employment in
12 1967 any possible hazards of exposure to
13 asbestos?

14 A No, they did not.

15 Q When was the first time that you heard
16 anything from anybody about possible hazards
17 associated with exposure to asbestos?

18 A I suppose when we were advised to have hazard
19 labels, the dust caution on the product that
20 we sent out.

21 Q That would have been for the first time in
22 1975?

23 A Yes, early in '75.

24 Q I take it, then, it would be fair to assume
25 that from '67 to '75, you certainly never

1 communicated to any of your customers any
2 possible health hazards that might be
3 associated with the use of asbestos-containing
4 products? Is that a fair assumption?

5 A That's correct.

6 Q After 1975 and the placement of warnings on
7 some or all of the products, did you instruct
8 your sales people to communicate orally any
9 types of warnings or instructions to customers
10 who bought asbestos-containing products?

11 A No, we did not.

12 Q When you became the district manager in 1974
13 of the Boston sales district office, were the
14 salesmen under you people who -- were most of
15 them at least people who had already been
16 doing the job before you came to that
17 position?

18 A Yes, they were.

19 Q You didn't start a new territory?

20 A No, I did not.

21 Q Did you have as part of your job
22 responsibility during that nine years training
23 new salesmen?

24 A Yes.

25 Q You would have hired some new salesmen during

1 that nine years?

2 A Yes, I did.

3 Q How did you go about training a salesman
4 during that nine-year period about how they
5 were to do their job with Anchor?

6 A Send them with the current salesman to learn
7 the territory, if that was a good situation,
8 and have them work in the office and
9 familiarize themselves with the product, work
10 in the warehouse for a few days to see what it
11 looked like and how it was packaged. And then
12 give them an order pad and send them on the
13 road.

14 Q There was no -- it was not part of your
15 training program for you to sit down with
16 these new salesmen yourself and train them
17 about the products and their uses, their
18 applications, that sort of thing?

19 A No, we did not have a training program set up
20 to accomplish that.

21 Q Would that have also been true from 1985 to
22 1990 when you were the district manager of the
23 northeast district combining New York City and
24 Boston?

25 A That was true up until 1988, after the

1 purchase of the company by Garlock. Garlock
2 ran training programs at their facility in
3 Palmyra and Sodus, New York, for that -- for
4 that purpose.

5 Q All right. When this began in 1988, were you
6 invited to attend one of these training
7 programs?

8 A Yes.

9 Q And did you actually attend that?

10 A Yes.

11 Q What kinds of things took place in that
12 training program conducted by Garlock?

13 A General information as to how a material was
14 manufactured, actual tours through the plant,
15 watching material being manufactured, and some
16 hands-on training, theory, applications, how
17 to use the material.

18 Q Do you recall approximately how many people
19 went through the same tour and all of this
20 stuff that you have just described at the same
21 time that you did?

22 A Probably half the employees at a time. They
23 would run two sessions for four or five days
24 and take half the employees for that week and
25 then the other half of the employees for the

1 next week.

2 Q Are we talking --

3 A They would do that once a year at a level one,
4 level two, and level three training. Each
5 session got more involved.

6 Q When you went through this first one, are we
7 talking about a group of maybe five people
8 with you? Or are we talking nearly a
9 hundred? How many employees are we talking
10 about, roughly?

11 A I would say thirty.

12 Q Okay. When you started that program, did you
13 start in a meeting room with a presentation
14 first?

15 A Yes.

16 Q Okay. And do you recall who made that
17 presentation?

18 A I don't recall.

19 Q Okay.

20 A They had somebody that was responsible for
21 each group.

22 Q Prior to that presentation, Anchor had had a
23 fairly long history of already selling Garlock
24 products, correct?

25 A That's correct.

1 Q Did you know any of the folks that you saw
2 there at Garlock?

3 A I did, yes.

4 Q Who do you recall that you already knew before
5 you went to this training program and saw as a
6 part of that?

7 A I don't recall specific names, but there were
8 people that we associated with or would have
9 communicated with, rather, through the normal
10 course of business in the sales office or
11 manufacturing plant.

12 Q In that initial meeting at level -- I assume
13 level one is the beginning level?

14 A That's correct.

15 Q In this first workshop at level one or before
16 you went into the warehouse or going through
17 any field applications, were you told anything
18 about asbestos?

19 A No.

20 Q When you went through the warehouse, were
21 people actually working as you went through
22 there?

23 A Yes, they were.

24 Q And did you wear a respirator?

25 A No.

1 Q Did anybody in your group wear a respirator?

2 A No.

3 Q Was a respirator offered to you or anybody in
4 your group?

5 A No.

6 Q When you went through and you said you saw
7 some applications -- were they actually doing
8 simulated applications --

9 A They set up a --

10 Q -- or did they set that up for you?

11 A Excuse me.

12 Q That's okay.

13 A They had set up a little shop where they had
14 pumps and valves and gaskets and took the
15 time to work with each individual to show them
16 the right way and the wrong way to use
17 material.

18 Q Okay. Is there any reason that The Anchor
19 Packing Company couldn't have done that same
20 thing back when you started in 1967, to train
21 the folks that you were selling these gaskets
22 and packings to?

23 MR. MAHONEY: I'm going to
24 object to the form of that
25 question. I believe it's

1 argumentative. You can answer.

2 A I don't know any reason why they didn't. At
3 that time, the sales force wasn't exposed to
4 manufacturers. Their firsthand knowledge of
5 the product was after it got to our warehouse,
6 so --

7 Q (By Mr. Morrison) But your salesmen were
8 expected to know generally what the product
9 applications were for the products they were
10 selling, right?

11 A That's correct. But most of that application
12 knowledge was acquired by dealing with their
13 better customers who knew what they wanted,
14 and the sales staff was reverse learning, so
15 to speak, reverse training.

16 Q Your salesmen and yourself, even in 1967,
17 would have been hard pressed to try to show
18 somebody the way these Garlock folks did to
19 you at level one exactly how to place a gasket
20 or a packing, wouldn't they?

21 A That's correct.

22 Q Because you had not had any specific training
23 on how to actually, in the field, apply one of
24 those two asbestos-containing products?

25 A Right.

1 Q Did you later attend a level two presentation
2 by Garlock?

3 A Yes.

4 Q What was the difference in the level two
5 presentation or any differences that you
6 recall from the level one presentation?

7 A It got more involved with hands-on
8 applications, more products were brought into
9 the classroom to discuss. And level three was
10 another step.

11 Q And was that something that, starting in 1988,
12 each employee was required to attend and
13 complete levels one, two --

14 A That's --

15 Q -- and three of training?

16 A That's correct.

17 Q You would agree with me, sir, that it would
18 have been helpful to you in 1967 to have had
19 that kind of training, wouldn't you, to have
20 bettered the service that you could provide
21 your customers?

22 A Yes, I would have to agree after the fact. In
23 '67, we thought we knew everything we needed
24 to know.

25 Q And then from -- I think I've indicated that

1 from 1985 to 1990, we talked about your job.
2 And from 1990 to 1993, Call Exhibit Number 2
3 indicates that you were district manager of a
4 combined sales district comprised of the
5 northeast district and the Philadelphia sales
6 district offices located in Woburn and
7 Peabody, Massachusetts and Philadelphia,
8 Pennsylvania; is that correct?

9 A That's correct.

10 Q And Call Exhibit Number 2 indicates from 1985
11 until 1993, on the two different entries, you
12 reported to the home office in Greensboro,
13 North Carolina; is that correct?

14 A After 1988.

15 Q And is that because that's Garlock? Or what
16 changed in 1988?

17 A They moved the home office from Philadelphia
18 to Greensboro.

19 Q And so prior to that time, you still reported
20 to a home office, but it was just in a
21 different location?

22 A That's correct.

23 Q Was there regularly written communication
24 between the home office, whether it was in
25 Philadelphia and Greensboro, and the district

1 offices or managers, such as yourself?

2 MR. MAHONEY: Objection, I
3 think that question is vague because
4 it does not identify a specific time
5 period, unless you are asking for
6 all time.

7 Q (By Mr. Morrison) I'm asking generally, how
8 did they do their business? Did they
9 communicate with you in writing fairly
10 frequently as a district manager?

11 A Oh, there were communications, FAXes, phone
12 calls between the home office and each
13 district office. There were sales meetings
14 between managers and the president and
15 marketing manager in Greensboro.

16 Q These sales meetings that you have talked
17 about, if I understood you correctly and
18 remembered it correctly, they were between
19 managers, sales managers, and the president?
20 Is that what you said?

21 A The presidents of Anchor.

22 Q Okay. And who was the president of Anchor
23 when you started in 1967?

24 A These meetings did not occur in '67. These
25 meetings only occurred after 1987.

1 Q Okay. You are getting one question ahead of
2 me. That's where I was going. But my
3 question is, who was the president in '67 when
4 you started?

5 A Charles -- excuse me. Mrs. Adams.

6 Q Mrs. Adams?

7 A Right.

8 Q Was she the wife of Lyndon Adams?

9 A That's correct.

10 Q At that time, was he still living?

11 A No, I don't believe so.

12 Q And you have indicated, I believe, that these
13 sales meetings that you described earlier
14 didn't start until 1987?

15 A That's correct.

16 Q When they started in 1987, were they limited
17 to district managers? Or would persons who
18 had the position that you had in 1967 have
19 been included in these meetings?

20 A In 1987, it was limited to the district
21 managers.

22 Q Prior to 1987, was there any type of regularly
23 conducted meeting for Anchor Packing home
24 office and district offices once a month, once
25 a year, any kind of meetings where they

1 regularly met to discuss the business of the
2 company?

3 A No, not at all.

4 Q Was there a regular schedule where someone
5 from the home office would come to the
6 district offices for any type of regular
7 visits or meetings?

8 A It wasn't a regular schedule, but it would
9 probably occur six to nine months, maybe a
10 year.

11 Q And I think I know what you mean, but every
12 six months to nine months?

13 A Yeah, every six months to nine months, someone
14 would come and visit.

15 Q What would be the purpose, generally, in
16 having someone from -- what were they coming
17 down to the district offices to do in these
18 visits every six to nine months,
19 approximately?

20 A I believe just to say hello.

21 Q Okay.

22 A Let everybody know that they were part of
23 the -- a part of the company; just a PR
24 visit --

25 Q Okay.

1 A -- most of the time.

2 Q It gave you an opportunity and the district
3 offices to address any questions that you
4 might have to the home office?

5 A We addressed them regularly over the phone or
6 in correspondence with them.

7 Q Okay. So there were good lines of
8 communication --

9 A Very good.

10 Q -- in the entire time you have been with
11 Anchor?

12 A Very good.

13 Q You felt comfortable, any time you had a --
14 when you were a district manager to call
15 somebody in the home office to ask questions
16 or express concerns?

17 A That's correct.

18 Q And vice versa, you found it to be true that
19 Anchor regularly communicated with you any
20 questions or concerns that they might have
21 had?

22 A That's right.

23 Q I believe we started talking about this, but
24 I'm not sure that we got to the end of it.
25 Why, if you know, were Raybestos Manhattan

1 products -- why was that eased out or stopped
2 in favor of other companies, Garlock and
3 Klinger?

4 A I don't know.

5 Q No one from the home office ever communicated
6 to you or your office that you were working at
7 at the time why that was occurring?

8 A That's right, they didn't give us a reason.

9 Q Did you have an understanding, based on talk
10 in the office or for whatever reason, did you
11 have any understanding of why you thought it
12 was occurring, even though no one may have
13 told you?

14 A I thought that it was occurring because of
15 some business problem that arose between the
16 two heads of the companies.

17 Q Okay. Do you recall approximately when that
18 would have started where R/M's products kind
19 of began decreasing in their share of the
20 products that you were selling and other
21 companies began to take on a greater share of
22 the --

23 A The late '70's, early '80's.

24 Q Okay. And just for the record, Mr. Call, Call
25 Exhibit Number 2, the employment history you

1 have given us, fairly and accurately
2 represents your history of employment with The
3 Anchor Packing Company?

4 A That's correct.

5 Q When you started in 1967, who was the district
6 manager of the New York territory that you
7 worked in?

8 A Carl Frey, F-R-E-Y.

9 Q And is Mr. Frey still living, to your
10 knowledge?

11 A No, he's not.

12 Q Have you ever known any of the people who
13 worked in the Houston office of The Anchor
14 Packing Company whenever it might have been
15 open?

16 A No, I did not know them.

17 Q Do you know any persons that you understood
18 worked there, but that later moved to maybe
19 the territory that you had some familiarity
20 with?

21 A I'm not sure when they closed the Houston
22 office. And I know one clerk that worked
23 there that subsequently went to another
24 branch, but I don't -- I don't believe that
25 she still was working with the company when

1 they closed.

2 Q And what is that clerk's name?

3 A I don't recall the name.

4 Q Okay. As I understand it, there was also a
5 branch office in Beaumont for some period of
6 time?

7 A I'm not aware of that.

8 Q Okay.

9 A Often, the listing of offices may have been in
10 a salesman's location, to that area. That may
11 have been where he lived.

12 Q Okay. It may have even been their home --

13 A That's what I mean.

14 Q -- that they were working out of?

15 A That's what I mean. Most of our salesmen
16 worked out of their home and only reported to
17 the office as requested.

18 Q All right. Were there any other persons,
19 other than Anchor employees, who were
20 authorized to sell Anchor Packing products
21 during its history?

22 A No.

23 Q At the time that Anchor Packing ceased doing
24 business in October of 1993, who was the
25 highest ranking officer in that company?

1 A That was the president of the company, was
2 Denny Vogel, V-O-G-E-L.

3 Q I'm sorry, is that Denny or Danny?

4 A Denny.

5 Q And is Mr. Vogel still in the -- still in the
6 Philadelphia area, or do you know?

7 A He's in the Greensboro area.

8 Q Do you have any idea how long Mr. Vogel had
9 been with the company prior to October of
10 1993?

11 MR. MAHONEY: Objection. I'm
12 seeking a clarification. When you
13 say "company," are you talking about
14 Anchor Packing Company?

15 MR. MORRISON: Yes.

16 MR. MAHONEY: Not Garlock.

17 Okay.

18 MR. MORRISON: Let me start
19 with that, then.

20 MR. MAHONEY: Yeah.

21 Q (By Mr. Morrison) Was Mr. Vogel an employee
22 of The Anchor Packing Company in October of
23 1993?

24 A Yes.

25 Q Is he now an employee of the Garlock Company

1 or Garlock, Inc.?

2 A Yes, he is an employee of one of their
3 divisions.

4 Q And do you know what division that is?

5 A Yes, it's the fluid tech division in
6 Greensboro.

7 Q Is that a division of Garlock or Coltech, if
8 you know?

9 A I believe it's a division of Garlock.

10 Q Prior to October, 1993, do you know how long,
11 approximately, Mr. Vogel had been with The
12 Anchor Packing Company?

13 A Approximately one year.

14 Q Prior to that time, who was the president of
15 Anchor Packing?

16 A It was a man by the name of Will Tener,
17 T-E-N-E-R.

18 Q Okay. And do you know where Mr. Tener is
19 today?

20 A He is in the Greensboro area.

21 Q Is he employed by Garlock or Coltech or any of
22 their divisions?

23 A Not to my knowledge.

24 Q How long, if you know, was Mr. Tener president
25 of The Anchor Packing Company?

1 A Approximately two years.

2 Q Okay. Prior to Mr. Tener, do you recall who
3 was president?

4 A Bob Coleates, C-O-L-E-A-T-E-S.

5 Q And how long, approximately, was Mr. Coleates
6 president of Anchor Packing Company?

7 A Approximately three years.

8 Q Okay. And do you know where Mr. Coleates is
9 today?

10 A He is an employee of Garlock in Palmyra, New
11 York.

12 Q Would you happen to know what his position
13 there would be?

14 A I believe he's vice-president of one of their
15 manufacturing groups.

16 Q I know I'm stretching your memory. And I
17 don't mean to be unfair to you. If you don't
18 remember, that's fine.

19 A I'll say so.

20 Q Do you know who was president before
21 Mr. Coleates was president?

22 A He was the first after the purchase of the
23 company.

24 Q Okay. But I want to go back even further than
25 that.

1 A Oh.

2 Q Prior to --

3 A Oh, Charles Kenkelen.

4 Q I'm sorry? Charles?

5 A Charles Kenkelen.

6 Q And Mr. Kenkelen was president of the company
7 for approximately how long?

8 A I'd say approximately sixteen, seventeen
9 years.

10 Q Was Mr. Kenkelen the president when you first
11 began your employ with Garlock?

12 A What --

13 MR. MAHONEY: Objection. I
14 believe he already said Mrs. Adams.

15 MR. MORRISON: You're
16 correct.

17 A Mrs. Adams.

18 Q (By Mr. Morrison) You're correct. After
19 Mrs. Adams and Charles Kenkelen, was there
20 anyone in between those two?

21 A No.

22 Q Do you know where Mr. Kenkelen is today?

23 A I believe that he lives in the Philadelphia
24 area.

25 Q Do you know if he has any connection with

1 Garlock or Coltech or any of their
2 divisions?

3 A I don't believe he does.

4 Q Would you have worked fairly extensively with
5 Mr. Kenkelen during your employment with The
6 Anchor Packing Company?

7 A Yes.

8 Q Going back to what we talked about earlier,
9 you felt comfortable, if you needed to talk to
10 Mr. Kenkelen in one of these district manager
11 positions, in picking up the phone and talking
12 to him?

13 A That's correct.

14 Q In the office where you started with Anchor in
15 1967, that was in Pittsburgh?

16 A Yes, that's correct.

17 Q Were you working out of your house at that
18 time? Or was there --

19 A Well, Pittsburgh was the districts office that
20 was responsible for the Upstate New York
21 territory.

22 Q Did you start out by working out of your
23 house, or did you work out of an actual Anchor
24 office?

25 A I worked in the office for like two weeks and

1 then moved to Buffalo.

2 Q When you worked in the office, the -- can you
3 describe for me just generally, are we talking
4 about just an office like this law office
5 here, maybe not this size, but an office where
6 people are doing business? Or was there a
7 warehouse attached to the office?

8 A There was a warehouse attached to the office.

9 Q Okay.

10 A All the districts have warehouse and office
11 operations.

12 Q So in addition to making sales, you could make
13 deliveries within your given district?

14 A That's correct.

15 Q Other than persons working in that warehouse
16 filling orders, shipping stuff, receiving
17 stuff, was there any other type of work going
18 on back in those warehouses at any of the
19 districts in which you worked?

20 A The only operation was gasket fabrication,
21 cutting gaskets.

22 Q That would have been from asbestos sheets that
23 are --

24 A From all types of sheets, yes.

25 Q Those would have been sheets that had already

1 been manufactured by somebody else and you
2 cut -- the district warehouses cut the gaskets
3 to customer specifications?

4 A That's correct.

5 Q Did you personally ever have to go back and do
6 any of that cutting?

7 A I have done it, yes.

8 Q How was that generally done?

9 A With a razor knife or a gasket cutting press
10 with a die, much like a cookie cutter I think
11 is the best way to describe it.

12 Q You talked about a knife at first. Would that
13 have been a gasket cutter?

14 A Yes, a sharp knife or razor knife.

15 Q A similar product was sold by The Anchor
16 Packing Company for some period of time?

17 A The --

18 MR. MAHONEY: Objection,
19 similar?

20 Q (By Mr. Morrison) A knife to cut gaskets
21 with?

22 A A gasket cutting tool, just for cutting a
23 gasket and --

24 Q Okay.

25 A Just like a compass with blades on the end,

1 straight gaskets were cut with a straight
2 edge, a straight knife, or gaskets were die
3 cut.

4 Q In those warehouses -- in the Anchor
5 warehouses, have you ever just seen anybody
6 just tear a gasket?

7 A No.

8 Q Is there any reason that you know of, as we
9 sit here today, why that should or should not
10 be done?

11 A It would be very difficult to tear it, number
12 one. And number two, you wouldn't get a
13 straight edge.

14 Q Which is important because it might not seal
15 properly?

16 A That's correct.

17 Q Did you ever, as a part of your sales
18 procedure from '67 to '74, did you ever have
19 to provide the purchasing agents with
20 instructions on how to properly cut gaskets
21 from gasket sheets?

22 A I don't believe we were ever asked to provide
23 any information of that type.

24 Q And I think in line with what we have already
25 talked about, that wasn't something that you

1 volunteered as information since they didn't
2 ask and you assumed they already knew; is that
3 right?

4 A That's correct.

5 Q Other than cutting gaskets from gasket sheets,
6 was there any other type of work -- and,
7 again, remembering that I -- other than
8 shipping in, shipping out, filling orders,
9 cutting gaskets, was there anything else going
10 on in these warehouses?

11 A No.

12 Q At any point during your tenure with Anchor,
13 do you recall ever seeing any warnings of any
14 sort being put up on the warehouse walls
15 concerning asbestos for the employees?

16 A No, I never saw any.

17 Q As a district manager, were you ever asked to
18 conduct any meetings about asbestos with your
19 employees back in those warehouses?

20 A No, I was not.

21 Q As a district manager after 1975 when you
22 first learned of potential hazards related to
23 asbestos, did you ever take it upon yourself
24 to conduct any meetings with people back in
25 your warehouses at your district to talk to

1 them about those potential dangers that you
2 had heard of?

3 A No, we did not.

4 Q We talked earlier about the relationship with
5 Raybestos Manhattan being something that
6 occurred prior to the time that you came to
7 the company, correct?

8 A That's correct.

9 Q Do you know whether the relationship whereby
10 The Anchor Packing Company would sell Garlock,
11 Inc. products similarly began before you began
12 with the company? Or did that begin after you
13 started in '67?

14 A I believe that that came after I started in
15 '67.

16 Q Did you have any role or participate in any
17 way with ironing out how that relationship
18 would be carried out, how the sales would
19 occur, the supplying of the products would
20 occur, that sort of thing?

21 A No. During that time frame, after we started
22 doing business with them, if I needed product,
23 I would order from their catalog and place an
24 order on the phone, normally.

25 Q Did you participate at all -- did they have

1 meetings or anything -- when the relationship
2 with Garlock started initially, did they have
3 a meeting to introduce Garlock or its sales
4 people to you as an employee, maybe with other
5 employees, I assume?

6 A No.

7 Q You were just either given a written
8 communication, oral communication that said
9 this is a new supplier that we are going to
10 start using?

11 A That we could start using them as a supplier
12 of that type of products.

13 Q And at some point, a written or oral
14 communication was transmitted to you that they
15 would assume a greater percentage of the type
16 of products that you would be selling as
17 Raybestos Manhattan's percentage decreased?

18 A Yes.

19 Q Was that an oral communication or a written
20 communication?

21 A I really don't recall.

22 Q Was it ever communicated to you in any manner
23 why Garlock was chosen as a supplier of
24 products?

25 A No.

1 Q The persons whom you couldn't remember by
2 name, but you thought you might have known
3 when you went to the level one training
4 meeting in 1988, would those have been persons
5 that you met -- how would you have met those
6 people, even though you remember their
7 names --

8 A Oh --

9 Q -- prior to 1988?

10 A Just through phone communication.

11 Q Was there ever an individual or group of
12 individuals or a representative from the
13 Garlock Company that came to any of your
14 particular offices to introduce themselves to
15 you?

16 A No.

17 Q Was there ever any written communication from
18 Garlock talking to you about -- other than
19 just catalogs -- talking to you as the
20 district manager or your sales people about
21 their products?

22 A No.

23 Q Okay.

24 A Unless -- let me add to that, unless we
25 requested a quotation from them for a specific

1 line of material or specific quantity.

2 Q And prior to 1988, Garlock had never provided
3 any sort of training to you or your sales
4 people on their products?

5 A No.

6 Q I'm sorry, that's a correct statement?

7 A That's correct.

8 Q At the home office in Philadelphia when you
9 started, do you recall approximately how big
10 an office that was?

11 A That's --

12 MR. MAHONEY: In terms of
13 size or personnel?

14 Q (By Mr. Morrison) Personnel.

15 A Personnel?

16 MR. MAHONEY: Okay.

17 A Probably a dozen people.

18 Q (By Mr. Morrison) Were there sales being made
19 out of -- out of Philadelphia, the main office
20 itself?

21 A No.

22 Q It was an office set up to coordinate the
23 different districts?

24 A That's correct.

25 Q Was there another person, in addition or

1 instead of Mr. Kenkelen --

2 MR. MAHONEY: Kenkelen.

3 Q (By Mr. Morrison) Kenkelen -- who you would
4 communicate with on a fairly regular basis at
5 the home office in Philadelphia?

6 A Dave Muir, M-U-I-R, was vice-president. He
7 was primarily a financial man. And Bill
8 Miedema, M-I-E-D-E-M-A, was vice president of
9 sales, as a national sales manager. He is now
10 deceased.

11 Q Do you know where Mr. Muir is today?

12 A In the Philadelphia area.

13 Q To the best of your knowledge, does he have
14 any -- is he employed by Coltech, Garlock, or
15 any of their divisions?

16 A No.

17 Q If, during any of the times from 1974 to 1993,
18 if you had had problems with the performance
19 of a particular product -- did that ever
20 occur, where you found a product that wasn't
21 performing in the field the way that --

22 A Yes.

23 Q And if you needed to communicate that to
24 somebody at the sales office, did you ever
25 talk to them and say I would like to

1 discontinue this product, I don't think we
2 should be selling it because it's not
3 performing the right way the end users want it
4 to perform?

5 MR. MAHONEY: I am going to
6 object to form. I think it's a
7 multiple compound question. But go
8 ahead and answer if you understand
9 it.

10 A My first contact would have probably been with
11 the sales manager. He would advise me as to
12 how to proceed or he would contact the
13 manufacturer and work out an arrangement to
14 replace the product or change it.

15 Q (By Mr. Morrison) Okay. When you say sales
16 manager, would that have been the position
17 that Mr. Miedema --

18 A Yes.

19 Q -- held?

20 A Yes.

21 Q Was he in that position the majority of the
22 time that you were with Anchor?

23 A Yes, he was.

24 Q Do you recall any instances at all where you,
25 yourself, would have contacted a manufacturer

1 and expressed any reservations or problems
2 with their products?

3 A I don't recall any specific instances, but I
4 probably did.

5 Q That's something that you would have felt
6 comfortable -- I mean, you felt you had the
7 right to do that if you wanted to as a
8 district manager?

9 A Yes, I did.

10 Q Even as a salesman, did you have that right if
11 you wished to do so?

12 A No.

13 Q As a salesman, you would have considered the
14 proper channel to have gone through would be
15 the district manager and allowed them to
16 contact --

17 A That's correct.

18 Q As a district manager, you could make a
19 decision to choose one product over another if
20 you just personally found that perhaps that
21 company's product didn't perform as you wished
22 to see it perform, and therefore, sales were
23 being hurt?

24 A Yes, I could.

25 Q Were there any exceptions to that? For,

1 example after Garlock became the primary
2 supplier, could you disfavor Garlock products
3 if you wished as a district manager?

4 A If I felt it was necessary.

5 Q During the time that Mr. Miedema was with the
6 company as the sales manager, did he ever
7 have an assistant or anybody that you might
8 have communicated with if he wasn't
9 available?

10 A Probably just a secretary.

11 Q There is not anybody that you would call if he
12 wasn't available, you would have gone to them
13 and expected them to communicate --

14 A No.

15 Q Okay. Other than yourself, Mr. Call, if you
16 know, has there ever been another employee of
17 The Anchor Packing Company who has been
18 deposed --

19 A Yes.

20 Q -- in asbestos-related litigation? Who are
21 those individuals that you know?

22 A Tom Kealey, K-E-A-L-E-Y.

23 Q Any others?

24 A No.

25 Q And what was Mr. Kealey's position?

1 A He was a salesman that worked for me in the
2 Boston office.

3 Q Was that in the Boston case that you were
4 deposed in?

5 A Yes.

6 Q Did you at the time or have you since read his
7 deposition?

8 A Yes.

9 Q And by -- how did you come to be in possession
10 of a copy of his deposition?

11 A It was forwarded to my office from the
12 attorney.

13 Q Has that been fairly recently?

14 A That was in 1985.

15 Q Prior to today's deposition -- I'm sorry. Let
16 me go back. Other than yourself, do you
17 recall in the case where you did testify at
18 trial whether any other Anchor Packing Company
19 employees testified in that same trial?

20 A I don't believe there were.

21 Q Okay. In the 1993 case in which you
22 testified -- that was Philadelphia, right,
23 that you testified in trial?

24 MR. MAHONEY: A week ago?

25 A Last week.

1 MR. MORRISON: That was --

2 MR. MAHONEY: Last week.

3 A Last week.

4 Q (By Mr. Morrison) And that's the only time
5 that you have testified at trial?

6 A That's correct.

7 Q Prior to today's deposition, sir, did you
8 review any documents to help you prepare for
9 this deposition?

10 A Yes.

11 Q Okay. Could you tell us what those documents
12 are?

13 A The prior deposition.

14 Q Those would be the four depositions that have
15 been produced here today?

16 A In general, yes.

17 Q Did you also take time to review the documents
18 that were attached to them?

19 A Yes.

20 Q Other than those depositions and the
21 attachments to those depositions, did you
22 review any other documents?

23 A The information pertaining to this case.

24 Q Okay. And what did you -- what did you look
25 at pertaining to this case in particular?

1 MR. MAHONEY: Discovery
2 responses.

3 A Yes.

4 MR. MORRISON: May I see
5 those, if those are things that you
6 relied on?

7 Q (By Mr. Morrison) I have been shown Defendant
8 Anchor Packing Company's objections and
9 answers to plaintiff's interrogatories filed
10 in May of '93 and objections and responses to
11 plaintiff's request for production filed in
12 May of '93. Are those documents that you
13 reviewed in preparation for today's
14 deposition?

15 A Yes, sir.

16 Q Other than these two documents, your
17 depositions and the attachments to those
18 depositions, have you reviewed any another
19 material --

20 A No.

21 Q -- in preparation for today's deposition?

22 A No.

23 Q These extra materials that I enumerated
24 sometime earlier in the deposition, did you
25 look at these documents, the MSDS sheets, the

1 list of products, caution labels?

2 A No, I did not.

3 Q Prior to today's deposition, have you ever
4 been asked to review documents on other
5 occasions in preparation for giving testimony
6 on behalf of The Anchor Packing Company?

7 A Yes.

8 Q My questions are all going to go to those
9 instances, okay? Have you ever been shown any
10 documents regarding the Asbestos Textile
11 Institute --

12 A No.

13 Q -- for your review?

14 A No.

15 Q Any documents concerning the Industrial
16 Hygiene Foundation?

17 A No, I have not.

18 Q The National Safety Council?

19 A No.

20 Q Whether in preparation for this deposition or
21 at any other time for any other occasion, have
22 you ever had occasion to read or even look at
23 documents from or purportedly from the
24 Asbestos Textile Institute?

25 A No.

1 Q How about from the National Safety Council?

2 A No.

3 Q And the Industrial Hygiene Foundation?

4 A No.

5 Q To the best of your knowledge, has The Anchor
6 Packing Company ever been a member of the
7 National Safety Council?

8 A No.

9 Q How about the Asbestos Textile Institute?

10 A No.

11 Q How about the Industrial Hygiene Foundation?

12 A No.

13 Q How about the Fluid Sealing Association?

14 A Yes, they were --

15 Q And --

16 A -- a member of that.

17 Q Do you recall approximately what years that
18 would have been?

19 A Most of the time of my employment.

20 Q Were you ever asked on behalf of The Anchor
21 Packing Company to attend the Fluid Sealing
22 Association meetings?

23 A No, I was never asked and never attended.

24 Q Do you know whether any other individuals with
25 The Anchor Packing Company ever attended

1 meetings of the Fluid Sealing Association?

2 A I believe just the people from the home office
3 attended those meetings.

4 Q Have you ever seen any documents -- I'll start
5 with minutes, minutes of any Fluid Sealing
6 Association meetings?

7 A No, I have not.

8 Q Have you ever seen anybody's notes,
9 handwritten or typed, regarding their
10 attendance regarding what was discussed at the
11 Fluid Sealing Association meeting?

12 A No.

13 Q Has anything that has occurred at a Fluid
14 Sealing Association meeting ever been the
15 subject of a meeting between Anchor Packing
16 Company employees?

17 A No.

18 Q Prior to 1975, as I understand it, you have
19 indicated that you had no knowledge, nor had
20 ever even heard that asbestos might be a
21 health hazard; is that correct?

22 A That is correct.

23 Q So again, I can assume that prior to 1975, no
24 meetings had been held in which you or any of
25 The Anchor Packing Company employees, to your

1 knowledge, had attended and was informed of
2 any potential health hazards related to
3 asbestos?

4 A That's correct.

5 Q Do you know who Margaret Adams is? Is that
6 the same as the Mrs. Adams that we talked
7 about earlier?

8 A I honestly never knew her first name. It may
9 be the same person.

10 Q Okay. And --

11 MR. MAHONEY: She was called
12 Mrs. Adams.

13 A Mrs. Adams.

14 Q (By Mr. Morrison) Is there any individual
15 named John Jack Call? Or is that what you are
16 called?

17 A Jack is what people know me as.

18 Q Okay. Do you know an individual by the
19 name -- or did you know an individual by the
20 name of Ralph Lister?

21 A I believe he was one of the officers of the
22 company prior to my joining the company.

23 Q Did you know Mr. Joseph Mastin?

24 A Just by name only.

25 Q And who did you know him to be?

1 A Treasurer.

2 Q Of Anchor Packing?

3 A Of Anchor Packing Company.

4 Q It's my understanding that Mr. Mastin is
5 deceased. Do you know whether --

6 A I don't know.

7 Q -- that's true?

8 A I would imagine so.

9 Q How about Mr. Miedema?

10 A Miedema.

11 Q Do you know where he is today?

12 A He's deceased.

13 Q He's deceased?

14 MR. MAHONEY: Heaven,
15 hopefully. He is deceased.

16 Q (By Mr. Morrison) George Miller, do you know
17 that individual?

18 A George Miller was the district manager of the
19 Philadelphia district.

20 Q And do you know where Mr. Miller is today?

21 A He is deceased also.

22 Q How about William Molner?

23 A Yeah, Bill was assistant manager of the
24 Pittsburgh district office when I started with
25 the company. He is now retired and resides in

1 the Pittsburgh area.

2 Q You would have worked with Mr. Molner?

3 A Yes.

4 Q Do you know an individual by the name of
5 Donald O'Keefe?

6 A No, I don't.

7 Q How about Bruff Reagan?

8 A I believe he was a district manager of the
9 Chicago district office --

10 Q Is it --

11 A -- at one time during my employment. I don't
12 know how long he was there.

13 Q To your knowledge, was Mr. Reagan a president
14 of The Anchor Packing Company?

15 A I'm not aware of that.

16 Q And do you know whether Mr. Reagan is deceased
17 or where he might be today?

18 A I don't know.

19 Q How about Donald Rowe, R-O-W-E, do you know
20 Mr. Rowe?

21 A No.

22 Q How about George Scott?

23 A No.

24 MR. MORRISON: Did we get
25 another copy of the duces tecum?

1 MR. MAHONEY: Did you get
2 one?

3 MS. FERRELL: I guess I
4 didn't bring it to y'all.

5 MR. MORRISON: We'll come
6 back to that, then. Why don't we
7 take about a five-minute break, if
8 that's okay?

9 MR. MAHONEY: Sure.

10 (Break.)

11 MR. MORRISON: Mark this as
12 Deposition Exhibit Number 1.

13 (Whereupon, Deposition Exhibit Number
14 1 was marked for identification
15 by the reporter.)

16 Q (By Mr. Morrison) Okay. Mr. Call, I want to
17 talk to you now about the deposition notice
18 and the subpoena duces tecum. And I'll try to
19 go through this as quickly as I can. First of
20 all, we asked for somebody who would be the
21 most knowledgeable within the company about
22 the current net worth of the defendant. I
23 believe counsel for Anchor Packing Company has
24 already indicated that you would not be that
25 individual; is that correct?

1 A That's correct.

2 Q Do you know of any individual, I understand
3 that is not with the company, but is a former
4 employee of that company, who might have
5 knowledge about what that was in 1993?

6 A I don't know who it would be.

7 Q Would Mr. Mastin as the treasurer -- would he
8 have been in treasurer in 1993?

9 A Oh, no.

10 Q Okay. Do you know who the treasurer was in
11 1993?

12 A I don't believe that there was a treasurer in
13 1993.

14 MR. MORRISON: Off the
15 record.

16 (Discussion off the record.)

17 MR. MAHONEY: With respect to
18 the net worth, it's our intent to
19 identify all documents that are
20 subject to production under Texas
21 law regarding that issue as part of
22 our response to a request for
23 production.

24 Q (By Mr. Morrison) The second thing that I
25 asked for a person or persons to testify about

1 today, Mr. Call, was about correspondence,
2 studies, or any writings concerning the
3 feasibility of warnings placed on products.
4 Were you a part of the process whereby
5 warnings first appeared on some or all of
6 Anchor's products in 1975?

7 MR. MAHONEY: Did you hear
8 the question?

9 THE WITNESS: I heard the
10 question.

11 MR. MAHONEY: Okay.

12 A I'm not sure I understand what you mean by the
13 process.

14 Q (By Mr. Morrison) Let me go back and break
15 that down into several questions. First of
16 all, in 1975, you indicated to me that for the
17 first time, some warnings began to appear on
18 or in connection with the sale of some
19 products; is that correct?

20 A That's correct.

21 Q Those were asbestos-containing products?

22 A That's correct.

23 Q Did the warning appear in 1975 on all
24 asbestos-containing products which were to be
25 sold by The Anchor Packing Company?

1 A The warehouses were instructed to place these
2 labels on all products going out -- being
3 shipped out.

4 Q And that's irrespective of who supplied them
5 to Anchor --

6 A That's correct.

7 Q -- for sale?

8 A That's correct.

9 Q What is your understanding of how it came to
10 be that Anchor put warnings on these
11 asbestos-containing products in 1975?

12 A Do you mean the reason that they decided to
13 place them on there?

14 Q I'll start with that and see if that will help
15 us get through them.

16 A I was not involved in the process of designing
17 it or deciding what to indicate in a -- in a
18 warning.

19 Q But you have indicated you might know the
20 reason? What was the reason that they were
21 put on there, if you know?

22 A No, I'm indicating that I don't know the
23 reason.

24 Q As a district manager in 1975, what was your
25 understanding of why now your warehouses were

1 to be instructed to put warnings on
2 asbestos-containing products that your office
3 sold?

4 A That the company felt it was necessary to
5 advise customers in that regard.

6 Q And what they were advising them of was
7 potential health hazards and not just the
8 fact that the products contained asbestos,
9 right?

10 A I believe.

11 Q Because --

12 A Yeah, I believe the advice was to caution them
13 on breathing the dust from any of those
14 products.

15 Q How did you first learn of the decision that
16 warnings would now be placed, in 1975, on
17 asbestos-containing products sold by Anchor
18 Packing?

19 A We were advised at the district upon receipt
20 of a package of labels that these labels were
21 to be applied to the product.

22 Q Prior to the receipt of that set of labels,
23 had anyone communicated with you orally or in
24 writing why that process of placing labels was
25 to begin?

1 A They did not.

2 Q Did you question it at all, or did you just do
3 it?

4 A We just did it.

5 Q You never talked to anyone in the home office
6 about why this extra step to be done in your
7 warehouse was going to occur?

8 A No, I didn't.

9 Q Did you then assume, just on your own by
10 reading that warning, that asbestos could
11 potentially be harmful?

12 A I assumed that you should be careful in using
13 the materials.

14 Q Okay.

15 MR. MORRISON: Go ahead and
16 mark these as the next three.

17 (Whereupon, Deposition Exhibit Nos.
18 3, 4, and 5 were marked for
19 identification by the reporter.)

20 Q (By Mr. Morrison) Mr. Call, I want to show you
21 what's been marked as Call Exhibits 3, 4, and
22 5. These were provided to me this morning as
23 a part of the subpoena duces tecum in this
24 case. Can you tell me if any one of those
25 three documents is the label that you were

1 provided as a district manager in 1975 to
2 begin to place on asbestos-containing
3 products?

4 A It was either Number 3 or Number 4. It was
5 not Number 5.

6 Q Could you read for the jury the warning that
7 appears on Call Exhibit Number 3?

8 A It says:

9 Caution, contains asbestos fibers.
10 Avoid creating dust. Breathing
11 asbestos dust may cause serious
12 bodily harm.

13 Q Does it also say cancer and serious bodily
14 harm, or just serious bodily harm?

15 A Serious bodily harm.

16 Q Could you read for the jury Call Exhibit
17 Number 4's warning?

18 A It states:

19 Caution, this product contains
20 asbestos fibers. Persons handling
21 this product should avoid creating
22 dust. Breathing asbestos dust may
23 cause cancer or other serious and
24 fatal bodily harm.

25 Q Okay. You can't tell us specifically which

1 one of those was the first label that you were
2 instructed to put on asbestos-containing
3 products?

4 A I don't recall which one we got first.

5 Q It was either 3 or 4?

6 A Yes.

7 Q Number 5 that we didn't read out loud, do you
8 recall when or if that label was ever used by
9 you in your district?

10 A That's a more recent style of branding.

11 Q Do you know --

12 A On the Anchor name and appears to me to have
13 been a label placed on a piece of gasket
14 sheet, probably in the more recent years.

15 Q Starting in 1975, was the warning, whether it
16 be Number 3 or Number 4, was it placed on the
17 packaging or just on the product itself
18 generally?

19 A In the case of braided packing, it would be
20 placed on the package. In the case of gasket
21 material, it would have been placed on the
22 sheet of gasket material.

23 Q When you say that, are you talking about
24 compressed gasket sheet?

25 A Compressed gasket sheet.

1 Q In 1975 when you were first given these
2 warnings for your district to begin to place
3 on asbestos-containing products, who was the
4 primary supplier of those asbestos-containing
5 products?

6 A R/M.

7 Q Could you estimate for the jury approximately
8 what percentage of the asbestos-containing
9 products sold by The Anchor Packing Company in
10 1975 were supplied by Raybestos as opposed to
11 other suppliers?

12 A The majority of our products came from them.

13 Q Are we talking the majority as in a little bit
14 more than half or the vast majority?

15 A I would say seventy-five percent.

16 Q Okay. Prior to 1975, if you know, had you
17 seen any warnings placed on
18 asbestos-containing products prior to the time
19 they got to your warehouse?

20 A No, I did not.

21 Q As we sit here today, are you aware from
22 whatever source of whether anybody else had
23 placed warnings on their products -- and by
24 anybody else, I mean suppliers -- to The
25 Anchor Packing Company?

1 MR. MAHONEY: Prior to Anchor
2 doing it in '75?

3 Q (By Mr. Morrison) Prior to Anchor doing it in
4 '75.

5 A I did not see any.

6 Q Okay. Were you aware in 1975 at the time that
7 Anchor began to put warnings on the products
8 they sold or prior to that time, that any
9 other company selling anywhere in the United
10 States asbestos-containing products had begun
11 to place warnings on their products?

12 A No, I was not aware of that.

13 Q Do you know if Raybestos Manhattan had
14 anything to do with Anchor beginning to place
15 warnings on the products it sold?

16 A I don't know.

17 Q With regard to compressed gasket sheets sold
18 by Anchor in 1975 and containing asbestos,
19 they would have carried this warning; is that
20 correct?

21 MR. MAHONEY: When you say
22 this warning, are you referring to
23 Exhibit 3 or 4?

24 Q (By Mr. Morrison) I'm sorry, Exhibit 3, I'm
25 sorry, 3 or 4, whichever one.

1 A Prior to 1975?

2 Q No, sir. Starting in '75, anything sold
3 thereafter and until such time as the warning
4 changed, whenever that might have been, would
5 have carried either warning Number 3 or
6 warning Number 4 if they contained asbestos?
7 And I'm talking about compressed gasket
8 sheets.

9 A That's correct.

10 Q And these warnings, both 3 and 4 -- and you're
11 welcome to look at them. I don't have another
12 copy, but we can share them if you need to.
13 Both of them say avoid creating dust; is that
14 correct?

15 A That's correct.

16 Q How do you go about avoiding creating dust
17 when you use compressed asbestos sheets?

18 A You avoid cutting it with a saw or anything
19 that would abrade the product.

20 Q What would be the proper way to cut the
21 product so as to avoid creating dust?

22 A With a sharp blade.

23 Q And were you aware of that fact in 1975?

24 A Yes.

25 Q Did you know in 1975 when this warning first

1 went on products how much dust it would take
2 before it would cause the serious bodily harm
3 or the fatal bodily injury that these two
4 warnings talk about?

5 A No, I had no knowledge of that.

6 Q Did you, yourself, do any personal inquiry as
7 a district manager, either within your company
8 or outside your company, to ascertain for
9 yourself and your employees and your customers
10 how much dust it would take to cause this
11 bodily injury?

12 A No, we did not because we didn't create any
13 dust.

14 Q But you recognized that if the gaskets that
15 Anchor Packing sold are cut in certain manners
16 out in the field, dust could be created,
17 correct?

18 A Apparently.

19 Q And you knew that in 1975, right?

20 A That's correct.

21 Q In 1975, with that knowledge that if cut
22 improperly and dust could be created, did you,
23 yourself, go about doing any kind of
24 investigation, either within your own company
25 or outside your company, ascertain for

1 yourself, your employees, and your customers
2 how much dust was required to cause the
3 serious bodily harm or the fatal bodily harm
4 that are talked about in Call Exhibits 3 and
5 4?

6 A No, I did not.

7 Q Why not?

8 A Didn't feel it was necessary. We felt it was
9 a safe product.

10 Q And did you discuss that with anybody within
11 the company to ascertain for yourself that it
12 was a safe product? Or did you just assume
13 that and go on about your job?

14 A I assumed that on my own.

15 Q And, of course, by 1975, you were a district
16 manager of a sales office, correct?

17 A That is correct.

18 Q So within that district, you were the number
19 one man?

20 A That's correct.

21 Q Did you ever get on the phone or in person
22 communicate with any of the other district
23 managers regarding their interpretation of
24 these warnings, whether it be Exhibit Number 3
25 or Exhibit Number 4?

1 A Not that I recall.

2 Q Did you ever do any kind of investigation on
3 your own, within the company or outside the
4 company, to ascertain how -- since you knew
5 that people in the field could cut the gasket
6 sheets so as to create some dust, as to what
7 kind of respiratory protection, if any, could
8 prevent the serious bodily harm and fatal
9 bodily harm that are mentioned on Exhibits 3
10 and 4?

11 MR. MAHONEY: I'm --

12 A No.

13 MR. MAHONEY: I'm going to
14 object to form. Go ahead.

15 A No.

16 Q (By Mr. Morrison) Prior to 1975, had you ever
17 had any personal communications, whether they
18 be written or oral, with anybody with
19 Raybestos Manhattan?

20 A Yes.

21 Q And do you recall who that individual or who
22 those individuals would have been?

23 A They would have been people at the sales
24 office, at the Raybestos office in Manheim,
25 Pennsylvania.

1 Q Do you recall when, approximately, would have
2 been the first time that you would have talked
3 to somebody in the Raybestos sales office?

4 A 1974.

5 Q And why does that year stick out in your mind?

6 A It's when I became a manager.

7 Q Did anybody with Raybestos Manhattan ever
8 communicate to you any fears or knowledge
9 regarding potential hazards related to
10 exposure to asbestos, if any?

11 A Not that I recall.

12 Q After 1975 and the placement of the warnings,
13 which are either Call Exhibit Number 3 or Call
14 Exhibit Number 4, did you ever have any
15 communications with Raybestos Manhattan
16 personnel?

17 A Yes.

18 Q Would those be the same sales office type
19 personnel?

20 A That's correct.

21 Q At any time during your tenure with Anchor or
22 since that has ceased, have you ever had
23 communicated to you, whether in writing or
24 orally, any knowledge or allegation possessed
25 by a Raybestos Manhattan employee about the

1 potential health hazards of asbestos exposure,
2 if any?

3 A No.

4 Q To your knowledge, has any other person with
5 The Anchor Packing Company, during any time
6 that you have been associated with the company
7 or even before, had communication with
8 Raybestos Manhattan personnel in which
9 concerns about the possibility of, or
10 knowledge concerning potential health hazards
11 of asbestos-containing products, if any, were
12 communicated?

13 A Not to my knowledge.

14 Q It's your understanding, Mr. Call, that at
15 some time subsequent to 1975, Call Exhibit
16 Number 5 was a warning that was placed on some
17 Anchor asbestos-containing products?

18 A Yes.

19 Q Do you know why the revision was made from
20 either the Number 3 -- Call Exhibit Number 3
21 or Call Exhibit Number 4 to Call Exhibit
22 Number 5 in the warning?

23 MR. MAHONEY: Can I see 4
24 real quick?

25 MR. MORRISON: Sure.

1 MR. MAHONEY: I'm going to
2 object to the extent --

3 MR. MORRISON: It's the
4 same?

5 MR. MAHONEY: -- that it
6 assumes there is a revision between
7 5 and 4.

8 MR. MORRISON: I'm sorry.
9 I'm reading upside down.

10 Q (By Mr. Morrison) Are those two warnings in
11 Exhibit 4 and Exhibit 5 the same thing, other
12 than the appearance of a different logo on
13 Number 5?

14 A Yes, they appear to be.

15 Q Okay. If other evidence in this case shows
16 that Exhibit 3 and Exhibit 4 were warnings
17 that were placed on asbestos-containing
18 products sold by Anchor at different times, do
19 you have any personal knowledge or even
20 anything that you have overheard about why a
21 transition was made from one warning to the
22 other?

23 A No, I do not.

24 Q You would agree with me, sir, that as a
25 company who sells products, a part of your

1 responsibility to your customers is to provide
2 them with a quality product, wouldn't you?

3 A That's correct.

4 Q And part of providing a quality product is
5 providing a product which performs as
6 anticipated in the field?

7 A Right.

8 Q For example, a gasket should provide a proper
9 seal?

10 A That's correct.

11 Q Another part of providing a good, quality
12 product would also be to provide a product
13 which did not cause harm to the end user? You
14 would agree with that, wouldn't you?

15 A Yes, sir.

16 Q You would agree with me that The Anchor
17 Packing Company, in its duty to provide a
18 good, quality product, if it knew about
19 potential health hazards related to the use of
20 its products, had a duty to communicate those
21 to the people buying its products, didn't it?

22 MR. MAHONEY: I want the
23 record to show an objection. I
24 think the question is improper,
25 lacks foundation. I think it calls

1 for the witness to give a legal
2 conclusion and I think it assumes
3 facts not in evidence. Over that
4 objection, you can answer it.

5 A I lost it.

6 Q (By Mr. Morrison) I did too. The easiest
7 thing is to have her read it back.

8 (The Reporter read back the
9 question.)

10 A Yes.

11 Q (By Mr. Morrison) You would agree with me,
12 sir, that generally for communication to be
13 effective, just like your answers and my
14 questions today, we have to understand one
15 another, correct?

16 A That's correct.

17 Q And in instances like today's deposition where
18 you haven't understood me, you did let me know
19 or will let me know and I rephrase my
20 questions to you, don't I?

21 A That's correct.

22 Q And that's because, as we communicated at the
23 beginning, you may use some terminology based
24 on your manufacturing or sales experience that
25 I'm not familiar with, right?

1 A Right.

2 Q You also recognize, don't you, sir, that the
3 people who are using the products your company
4 sold would have varying degrees of knowledge
5 about the uses of industrial packings and
6 gaskets?

7 MR. MAHONEY: I'm going to
8 object. I think there is no
9 foundation for that, but go ahead.

10 A Yes, I believe that they had varying degrees
11 of knowledge of the use of the product.

12 Q (By Mr. Morrison) You would also agree with me
13 that in all probability, and certainly, your
14 expectation would have been as a salesperson
15 and a district manager in the years that you
16 were in those particular jobs for The Anchor
17 Packing Company, that the level of
18 intelligence in the people using your products
19 would range the entire spectrum?

20 MR. MAHONEY: I'm going to
21 object as well, again, no
22 foundation. Object to form as
23 well. Go ahead.

24 A I would say it probably did.

25 Q (By Mr. Morrison) There were quite a few

1 people out there using your gaskets and
2 packings that didn't have college educations,
3 weren't there?

4 A There probably were, but it didn't require a
5 college education to use our product.

6 Q Didn't even require a high school education to
7 use this product, did it?

8 MR. MAHONEY: Objection to
9 form. Go ahead.

10 A I don't know.

11 Q (By Mr. Morrison) Is there anything you knew
12 about it once you went through Garlock's
13 special training in 1988, was there anything
14 about your high school education that helped
15 you do it?

16 A Not me personally. I don't believe -- I don't
17 believe it would have been a hindrance to
18 anybody.

19 Q The next item on Call Exhibit Number 1, the
20 notice of deposition, was -- actually, I'll
21 tell you what. We did number three. Let's go
22 back to number two, was advertising literature
23 for defendant's asbestos products utilized
24 from '49 through '57. My understanding is
25 that somewhere in the documents that are

1 attached to your depositions, there is a
2 catalog. Is that your understanding?

3 A That's correct.

4 Q Do you know what year --

5 MR. MORRISON: And let's have
6 this marked.

7 (Whereupon, Deposition Exhibit Number
8 6 was marked for identification
9 by the reporter.)

10 Q (By Mr. Morrison) Mr. Call, if I could ask you
11 to look at Exhibit Number 6 and just tell us,
12 first, if you recognize what that is?

13 A It appears to be a copy of some pages of a
14 catalog.

15 Q Would you look for me at the last couple of
16 pages and make sure that I have not attached
17 anything to that that would not be a part of
18 that catalog?

19 A This last sheet is just a single sheet
20 produced as a flier. It's a separate item
21 from the catalog.

22 Q Okay. So --

23 A In general.

24 Q That page --

25 A The first few pages, I don't believe, are

1 catalog items.

2 Q Okay.

3 A I believe these are pictures from some other

4 --

5 MR. MAHONEY: From some other

6 exhibit.

7 A From some other source.

8 Q (By Mr. Morrison) Would you do me this favor?

9 Would you separate out everything that, as

10 best you can tell, does not properly belong

11 with that -- what I want to end up with as

12 Exhibit Number 6 is a catalog. .

13 A Well, that's a sheet. This is all part of the

14 catalog. Yeah, this is the catalog.

15 Q Okay. We'll have her re-mark that in just a

16 moment. Could you look at the Bates number on

17 the first page that you feel is actually part

18 of the catalog?

19 A A0533.

20 Q And the last page that you are comfortable is

21 part of that same catalog?

22 A A0606.

23 Q Okay. Can you look at what we are going to

24 re-mark as Exhibit Number 6 now and tell us if

25 there is anything about that catalog which

1 would help you identify the year in which it
2 was published?

3 A I can't identify the year it was published.
4 It was received in somebody's central records,
5 October of 1988.

6 Q Okay.

7 A But --

8 MR. MAHONEY: I can represent
9 to counsel that that is a Central
10 Records Depository relating to
11 asbestos litigation pending in
12 Madison County, Illinois, and is
13 nothing to do with the regular
14 business of Anchor Packing Company.

15 Q (By Mr. Morrison) There is nothing distinct
16 about that catalog that would help you place
17 it in terms of when it was a catalog utilized
18 by Anchor Packing?

19 A No.

20 MR. MORRISON: Just for the
21 record and not necessarily a
22 question to you, Mr. Call, but just
23 for the record, my understanding is
24 that catalogs from 1952 and 1958
25 have been located and will be

1 provided at a later date?

2 MR. MAHONEY: That's my
3 understanding. My understanding
4 is -- I just developed that
5 understanding today, is that there
6 is a catalog from 1952 and that that
7 catalog will be produced because it
8 is responsive to the terms of the
9 request, but it is not here today.

10 MR. MORRISON: Okay.

11 MR. MAHONEY: And I have no
12 knowledge as to whether this Exhibit
13 6 we are looking at is, in fact, the
14 1952 catalog or from a different
15 year.

16 Q (By Mr. Morrison) Mr. Call, from 1967 to 1993,
17 did the product line offered by Garlock --
18 strike that. From 1967 until the time that
19 the sale of some asbestos-containing products
20 ceased, did the product line offered by Anchor
21 stay pretty consistent?

22 MR. MAHONEY: Objection to
23 form, but go ahead.

24 A Yes. The products remained the same.
25 However, newer products were being marketed as

1 the years went by. There were more and more
2 synthetics being made available.

3 MR. MORRISON: And, again,
4 just for the record, as I mentioned
5 off the record, I do object to the
6 nonproduction of the 1952 catalog.
7 I understand that it may have just
8 been located today. But in the 1992
9 deposition, it was at least
10 identified. And, of course, my
11 questions are hampered by the fact
12 that I am not looking at that
13 deposition today. So I apologize to
14 you, Mr. Call, but I don't have a
15 catalog from the 1950's that I had
16 asked for today so that I could ask
17 you questions about products that
18 are pertinent to this case.

19 Q (By Mr. Morrison) But if I were to show you a
20 1939 catalog -- and I will -- can you look at
21 that and tell me how much of the product line
22 changed from that catalog until 1967 when you
23 first came to the company?

24 A Possibly.

25 MR. MORRISON: Okay. Let's

1 attempt that. First, let's go ahead
2 and mark as Exhibit 6 this first
3 catalog.

4 (Whereupon, Deposition Exhibit Nos.
5 6 and 7 were marked for
6 identification by the reporter.)

7 Q (By Mr. Morrison) Mr. Call, I want to show you
8 what's been marked as Call Exhibit Number 7
9 and ask you, first of all, if you feel
10 comfortable that all the pages I have enclosed
11 are part of a catalog from Anchor Packing?

12 A It appears to be a catalog.

13 Q Okay. Is there anything about that catalog,
14 sir, that would help you identify the date of
15 publication of that catalog?

16 A The date on the first page.

17 Q Is what, sir?

18 A 1908-1939.

19 Q Based on that and your familiarity with
20 publications put out by Anchor Packing, would
21 it be fair, based on that experience, to
22 assume that this is a 1939 publication?

23 A Yes.

24 Q Let me ask you to look at the fourth page of
25 that document where it says at the top,

1 that we are looking at where it talks about
2 modern manufacturing? And look at the last
3 full sentence in the first column and read
4 along with me and tell me if I read this
5 incorrectly.

6 We are constantly in touch with
7 the developments of the new synthetic
8 compounds, and if any show promise of
9 improving packings, we develop in our
10 laboratories our own compound
11 formulae.

12 Did I read that correctly, sir?

13 A Yes, you did.

14 Q Did Anchor, indeed, have laboratories in 1939,
15 to the best of your knowledge?

16 A Not to the best of my knowledge.

17 Q To the best of your knowledge, has Anchor ever
18 had laboratories?

19 A No.

20 Q Has it ever developed products?

21 A No.

22 Q Has it ever developed formulae for products?

23 A No.

24 Q And that continues to read -- I guess that's a
25 comma rather than a period -- continues on the

1 second paragraph and says:

2 And incorporate into our products
3 such of them as offer improvement
4 and advantage.

5 Did I read that correctly?

6 A That's correct.

7 Q Did Anchor at any time in its history
8 incorporate advancements into its own products
9 as a part of the manufacture of a product?

10 A Only as manufactured by other people.

11 Q Okay. Do you have any knowledge as to whether
12 Anchor, in its laboratories or anywhere else,
13 formulated formula or improvements for
14 products and communicated those to Raybestos
15 Manhattan or Garlock or any other supplier of
16 products?

17 A No.

18 Q You don't have any knowledge or it didn't
19 occur, sir, or both?

20 A I have no knowledge of any such occurrence.

21 Q On the next page, which also starts out
22 manufacturing and service facilities, in 1939
23 or at any time that you have been with
24 Garlock, has it ever had a manufacturing
25 facility?

1 MR. MAHONEY: You mean

2 Anchor?

3 A Anchor.

4 Q (By Mr. Morrison) Anchor?

5 A No, we have not.

6 Q And I assume, sir, that this whole catalog is
7 devoted to Anchor, isn't it?

8 A That's correct.

9 Q On that page -- I can't make out the
10 pictures -- but the caption underneath the
11 first one says corner of the gasket
12 department. Did the warehouses that you were
13 the district manager in have gasket
14 departments?

15 A Yes.

16 Q The next picture is the battery precision
17 molding presses. Did the warehouses that you
18 worked in have battery precision molding
19 presses?

20 A No.

21 Q It also shows gasket machines. You had those
22 in your warehouses, right?

23 A Yes.

24 Q Did your warehouses -- and anytime I say your,
25 I'm talking about Anchor Packing. Did your

1 warehouses have high pressure packing
2 departments?

3 A No.

4 Q On the next page, it shows a flax braiding
5 department. Was that something on page 301
6 that was a part of The Anchor Packing Company,
7 to your knowledge?

8 A No.

9 Q Right below the flax braiding, there is a
10 picture, although I can't make out the
11 picture, the caption says department for the
12 manufacturing of spiral and coil packings.
13 Did any such department exist within Anchor
14 Packing?

15 A No.

16 Q Right underneath that, the next picture which
17 I can't make out has a caption that says small
18 ring forming department. Did Anchor ever have
19 such a department?

20 A No.

21 Q Right across from that, there's a picture that
22 says battery of braiding department. Although
23 I can't make out the picture, that's the
24 caption. Did Anchor ever have such a
25 department?

1 A No.

2 Q My pages aren't numbered. Are yours?

3 A They're numbered at the top. Mine are
4 numbered at the top.

5 Q Okay. Somewhere -- and are your page numbers
6 somewhere in the three hundreds?

7 A Yes.

8 Q My pages cease to be numbered. But if you can
9 look through, it's about twenty pages back,
10 there's a page where the heading says asbestos
11 wick and rope. In the index, it shows it
12 might be page 328.

13 A I lose that.

14 Q Yes.

15 A I lose that number when I get back there.
16 Here it is.

17 Q Let me ask you first without reference to this
18 page, if you know, in the '50's what type of
19 asbestos fibers were contained in the
20 asbestos-containing products that Anchor was
21 selling?

22 A We referred to it as white asbestos,
23 technically known as Chrysotile asbestos.

24 Q Was there also a blue asbestos contained in
25 some of the asbestos-containing products --

1 A Yes.

2 Q -- sold in the 1950's?

3 A Right.

4 Q And what type of asbestos, if you know, was
5 the blue asbestos?

6 A The Crocidolite.

7 Q On that page that is headed asbestos wick and
8 rope, I would like to draw your attention down
9 to the last couple of paragraphs there on that
10 page. And the next to the last one, if you
11 would read with me and tell me if I read it
12 incorrectly, it says:

13 Blue asbestos is useful for certain
14 acid work, but it must be borne in mind
15 that it is highly abrasive and should be
16 used only on special hard metal alloys
17 when used on moving parts.

18 Did I read that correctly, sir?

19 A That's correct.

20 Q Is that a recommendation that was made --
21 where did Anchor get that paragraph, if you
22 know, to put in its catalog?

23 A Most probably from the manufacturer --

24 Q Okay.

25 A -- of the product.

1 Q Is there any indication to you, sir, on that
2 page, as you look at it, that indicates to you
3 as a reader that that recommendation, that
4 instruction, that information comes from
5 anywhere other than Anchor?

6 A No.

7 Q That would be true of the entire catalog,
8 wouldn't it, sir?

9 A That's true.

10 Q On the very next page, which mine shows at the
11 top a heading that says braided packing for
12 acid services. Is that yours?

13 A I have that.

14 Q In that first full paragraph, it talks about
15 in the second sentence:

16 This packing is useful in certain
17 acid work, such as valves expansion
18 joints and shafts, and in oil
19 refineries where acid or alkali
20 combinations are used which might
21 rapidly destroy the white or Chrysotile
22 fiber.

23 Did I read that correctly?

24 A That's correct.

25 Q Would that, likewise, be a recommendation --

1 as far as the reader of this would be, that's
2 a recommendation of Anchor, isn't it?

3 A Yes.

4 Q Was that your experience as a salesman, that
5 this particular product was well suited for
6 use in oil refineries? Or did you ever sell
7 that product?

8 A My personal experience was not involved with
9 the blue asbestos.

10 Q On the next page, Mr. Call, which is headed in
11 my copy flax packings -- are you on the same
12 page?

13 A I have it.

14 Q Did Anchor Packing in the 1950's sell flax
15 packings?

16 A Yes.

17 Q And that would be an alternate product to
18 asbestos-containing packings, right?

19 MR. MAHONEY: Objection to
20 form. Answer if you can.

21 A It would be another product. It wouldn't be
22 recommended for the same type of applications
23 as asbestos packings. Flax packing was
24 used -- up until this day.

25 Q (By Mr. Morrison) Were you familiar or are you

1 familiar with the brand name Tauril, spelled
2 T-A-U-R-I-L?

3 A Yes.

4 Q Can you describe for the jury generally what
5 that product line -- what's the significance
6 of the name Tauril?

7 A That's a premium grade of compressed gasket
8 sheet.

9 Q Who supplied Tauril, do you know, to Anchor?

10 A R/M supplied it to us.

11 Q You and I talked a little bit earlier about
12 heat-holding tape. That's the next page that
13 I want to discuss with you. And in my copy,
14 it's probably about twenty pages from the
15 back. And it says at the top, heat-hold
16 tape.

17 A I can't seem to put my finger on it.

18 Q It's --

19 A I know it's right around here.

20 Q It's after the hose couplings and clamps.

21 A Oh, way back there.

22 Q It's after the gauge glasses, I believe.

23 A After that?

24 Q About five pages after that.

25 A Oh, yeah.

1 Q Got it?

2 A Right.

3 Q The heat-hold tape was an asbestos pipe
4 insulation?

5 A Yes.

6 Q And was that sold in the '50's also?

7 MR. MAHONEY: Objection to
8 the extent the question assumes it
9 was sold ever. It's listed in the
10 catalog.

11 Q (By Mr. Morrison) Did --

12 MR. MAHONEY: If you know
13 whether it was sold in the '50's,
14 proceed to answer.

15 A I don't know.

16 Q (By Mr. Morrison) Well, was it offered for
17 sale in 1939?

18 A Yes.

19 Q To your knowledge, was it offered for sale in
20 the 1950's?

21 A I would have to assume it was.

22 Q Certainly, at some period after 1967 when you
23 came to the company, you indicated earlier in
24 the beginning of the deposition that it was
25 something that you had offered for sale?

1 A Right.

2 Q Do you have any reason to believe it was sold
3 for a while and then it wasn't offered for
4 sale and then it came back?

5 A No.

6 Q And that was a product, as indicated on that
7 page that we're looking at that's headed
8 heat-hold tape, that is especially recommended
9 for pipe insulation on locomotives, isn't it,
10 sir?

11 A Yes, sir.

12 Q Did you ever sell any of that product?

13 A I can't recall that we did.

14 Q And that is a product, as indicated in the
15 last couple of full sentences, that's easily
16 applied to either straight or to curved
17 pipes?

18 A Yes.

19 Q Okay. The very next page, Mr. Call, just to
20 pick a page out of here, it talks about
21 Ankorite waterproof and electrical insulating
22 tape.

23 A Yes.

24 Q Is there anything about the brand name
25 Ankorite that helps you know who supplied that

1 to Anchor? Or is that an Anchor brand name?

2 A That's an Anchor brand name that we applied to
3 most all products.

4 Q That was my next question. Would it be fair
5 to say that at least for the majority of the
6 asbestos-containing products that might have
7 been sold in the 1950's, Anchor would have
8 used a name it came up with, rather than using
9 the name that the supplier, whether it be
10 Raybestos or somebody else, had given that
11 product?

12 A We always used our own brand name or our own
13 style number.

14 Q And do you know the significance of the fact
15 that almost -- that a significant number of
16 these products begin with the prefix, A-N-K,
17 Ankotallic, Ankorite? Is that, to the best of
18 your knowledge, to give some reference to the
19 name of the company, Anchor Packing?

20 A That's correct.

21 Q Just, if you would, keep that Exhibit Number 7
22 there, Mr. Call. I might come back to that.

23 MR. MORRISON: 8 and 9,

24 Lois.

25 (Whereupon, Deposition Exhibit Nos.

1 8 and 9 were marked for
2 identification by the reporter.)

3 Q (By Mr. Morrison) Mr. Call, I want to show you
4 what's been marked as Exhibits 8 and 9 to your
5 deposition and ask you if you have ever seen
6 those documents or any documents similar to
7 them.

8 A No, I have not.

9 Q Are you familiar generally with the
10 registering of brand names -- obtaining a
11 trademark for a particular name?

12 A I'm not familiar with the process at all.

13 Q The name Anklon, I guess, A-N-K-L-O-N, on one
14 of those two exhibits, is that a name that was
15 given to asbestos-containing products sold by
16 Anchor Packing?

17 A No, that was a Teflon product.

18 Q It did not contain asbestos?

19 A That's correct.

20 Q How about the Ankotallic in the other exhibit
21 that I've shown you?

22 A That was a metallic gasket that could have
23 contained asbestos.

24 Q Is it your understanding that Ankorite,
25 Anklon, Ankotallic generally were names that

1 were specific to products sold by Anchor
2 Packing?

3 A That's correct.

4 Q And Anchor Packing did not want those products
5 sold by anybody else?

6 A That is correct.

7 Q Because they wanted those products to be
8 associated with their company and the level of
9 service they thought they were providing to
10 the industrial community?

11 A That is correct.

12 Q Looking back to Exhibit Number 7, if you need
13 to --

14 MR. MAHONEY: That's the
15 catalog.

16 Q (By Mr. Morrison) Right, or if you just know
17 from your personal experience, did Anchor
18 generally include at any time in the documents
19 you have reviewed from prior to your time or
20 since your time, from your personal knowledge,
21 anything in their catalogs to indicate that
22 the products being sold by Anchor Packing were
23 manufactured by somebody else?

24 A I don't believe so.

25 Q I'm going back now, Mr. Call, to our Exhibit

1 Number 1, which is our list of things we have
2 been talking about. Other than the catalog
3 that is included and we looked at as Exhibit
4 Number 6, the date of which we didn't know,
5 have you brought with you any other
6 advertising literature today to this
7 deposition?

8 A No, I haven't.

9 Q When did you first see Call Exhibit Number 1?
10 Or have you ever seen it prior to the time I
11 handed it to you?

12 A Yesterday.

13 Q And yesterday when you saw it, you were in
14 Houston?

15 A Yes.

16 Q You had not been provided a copy of this at
17 your home to ask you to look through your
18 personal files or to ask if you had any
19 familiarity with whether or not any of these
20 documents existed?

21 A No.

22 MR. MAHONEY: I'm going to
23 object to the extent the question
24 assumes that he has personal files.

25 Q (By Mr. Morrison) Do you have any documents,

1 sir, at your home that relate to Anchor
2 Packing Company?

3 A No, I don't.

4 Q Do you know of any individual, as we are
5 sitting here today, not talking about lawyers,
6 but employees of Anchor Packing, to your
7 knowledge, that have any documents related to
8 Anchor Packing Company in their personal
9 possession?

10 A No, I know of no one.

11 Q Where would any documents pertaining to The
12 Anchor Packing Company, to the extent they
13 still exist, historical documents, where would
14 they be stored today?

15 A They would be stored at the warehouse,
16 probably in Palmyra.

17 Q That's the Garlock?

18 A Facility.

19 Q Have you been to that facility to look through
20 the documents that exist there?

21 A No, I have not.

22 Q Have you seen an index to or a catalog of the
23 documents that still exist up there for Anchor
24 Packing?

25 A No.

1 Q As we sit here today, are you familiar with
2 any record retention program that The Anchor
3 Packing Company may have had at any time
4 during the time that you worked for them?

5 A Yes, their nationwide retention program was
6 seven years.

7 Q Were there any exceptions to that?

8 A Some districts may have kept certain materials
9 for a longer period of time for their own
10 particular reference.

11 Q Might there also have been a requirement in
12 certain instances that the Government might
13 have had a requirement that some documents be
14 kept longer than seven years?

15 A Not that I'm aware of.

16 Q Okay. Prior to 1993, to your knowledge, did
17 Anchor Packing Company at any time sell
18 products outside the United States?

19 A No.

20 Q Do you have any knowledge -- and I'm going
21 back to Exhibit Number 1, item number four.
22 Do you have any knowledge about any funding,
23 whether directly or indirectly, given by
24 Anchor Packing to any individual or group of
25 individuals for research into the health

1 affects of asbestos?

2 A No, I have no knowledge as to that.

3 Q Do you know anybody within the company who
4 might have that type knowledge if, indeed, it
5 occurred? Who would you have expected to
6 handle that?

7 A One of the old officers of the company.

8 Q And you can't give me -- do you know the --

9 A I can't give you specifically who would have
10 been involved.

11 Q Was there ever a safety director --

12 A No.

13 Q -- for Anchor Packing?

14 A No.

15 Q Was a medical director, either nationally or
16 in any district in which you were employed,
17 was a medical director on staff?

18 A No.

19 Q At any time during your employ with Anchor
20 Packing or at any time prior to it, if you've
21 seen documents and can answer as to that time,
22 has there ever been a medical surveillance
23 program or screening for Anchor Packing
24 employees?

25 A No.

1 Q And just so I'm clear, you did not do a search
2 for any documents personally that might have
3 satisfied any one of the thirty-three
4 categories of documents that were made a part
5 of the subpoena duces tecum, correct?

6 A That is correct.

7 Q Are you aware of the existence of any
8 documents which relate to the funding,
9 directly or indirectly, of research into the
10 health effects of asbestos?

11 A No.

12 Q The next item is advertisements that defendant
13 Anchor Packing caused to be published in the
14 ASBESTOS MAGAZINE. To your knowledge, did
15 Anchor Packing ever advertise in ASBESTOS
16 MAGAZINE?

17 A No.

18 Q Have you ever seen the ASBESTOS MAGAZINE?

19 A No, I have not.

20 Q I believe we have already covered number six
21 regarding the Air Hygiene Foundation and
22 Industrial Hygiene Foundation. Number seven,
23 do you -- have you ever seen any dust counts
24 taken, whether by Anchor Packing or in an
25 Anchor Packing -- taken at an Anchor Packing

1 facility?

2 A No.

3 Q Have you ever seen any -- the results of
4 correspondence regarding fiber release --
5 asbestos fiber release at an Anchor Packing
6 facility or of products sold by Anchor Packing
7 in the field?

8 A I don't believe so.

9 Q Okay. If any such tests were to have been run
10 by Anchor Packing, do you have an impression
11 as we sit here today whose authority that
12 would have fallen under?

13 MR. MAHONEY: Object to
14 form. That calls for speculation.
15 Go ahead.

16 Q (By Mr. Morrison) And all I'm trying to find
17 out, sir, is if you don't know, is there
18 anybody else who might have a better idea that
19 can tell me absolutely not, or that yes, we
20 did?

21 A I don't know if there is a president that you
22 could talk to regarding whether it was ordered
23 or not.

24 Q In addition to catalogs, to your knowledge,
25 did Anchor Packing put out, during the time

1 that you were with them, any other types of
2 advertising or instructions for use of the
3 products it was to sell?

4 A We put out advertising, but no instructions.

5 Q Would the advertising be like the advertising
6 that we mistakenly included --

7 A Yes.

8 Q -- with Exhibit 6?

9 A Single sheet fliers, a mailer, something like
10 that.

11 Q Generally, it would just contain a picture of
12 the product and some information about its
13 uses?

14 A That's correct.

15 Q But as I understand from your testimony,
16 generally would not include specific
17 instructions for application or removal?

18 A That's correct.

19 Q That would have been true in the '50's also,
20 as far as you can tell from the documents that
21 you have seen?

22 A Yes, I would assume it was.

23 Q At some point, did The Anchor Packing Company
24 generally, other than the compressed asbestos
25 sheets, cease the sale of asbestos-containing

1 products prior to 1993?

2 A We ceased the sale of compressed -- or braided
3 packing in 1982.

4 Q I'm sorry, '82 or '92?

5 A '82.

6 Q Okay.

7 A The braided packing.

8 Q Right.

9 A That contained asbestos.

10 Q Other than the braided packing -- and we have
11 talked about that before -- were there any
12 other asbestos-containing products which
13 Anchor Packing ceased selling prior to October
14 of '93?

15 A The only -- we withheld selling all products
16 that contained asbestos, with the exception of
17 the compressed gasket sheet, and up to some
18 point in time, the brake lining and clutch
19 facing material as was allowed by the
20 Government, as far as, you know, the use of
21 brake lining that contained that product.

22 Q After 1975 when the warnings that appeared in
23 Call Exhibits 3 and 4, whichever one happened
24 to have been the one in 1975, at any time from
25 that point until 1993, did an employee ever

1 come to you and ask you, sir, I'm putting
2 these on products and I don't know what --
3 could you explain to me what the health hazard
4 is?

5 A No, I was never questioned about it.

6 Q And not even indirectly? The question never
7 got back to you that an employee had a
8 concern?

9 A No.

10 Q At any time in the history of the company, are
11 you aware of any citations or complaints made
12 against Anchor Packing Company as a result of
13 dusty or bad environmental conditions within
14 any of their warehouses that we have
15 discussed?

16 A I'm not aware of any happening as that -- such
17 as that.

18 Q Other than the catalogs, as -- would it be
19 fair to say that the catalog that's attached
20 as Exhibit Number 7 from 1939 and the catalog
21 that's attached as Exhibit Number 6 from
22 nineteen -- an unidentified date, I guess we
23 said, didn't we?

24 MR. MAHONEY: Yes.

25 Q (By Mr. Morrison) -- would those be fairly

1 typical of the catalogs that you saw during
2 your entire time with Anchor?

3 A They were typical in content. The format
4 changed. In later years, they came with a
5 loose-leaf type notebook, a loose-leaf
6 catalog.

7 Q When a salesman such as yourself came to the
8 company, other than these catalogs, was there
9 anything available to them to review to
10 familiarize themselves with the products,
11 their uses, their applications?

12 A No.

13 Q To your knowledge today, sir, do there exist
14 any records which would enable you, if you
15 could get your hands on them, to tell me
16 whether or not the sale of any Anchor Packing
17 products were made to a particular location in
18 Texas?

19 A I don't believe there were.

20 Q When you had sales records for your different
21 district offices --

22 A Yes.

23 Q -- were you required to transmit those to the
24 national office at any point, or did they stay
25 in your regional office?

1 A They stayed in our regional office.

2 Q And would the same document retention program
3 have applied to those?

4 A That's the retention program I spoke of.

5 Q To the best of your knowledge, through 1993,
6 has any employee of The Anchor Packing Company
7 ever filed a workers' compensation claim?

8 A No.

9 Q To the best of your knowledge, no employee of
10 The Anchor Packing Company has ever alleged
11 that their exposure to asbestos caused them
12 physical injury?

13 A That's correct.

14 Q Have you ever heard of Dr. Selikoff?

15 A I've heard the name.

16 Q Okay.

17 A But I don't know him.

18 Q You never heard him speak?

19 A No.

20 Q Never read any of the articles he might have
21 written?

22 A No, I haven't.

23 Q Did you ever know a gentleman with Garlock by
24 the name of Elwood Houghton?

25 A No.

1 Q How about Roy Whittaker?

2 A I know Roy Whittaker.

3 Q And how do you know Mr. Whittaker?

4 A Through personal contact at their Palmyra
5 facility. He would normally have been
6 involved in one of these level one, two, three
7 meetings, speaking from the product
8 engineering point of view.

9 Q Prior to your participation in or after 1988
10 in these levels one, two, and three meetings,
11 had you ever met Mr. Whittaker prior to that
12 time?

13 A No.

14 Q Have you ever had any dealings with or any
15 communication with the American Conference of
16 Governmental Industrial Hygienists?

17 A No, I have not.

18 Q Other than your business management degree,
19 sir, do you have any training as a medical
20 doctor?

21 A No, I don't.

22 Q Any training as an industrial hygienist?

23 A No, I don't.

24 Q I want to show you some pictures. And let me
25 represent for the record that I'm showing you

1 volume one of what is affectionately referred
2 to as the OCF picture book labeled Asbestos
3 Litigation Reference Series Co-Defendant
4 Product Picture Books from the Law Department
5 of Owens-Corning Fiberglas, Second Edition,
6 June of 1990, and ask you, under section 106,
7 gaskets, packing, sheet, rope, wick, cord and
8 tape, if the fourth product listed after three
9 Armstrong products, if you recognize that
10 product?

11 A Yes, I do.

12 Q Could you describe generally for the jury what
13 we are looking at here?

14 A That's a label indicating that the style was
15 called Vy-Flex, V-Y - F-L-E-X, which was a
16 packing -- molded or formed packing for
17 packing a valve of a high temperature nature,
18 made out of stainless steel floss.

19 Q Is the color of this label typical of the
20 colors used by Anchor in the '50's for that
21 type product?

22 MR. MAHONEY: The label.

23 A Yes.

24 Q (By Mr. Morrison) And the big red A that
25 appears at the top of that, is that a -- is

1 that a symbol that was used pretty frequently
2 by Anchor Packing for its products?

3 A I believe it was used throughout the Anchor
4 Packing history as the logo.

5 Q Does this appear to you to be a true and
6 correct photograph of the label as you have
7 described it?

8 A Yes.

9 MR. MORRISON: With
10 everyone's permission, what I would
11 like to do is label these, give them
12 to her and have her make color
13 copies to attach to the deposition
14 and give the originals back to me to
15 put back in this book. Is that
16 acceptable?

17 MR. MAHONEY: That's fine
18 with me as long as they are clearly
19 marked.

20 (Whereupon, Deposition Exhibit Number
21 10 was marked for identification
22 by the reporter.)

23 Q (By Mr. Morrison) Mr. Call, the questions I
24 have just asked you about the picture, I have
25 now marked as Exhibit Number 10; is that

1 correct?

2 A That's correct.

3 Q Also marked as --

4 (Whereupon, Deposition Exhibit Number
5 11 was marked for identification
6 by the reporter.)

7 Q (By Mr. Morrison) Also marked as Exhibit
8 Number 11 is another photograph. Could you
9 identify that for the jury?

10 A That's the same type of label, which would be
11 a label which would go on a box of packing.
12 And that identifies that style of packing as
13 Anklon, A-N-K-L-O-N, which was a Teflon
14 product.

15 Q That was or was not an asbestos-containing
16 product?

17 A That's not an asbestos-containing product.

18 Q Other than the name Anklon and Ankotallic that
19 we looked at trademark documents for earlier,
20 were there any other names that you know of
21 that, as you understood it, were reserved
22 exclusively for Anchor Packing?

23 A Any of the branded names of our products were
24 exclusive, to my knowledge.

25 Q Would that include the Tauril name?

1 A Tauril. Target was another gasket sheet.

2 Q And is the document attached as Number 11 a
3 true and correct copy of the label that would
4 have appeared on the product that you have
5 described?

6 A Yes.

7 Q Would either exhibit number -- would Exhibits
8 10 and 11 that we have just discussed, would
9 those have been what you would have expected
10 the labels on these two products to look like,
11 even in the '50's?

12 A Yes, I assume they would.

13 Q That symbol and that color was something that
14 was fairly consistent within the company?

15 A That's correct.

16 Q Let me ask you if you can identify that
17 document, that picture?

18 A It looks like a picture of a gasket sheet,
19 Target gasket sheet.

20 Q That would be the actual sheet itself?

21 A Yes, I imagine it was.

22 Q With all of these words on it that appear in
23 this picture?

24 A That is correct.

25 Q Okay.

1 A Each one of those rings in the -- in the
2 target circles would have indicated a specific
3 measurement, probably an inch between each
4 ring.

5 Q I gotcha.

6 A To assist a mechanic in cutting a ten-inch or
7 twelve-inch or fifteen-inch circle.

8 Q Would this configuration, looking something
9 like a target, would that have been the type
10 of emblem or symbol that you would have
11 expected to have seen on any of the target
12 products?

13 A That's correct.

14 Q And would that have been the emblem or the
15 symbols being used throughout the '50's and
16 '60's?

17 A Yes.

18 Q I'm going to ask in a moment for this to be
19 marked as Exhibit Number 12. Does Exhibit
20 Number 12 truly and accurately depict what you
21 have just described?

22 A Yes. That would have been a brand printed on
23 the material itself.

24 (Whereupon, Deposition Exhibit Number
25 12 was marked for identification)

1 by the reporter.)

2 Q (By Mr. Morrison) Would the product depicted
3 in Exhibit Number 12 have been an
4 asbestos-containing product?

5 A Yes, it would.

6 Q Let me ask you to identify what's in this
7 picture. And we may or may not attach that
8 one, if you know?

9 A Oh, that's a metal can, which was a container
10 for style 317 valve packing.

11 Q Do you recall what kind of applications 317
12 had?

13 A That was normally a valve packing for high
14 temperature valves.

15 Q I'm going to ask for this to be marked as
16 Exhibit 13 in a moment. Does Exhibit 13
17 fairly and accurately depict the appearance of
18 the container in which style 317 valve
19 packings would have been packaged in the
20 '50's?

21 A Yes, it does.

22 (Whereupon, Deposition Exhibit Number
23 13 was marked for identification
24 by the reporter.)

25 Q (By Mr. Morrison) Would the product

1 pictured -- that would have been packaged in
2 the package shown in Exhibit 13 have been an
3 asbestos-containing product?

4 A Yes.

5 Q In the '50's?

6 A It would.

7 Q Let me show you the next picture, sir, and ask
8 you if you can identify what that depicts?

9 A That's another label for the Vy-Flex ring
10 packing.

11 Q Would that particular product in the '50's
12 have been an asbestos-containing product?

13 A No, it was a stainless steel floss, very fine
14 stainless steel wire.

15 Q The Anklon ring packing, that would have been
16 a Teflon product?

17 A That's correct.

18 Q It would not have contained asbestos?

19 A That's right.

20 (Whereupon, Deposition Exhibit Number
21 14-17 was marked for identification
22 by the reporter.)

23 Q (By Mr. Morrison) Let me ask you, Mr. Call, if
24 you can identify what's been marked as Exhibit
25 14 to your deposition.

1 A It appears to be a caution label indicating
2 the avoidance of creating or breathing dust.

3 Q Okay.

4 A And a picture of the front of -- or the side
5 of a Vy-Flex packing box.

6 Q We know from your previous testimony that the
7 earliest that that box could have been in
8 appearance was 1975, correct?

9 A Assuming that this label was on that box. It
10 doesn't indicate to me that it is on the boxes
11 as placed in the picture.

12 Q Oh, I gotcha.

13 A Yeah.

14 Q Is that not the way that the box would have
15 appeared as you recall it in 1975?

16 A This looks like the front of the box where the
17 label would appear, but I don't understand
18 what the rest of the picture is.

19 Q And --

20 A Or how that occurred to me.

21 Q You have pointed down to the box at the bottom
22 of the picture which says The Anchor Packing
23 Company?

24 A That's correct.

25 Q That does appear to be what a box would have

1 appeared --

2 A That's right.

3 Q For ring packing?

4 A That's right.

5 Q But as a whole, this picture is not something
6 that all goes together?

7 A It doesn't seem to fit.

8 Q As far as color and the type of print, does
9 that appear on Exhibit Number 14 to be the
10 general appearance of the caution labels --

11 A Yes.

12 Q -- you remember?

13 A Yes.

14 Q Let me ask you if you can identify Exhibit
15 Number 15.

16 A That's a picture of a tag, a string tag which
17 would have been attached to a set of Amflex
18 packings, indicating the size of the packings.

19 Q Were the Amflex packings asbestos-containing
20 product in the '50's?

21 A Amflex packings were available in four
22 different styles. One style would have
23 contained asbestos; three styles would not.

24 Q As a salesman, if the product were out of the
25 box, could you tell whether it was an

1 asbestos-containing Amflex packing product or
2 not in the '60's?

3 A Probably we could.

4 Q What, to you personally, would have been what
5 you would have looked for to distinguish the
6 asbestos-containing from the
7 non-asbestos-containing Amflex packings?

8 A The coarseness of the yarn that was embedded
9 into the rubber product. Basically, it was a
10 molded rubber, neoprene or Buna N -- Buna-N
11 product.

12 Q Would an oversimplification be that it had a
13 grainy appearance?

14 A It was a coarser, heavier insert in the
15 rubber.

16 Q Okay. Does the picture in Exhibit Number 15
17 fairly and accurately represent what you have
18 just described?

19 A Yes, it does.

20 Q And would that have been the appearance of
21 that packaging in the 1950's?

22 A That's quite possible. I'm not sure if they
23 changed that over the years, the way they
24 labeled them.

25 Q Exhibit Number 16, can you identify that for

1 the jury?

2 A That's a label that would have been on a
3 package of Ankotallic gaskets.

4 Q And that would have been a product that would
5 have been sold during the 1950's?

6 A Yes, sir.

7 Q This picture is not in color, correct?

8 A That is correct.

9 Q But if we could play Ted Turner and colorize
10 this, the background would be black?

11 A That's correct.

12 Q And the A would be red?

13 A The A would be red.

14 Q Was the Ankotallic gasket product sold in the
15 1950's an asbestos-containing product?

16 A Some styles would have contained asbestos,
17 yes.

18 Q And is there anything about Exhibit Number 16
19 which would enable you to ascertain from
20 whether the -- from product from which this
21 was taken was an asbestos-containing or
22 non-asbestos-containing product?

23 A No.

24 Q Does the picture, as attached as Exhibit
25 Number 16, fairly and accurately represent

1 what you have just described?

2 A Yes, it does.

3 Q Can you identify Exhibit Number 17?

4 A That's a label from a -- identifying a box of
5 ring packing, indicating the style number is
6 Amflex rings.

7 Q Generally, the appearance -- I'm sorry. Did
8 you say it was a label?

9 A It appears to be a label that would have been
10 on a box.

11 Q Just the general format and style of this
12 label with the -- what I would call a dashed
13 line all the way around it, is that typical of
14 just this particular type of ring packing
15 Amflex? Or does the appearance of this
16 general label, is that consistent with what
17 you would expect to see on other products
18 also?

19 A That's consistent with ring packing in
20 general. The blank space is filled in with --
21 when you -- with the particular type of rings
22 that you are putting in the box.

23 Q And does Exhibit Number 17 fairly and
24 accurately represent what you have just
25 described?

1 A Yes, it does.

2 Q Would the Amflex rings, ring packing sold in
3 the '50's, have been an asbestos-containing
4 product?

5 A One of the four styles would be.

6 Q With that product, as my previous question
7 about the others, could you as a salesman look
8 at the asbestos-containing ring -- Amflex ring
9 packings and distinguish them from the
10 non-asbestos-containing Amflex?

11 A I believe we could.

12 Q Was that something fairly obvious and you
13 could easily tell the difference between the
14 asbestos and non-asbestos?

15 A Yes, because of the coarseness of the fibers.

16 Q In addition to testifying these four times in
17 asbestos related personal injury cases and
18 today, have you ever been deposed in any other
19 connection with regard to the Anchor Packing?

20 A No.

21 Q Never involved in any coverage litigation --

22 A No, sir.

23 Q -- issues?

24 A No.

25 Q As a company, to the best of your knowledge,

1 The Anchor Packing Company never did any
2 testing on its own or hired anybody to do any
3 testing as to whether or not the products it
4 was selling were safe -- the
5 asbestos-containing products were safe for the
6 use of its customers?

7 A To the best of my knowledge, they did not.

8 Q Do you have any information or have you ever
9 had any information as to whether any of the
10 companies who supplied products to The Anchor
11 Packing Company, such as Raybestos Manhattan
12 or Garlock, ever did any such testing?

13 A Not to my knowledge.

14 Q Did you ever know a worker by the name of
15 Anthony Hinrichs, H-I-N-R-I-C-H-S?

16 A No.

17 Q Do you have any personal knowledge of the
18 general appearance of an asbestos-containing
19 packing after it's been in place for, let's
20 say, a couple of years, what it would look
21 like upon removal generally?

22 MR. MAHONEY: I'm going to
23 object. I think that calls for
24 speculation.

25 Q (By Mr. Morrison) Let me --

1 MR. MAHONEY: It doesn't
2 provide sufficient facts.

3 Q (By Mr. Morrison) Let me rephrase it. I'm not
4 sure I know enough facts to supply you with
5 the foundation that you need, but let's try.
6 Other than the Garlock training thing from '88
7 or after, have you ever been out in the field
8 and watched the removal of packing or gaskets
9 after either of them have been in place for
10 some period of time?

11 A No, I have not.

12 Q And in the 1988 or subsequent training
13 conducted by Garlock, had any of the packing
14 or gaskets in any of the applications which
15 you were shown, were any of those products
16 that been in place for a while and you saw
17 them removed?

18 A No, we were dealing with new product and
19 installation.

20 Q As a supplier, rather than a manufacturer of
21 asbestos-containing products, did The Anchor
22 Packing Company rely upon its suppliers to
23 ascertain whether the products containing
24 asbestos were safe for the end users?

25 A I wouldn't say that we relied on them. We

1 purchased product from them through their
2 catalogs, with the assumption that they were
3 providing us a quality product.

4 Q At any time in your tenure with Anchor or
5 anything that you have seen prior to your
6 tenure, do you know of any efforts made by
7 Anchor Packing Company to ascertain that
8 Raybestos Manhattan did any testing to make
9 sure its products --

10 A No, I'm not aware of any --

11 Q -- were safe?

12 A -- action.

13 Q How about any such efforts made to ensure that
14 the products sold containing asbestos by
15 Garlock to Anchor and from Anchor to its
16 customers were safe?

17 A No.

18 MR. MORRISON: Mark those,
19 please.

20 (Whereupon, Deposition Exhibit Nos.
21 18 through 21 were marked for
22 identification by the reporter.)

23 Q (By Mr. Morrison) Mr. Call, I'm going to show
24 you what's been marked as Exhibit 18 to this
25 deposition and ask you if you could describe

1 to the jury what that document is.

2 A A list of asbestos-containing products sold or
3 distributed by Anchor Packing Company.

4 Q Is there a time frame on that as to when that
5 would be an accurate list?

6 A No.

7 Q Could you look down through that list, sir,
8 and tell me if there are any of those products
9 which you know, as we sit here today, would
10 not have been sold by Anchor in the 1950's?

11 MR. MAHONEY: I'm going to
12 object to the extent -- for
13 foundation purposes. The question
14 assumes that the products on the
15 list were sold, not simply that they
16 were available for sale, but --

17 Q (By Mr. Morrison) Let me revise my question,
18 then, and ask you if you can identify any of
19 the products listed on Exhibit Number 18 to
20 this deposition which you do not believe were
21 offered for sale in the 1950's?

22 A Yes, I can.

23 Q Okay. Could you just go through the list and
24 tell the jury which ones those would be?

25 A I'll just go through listing by item number.

1 Q That will be fine.

2 A Item number one, two, three, four, item
3 twenty-one and twenty-two, twenty-three,
4 twenty-four, twenty-five, twenty-six,
5 twenty-seven, forty-five, forty-eight,
6 forty-nine, fifty. That appears to be it.

7 Q Keeping that same list, Exhibit Number 18, and
8 going first to number five, which I think is
9 the first one that you failed to enumerate?

10 A Right.

11 Q It's the first one listed there that, as best
12 you know, was offered for sale in the '50's.
13 Starting with -- at least going through five
14 through twenty, which I think you have
15 indicated all were offered for sale in the
16 '50's, are any of those
17 non-asbestos-containing products?

18 A No.

19 Q I think the next series that you have
20 indicated by omission that were offered for
21 sale in the '50's were items twenty-eight
22 through forty-five. Are any of those items
23 non-asbestos-containing products?

24 A Item thirty-seven.

25 Q Okay.

1 A That takes us up to number forty-five.

2 Q Okay. And I have to confess that I lost track
3 at that time as to which ones were offered for
4 sale in the 1950's. From forty-six to the
5 remainder of the list, would you just indicate
6 which were non-asbestos-containing products,
7 if any, that were offered for sale, period?

8 A That I haven't eliminated before?

9 Q If you can do that, that would be fine, yes,
10 sir. And just so we're both clear, what you
11 are about to identify are products from
12 forty-six to the end of the list that would
13 have been offered for sale in the '50's and
14 would be non-asbestos-containing.

15 A Number sixty-six and number sixty-eight,
16 number seventy-two, seventy-three, number
17 seventy-eight, number seventy-nine, number
18 eighty-four. That brings us to the end.

19 Q Thank you, sir. Could you look at document
20 Number 19 attached to your deposition and tell
21 me if you can identify that document for the
22 jury.

23 A This is a Material Safety Data Sheet, commonly
24 referred to as an MSDS sheet, provided by the
25 U.S. Department of Labor.

1 Q I'm sorry, provided by or provided to the
2 Department of Labor?

3 A By the U.S. Department of Labor, OSHA.

4 Q To the best of your understanding, if you
5 know, the form would have been provided by the
6 Department of Labor, but the information on
7 that particular completed form would have been
8 supplied by Anchor Packing, wouldn't it?

9 A That's correct.

10 Q And what -- is that -- all of Exhibit Number
11 19, is that all one product or are there
12 several products for which MSDS's are
13 provided?

14 A That's several products.

15 Q Could you just look at that and take as much
16 time as you need and tell me if you see
17 anything on there which appears to be
18 inaccurate, as far as the information provided
19 on those particular products.

20 A I have no way of identifying whether the
21 technical data included here is inaccurate or
22 not.

23 Q Okay. Fair enough. Other than technical
24 data, is there anything, as far as just the --
25 for example, the --

1 A The general format seems accurate.

2 Q What I want to draw your attention to more
3 than anything, on that cover sheet, it talks
4 about style 425 gaskets?

5 A That's correct.

6 Q And it identifies that they are eighty percent
7 asbestos by weight?

8 A Eighty percent Chrysotile asbestos.

9 Q Okay.

10 A I don't see any reference to weight.

11 Q Do you just know from your personal experience
12 whether that would have been eighty percent by
13 weight or by volume?

14 A No, I don't.

15 Q And so therefore, I take it you don't know
16 whether that's an accurate figure or not, of
17 your own personal knowledge?

18 A That's correct. I assume it's accurate. It
19 would have been provided to us from the
20 manufacturer of the material.

21 Q To the best of your knowledge, at no time that
22 you have been with Anchor has Anchor done any
23 testing to ascertain for itself the fiber
24 content, whether by weight or by volume, of
25 the products it was selling?

1 A That's correct.

2 Q That's all I have on that, Mr. Call. On this
3 set of documents which was attached to one of
4 your previous depositions, just out of
5 curiosity, does it appear to you from that
6 cover sheet that that was an invoice where a
7 product was sent to Wheeler Brothers?

8 A Yes.

9 Q Can you tell from either the item numbers or
10 the descriptions that appear on that document
11 what kind of supplies would have been sent to
12 Wheeler Brothers by Anchor Packing on that
13 particular invoice?

14 A These were Ankotallic gaskets.

15 Q Okay. And that's dated when?

16 MR. MAHONEY: The date of the
17 document?

18 MR. MORRISON: Yes, sir.

19 MR. MAHONEY: As opposed to
20 the date of the exhibit number?

21 A 2-4-81.

22 Q (By Mr. Morrison) At any time, to your
23 knowledge, has Anchor offered for sale any
24 asbestos-containing protective clothing type
25 devices or sheets, cloth of any sort?

1 A I'm not sure I understand your question.

2 Q I'm not sure I do, either. That's fine.

3 Mr. Call, can you identify document Number 20
4 to your deposition?

5 A Yes. That's a letter from the office of the
6 general sales manager at our home office dated
7 November the 19th, 1975, directed in general
8 to district managers. The subject is asbestos
9 products from R/M.

10 Q R/M being Raybestos Manhattan?

11 A That's correct.

12 Q And you said the date on that was '75?

13 A That's correct.

14 Q And in '75, you were a district manager,
15 right?

16 A Right.

17 Q You would have expected that you would have
18 received a copy of Call Exhibit Number 20?

19 A That's correct.

20 Q And basically, what is your understanding of
21 that communication from the home office?

22 A There were four styles of sheet material that
23 R/M was putting a card referring to the
24 hazards of asbestos dust, and they enclosed
25 the card and asked us to check those

1 shipments, to remove that card from the R/M
2 shipments, specifically.

3 Q Other than this written communication, which
4 is Exhibit Number 20, were you ever provided
5 orally an explanation as to why that was to
6 occur?

7 A Yes. As I recall upon questioning this, the
8 reason was that the R/M card which they were
9 putting in as an assist for the warehouse
10 people so they didn't have to break down the
11 package and put our own hazard label in there,
12 had -- or did contain the Raybestos name and
13 address. And the home office did not want
14 those shipments going to the customer with
15 their name and address on the card.

16 Q Do you recall, other than the name Raybestos,
17 what else was contained on the card that was
18 being removed as a result of the directive
19 indicated in Number 20?

20 A I believe it was a general hazard of breathing
21 asbestos dust caution label.

22 Q Do you recall yourself ever making a
23 comparison to ascertain for yourself whether
24 the hazard label removed as a result of the
25 directive referenced on Exhibit Number 20, how

1 it compared to the one that Anchor was putting
2 on products itself in 1975?

3 A I believe it was very similar.

4 Q As we sit here today, do you recall any
5 significant differences in the two?

6 A No.

7 Q Let me ask you to look at Call Exhibit Number
8 21 and ask you if you can identify that
9 document.

10 A That was another letter from the general sales
11 manager dated February 2nd, 1976, directed to
12 district managers. And the subject was
13 asbestos products from R/M, referring to the
14 prior letter, stating that R/M was now
15 attaching cards that were without the R/M name
16 and address and that we should make sure that
17 that card stayed with the shipment.

18 Q As a district manager in 1976, do you recall
19 receiving a copy of Call Exhibit Number 21?

20 A Yes, I do.

21 Q Does that appear to be a true and correct of
22 both Call Exhibit 20 and 21?

23 A Yes, sir, they are.

24 MR. MORRISON: Make those the
25 next two.

1 (Whereupon, Deposition Exhibit Nos.
2 22 and 23 were marked for
3 identification by the reporter.)

4 Q (By Mr. Morrison) Let me ask you first if you
5 can identify Call Exhibit Number 22, if you
6 can read it.

7 A It appears to be a letter from the Flextallic
8 Gasket Company to somebody in England.

9 Q Turner & Newell?

10 A I cannot -- yes.

11 Q Do you have any familiarity with Turner &
12 Newell as a company?

13 A At one time in the mid '80's, we were buying
14 product from Turner as a wet process asbestos
15 product that was not as dry as a regular
16 asbestos material. They process it
17 differently.

18 Q While I'm looking at that, let me ask you
19 probably an unrelated question. At any time
20 to your knowledge, has Anchor ever offered for
21 sale any asbestos-containing cements?

22 A No.

23 Q Let me let you look, Mr. Call, at Exhibit
24 Number 22. And would you agree with me that
25 the general purpose of that letter, as you

1 read it today, is to indicate that the Fluid
2 Sealing Association is recommending the
3 discontinuation of the use of blue fiber? Is
4 that what they call it?

5 MR. MAHONEY: Crocidolite.

6 A Yes.

7 Q (By Mr. Morrison) Is that a fair reading of
8 Call Exhibit Number 22?

9 MR. MAHONEY: Just before you
10 answer, I am going to object to the
11 question. There is no foundation
12 for the use of this document. There
13 is no indication that Mr. Call has
14 personal knowledge of the document
15 or its contents.

16 Q (By Mr. Morrison) My question --

17 MR. MAHONEY: Basically, the
18 document speaks for itself, I think.

19 Q (By Mr. Morrison) My question right now is not
20 whether you know anything about it, but is
21 that a fair reading of what you're looking at
22 today?

23 A I can just make out that the reference is blue
24 African asbestos.

25 Q My question to you is, do you recall ever

1 having made to you or ever hearing any
2 communications about the discontinuation of
3 the use of blue asbestos?

4 A No.

5 Q So to the best of your knowledge, if the Fluid
6 Sealing Association made such a
7 recommendation, it was never communicated to
8 you as a district manager in that time frame?

9 A That's correct.

10 Q And to your knowledge, at any time frame
11 around 1976, did Anchor cease selling any
12 products because they contained blue
13 asbestos?

14 A Not to my knowledge. My personal exposure was
15 that we did not sell any blue asbestos in our
16 district.

17 Q You and I looked at earlier in Exhibit Number
18 7, which was the 1939 catalog, and some pages
19 mentioned both white and blue asbestos,
20 correct?

21 A Yes.

22 Q Do you have any knowledge, as we sit here
23 today, as to where blue asbestos versus white
24 asbestos was sold throughout the United States
25 in the '50's?

1 MR. MAHONEY: Objection to
2 the extent the question assumes it
3 was sold at all, other than being
4 available for sale as indicated in
5 the catalog.

6 Q (By Mr. Morrison) Let me modify my question to
7 take care of that concern. To your knowledge
8 as we sit here today, do you know one way or
9 the other within the United States where, if
10 at all, The Anchor Packing Company offered for
11 sale products containing white asbestos versus
12 blue asbestos in the 1950's?

13 A I can't -- I can't identify a sales territory
14 specifically, if there were sales.

15 Q Let's see. Call Exhibit Number 23, can you
16 identify that document?

17 A That is a representation of the wording of the
18 original asbestos dust hazard label.

19 Q You recall looking at Exhibit 23, that that
20 particular wording is the first one that
21 appeared in 1975?

22 A No, this is different.

23 Q That's all I was -- I'm not trying to trip you
24 up.

25 A No.

1 Q I'm just trying to figure out which one was
2 the first one.

3 A I don't know.

4 Q Okay.

5 A It says original label.

6 Q Okay.

7 A I can't tell you where it was --

8 Q Let me show you --

9 A That may have been the label that came from
10 R/M.

11 Q Okay. The document I have attached as Call
12 Exhibit Number 23 to this deposition was
13 Deposition Exhibit Number 1 in the deposition
14 you gave on June 25th of 1993, correct?

15 A Correct.

16 Q Or appears to be? And this is the page that
17 followed that as Call Exhibit Number 2 in the
18 6-25-93 deposition. Does the handwritten note
19 addressed to Jack on the top of Exhibit Number
20 2 help you identify at all what Call Exhibit
21 Number 23 is?

22 A No. The exhibit with the note Jack
23 indicates -- it's a different label. That was
24 the label that we were using in the later
25 years, '89, '90.

1 MR. MORRISON: I'm going to
2 take this off.

3 MR. MAHONEY: They're yours,
4 so --

5 MR. MORRISON: Well, I know,
6 but I attached it as an exhibit.

7 MR. MAHONEY: Okay.

8 Q (By Mr. Morrison) Do you have any knowledge,
9 sir, when The Anchor Packing Company was named
10 for the first time as a defendant in a lawsuit
11 where an individual or group of individuals
12 alleged injury or death due to their exposure
13 to asbestos-containing products sold by The
14 Anchor Packing Company?

15 A No, I don't.

16 Q Can you give me a date when you think that
17 would have occurred, if you know?

18 A I don't know.

19 Q When was the first time that you became aware
20 of the fact that The Anchor Packing Company
21 was being named as a defendant in a personal
22 injury lawsuit alleging exposure to asbestos
23 as the cause of harm?

24 A When I was deposed in 1985.

25 Q Sir, if an individual from Raybestos Manhattan

1 or formerly associated with Raybestos
2 Manhattan testifies that they informed Anchor
3 thirty years ago or longer about potential
4 hazards of asbestos, do you have any means
5 of -- do you have any knowledge whether that
6 is accurate or inaccurate?

7 MR. MAHONEY: I object to the
8 form of the question. It assumes
9 facts not in evidence.

10 A I can't answer that.

11 Q (By Mr. Morrison) If -- if that were true, it
12 wasn't you they communicated it to, correct?

13 A That's correct.

14 Q And if it were communicated to anybody within
15 Anchor Packing, it wasn't further then
16 communicated to you, correct?

17 A That's correct.

18 Q If Mr. Kenkelen were aware of the hazards of
19 asbestos in the mid 1960's, did he ever
20 mention that to you?

21 A No, sir.

22 Q Have you, sir, ever heard of the Trudeau
23 Foundation?

24 A No, I have not.

25 Q How about the Serinack Laboratory?

1 A No.

2 Q Have you ever seen any studies, test results,
3 any information at all from either the Trudeau
4 Foundation or the Serinack Laboratory?

5 A No.

6 Q Did anyone from Raybestos Manhattan, to your
7 knowledge, ever share with you the fact that
8 in the 1920's, '30's, and '40's, that
9 laboratory was able to show that asbestos
10 could cause injury and/or death?

11 A No, they did not.

12 Q Do you remember who -- what insurance company
13 provided insurance coverage to Anchor Packing
14 for any -- any of the insurance companies that
15 provided coverage, whether it be workers'
16 compensation or personal injury coverage for
17 lawsuits such as the one we are here for today
18 from 1967 to the present?

19 A I believe -- the only one I recall having seen
20 any insurance postings on our warehouse board
21 was Liberty Mutual.

22 Q Do you know whether Liberty Mutual ever came
23 to any facility operated by Anchor Packing and
24 did any type of dust counts or fiber release
25 studies?

1 A No.

2 Q No, they didn't, or no, you don't know?

3 A No, I don't know.

4 Q Did anyone with Raybestos inform you or inform
5 somebody else with Anchor Packing so that it
6 was communicated to you that as early as the
7 late 20's and early 1930's, they were
8 conducting medical surveillance programs of
9 their employees exposed to asbestos?

10 A No, I had no knowledge of that.

11 Q So you would have had no knowledge if the
12 results of such program showed that
13 sixty-seven out of one hundred and twenty-six
14 employees screened after only three years of
15 employment and exposure to asbestos showed
16 signs of fibrosis in their lungs?

17 A No.

18 MR. MAHONEY: I'm going to
19 object that he asked and answered
20 the question. He said he had no
21 knowledge.

22 Q (By Mr. Morrison) To your knowledge, sir, did
23 any institution or organization ever come into
24 Anchor Packing, any of its facilities, to your
25 knowledge, and interview any of the workers

1 there about the conditions in those
2 warehouses?

3 A Not to my knowledge.

4 Q Were any attempts made in any of those
5 warehouses, sir, to your knowledge, to control
6 that dust in any manner, to install fans,
7 vents, hoods, anything of that nature?

8 MR. MAHONEY: I'm going to
9 object. It assumes facts not in
10 evidence. There is no testimony
11 from this witness about any dust in
12 any Anchor warehouse.

13 Q (By Mr. Morrison) I think you can still answer
14 the question, if you're able.

15 A Oh, we didn't perceive that we had a dust
16 problem with the material.

17 Q And I certainly appreciate that information,
18 but I don't believe that was my question to
19 you. Did you -- did anyone -- did Anchor, at
20 any of the warehouses with which you are
21 familiar, ever install any type of hood, fan,
22 or venting so that the purpose, as you
23 understood it, was to control any dust output,
24 if any, from asbestos-containing products
25 being used in that warehouse?

1 MR. MAHONEY: Same

2 objection. Go ahead. Go ahead and
3 answer.

4 A We didn't install any fans to ventilate any
5 areas because we didn't have a dust problem.

6 MR. MORRISON: I'm going to
7 object to the latter portion of that
8 as being nonresponsive.

9 Q (By Mr. Morrison) At any time during your
10 employ by Anchor Packing Company, has anyone
11 ever shared with you any results of studies
12 done by the U.S. Public Health Service
13 concerning asbestos dust and fiber releases?

14 A No.

15 Q At any time during your employ by The Anchor
16 Packing Company, have you ever been provided
17 or informed of any communications concerning
18 Raybestos Manhattan's participation in the
19 Asbestos Textile Institute?

20 A No.

21 Q Have you at any time, sir, yourself, ever
22 personally -- I don't want to call it a field
23 trip. Have you ever gone out to any of
24 Johns-Manville's manufacturing plants?

25 A Yes.

1 Q And when would that have occurred?

2 A In the late '70's.

3 Q What was the purpose of that visit?

4 A It was an educational visit. I took one
5 salesman with me to visit the plant in
6 Manheim, Pennsylvania.

7 Q At the time that visit was made, was Anchor
8 Packing offering for sale any products
9 manufactured by Johns-Manville?

10 A Oh, I'm sorry. You said Johns-Manville. I'm
11 referring to -- strike that. My reference was
12 to Raybestos.

13 Q Fair enough. So at the time you made that
14 visit, Anchor would have been offering for
15 sale asbestos-containing products manufactured
16 by Raybestos Manhattan?

17 A Yes.

18 Q Was that your idea to go to that R/M plant?
19 Or were you asked or instructed to do that by
20 somebody higher up in the company than
21 yourself?

22 A No, that was my idea.

23 Q Why did you want to do that?

24 A We were selling a lot of product that this one
25 salesman was involved with, and I felt it

1 would be knowledgeable for him to gain some
2 experience as to how it was made and establish
3 some relationship with the factory.

4 Q Could you give me some estimate as to
5 approximately how long you spent at that plant
6 in Manheim?

7 A Probably an hour.

8 Q During that approximate hour, did you actually
9 make a walk-through of the area where the
10 manufacturing of the products was taking
11 place?

12 A Yes, just a short trip through one of the
13 buildings.

14 Q The particular building through which you
15 walked, would that have been a building in
16 which products were being manufactured or
17 fabricated and which The Anchor Packing
18 Company was offering for sale?

19 A Yes.

20 Q Do you remember what product or products
21 specifically were being manufactured or
22 fabricated in that particular building?

23 A Not specifically, but in general, it would
24 have been braided and hydraulic packing.

25 Q When you first got to the R/M plant, did you

1 meet with somebody from R/M who took you
2 through the plant?

3 A Yes, we went to the sales office.

4 Q Do you recall who from R/M you would have met
5 with prior to your walking through?

6 A I don't recall.

7 Q Did the R/M salesperson go with you through
8 the plant building?

9 A No, just to the building, and then we were
10 turned over to somebody to give us direction
11 from there.

12 Q At the time you went through that particular
13 building, Raybestos building, were the braided
14 and hydraulic packings that were being
15 manufactured or fabricated there
16 asbestos-containing products?

17 A The braided packing was.

18 Q What --

19 A The hydraulic packing was a molded rubber
20 packing.

21 Q Do you recall if you were provided a
22 respirator prior to your walk-through?

23 A We were not.

24 Q Were you cautioned or warned about that in any
25 way?

1 A No.

2 Q Have you ever reviewed at any time any
3 depositions given by any Garlock employees?

4 A No.

5 Q Any employees or representatives of Raybestos
6 Manhattan?

7 A No.

8 Q How about Klinger?

9 A No.

10 Q Do you have any knowledge, firsthand or what
11 you have heard or read something, that prior
12 to the time that The Anchor Packing Company
13 began to sell any products manufactured by
14 Garlock, they asked for and/or received any
15 test results regarding fiber release or dust
16 counts, if any, from those products when used
17 if they contained asbestos?

18 MR. MAHONEY: I'm going to
19 object to the form. The question is
20 confusing.

21 MR. MORRISON: I'll agree to
22 that.

23 MR. MAHONEY: If you
24 understand it, you can answer it.

25 A I don't understand it.

1 MR. MORRISON: To get around
2 your objection, it takes me fifteen
3 parentheticals.

4 Q (By Mr. Morrison) Do you know, either from
5 firsthand experience or anything that has been
6 communicated to you in writing or orally,
7 whether or not Anchor Packing, prior to the
8 time it began to sell any asbestos-containing
9 products manufactured by Garlock, asked for
10 any proof that dust -- asbestos-containing
11 dust or fibers were not being released from
12 that product during normal use?

13 MR. MAHONEY: I object to
14 form again. You can answer if you
15 understand the question.

16 A I have no knowledge that any such question was
17 asked.

18 Q (By Mr. Morrison) Likewise with Raybestos
19 Manhattan, understanding that that was before
20 your time, but based on anything you reviewed
21 or have been informed of, do you have any
22 reason to believe that any inquiry or proof
23 was required by Anchor Packing of Raybestos
24 Manhattan as to the safety of those products
25 that The Anchor Packing Company sold which

1 contained asbestos?

2 A No.

3 MR. MORRISON: Mr. Call, I
4 believe that's all the questions I
5 have right now. I thank you for
6 your time today.

7 THE WITNESS: You're welcome.

8 MR. MORRISON: I pass the
9 witness.

10 MR. MAHONEY: Any questions
11 from anybody over there?

12 MS. MILLIGAN: No questions.

13 MR. MAHONEY: Actually, I do
14 have just one question.

15

16 EXAMINATION

17

18 BY MR. MAHONEY:

19 Q You identified three individuals who have
20 served in the role as president of Anchor
21 Packing from 1987 to 1993, correct?

22 A Yes.

23 Q Who are those three people? Could you
24 identify them again.

25 A Bob Coleates, Will Tener, and Denny Vogel.

1 Q Did all of those individuals assume the
2 presidency of Anchor after the purchase of
3 Anchor by Garlock?

4 A That's correct.

5 Q Had any of those three individuals worked for
6 The Anchor Packing Company prior to the
7 purchase of The Anchor Packing Company by
8 Garlock?

9 A No.

10 Q So none of those three individuals had worked
11 for Anchor prior to 1987?

12 A That's correct.

13 MR. MAHONEY: Okay. Thank
14 you.

15 MR. MORRISON: Before we go
16 off the record, I would like to
17 stack up the exhibits and see if
18 there are any that we can agree to
19 as being business records so that we
20 can save that much on a request for
21 production. If there are not any,
22 that's fine. If not, I may go ahead
23 and ask the witness if we can do
24 that. I won't go in order. Call
25 Exhibit Number 6, which is a

1 catalog, are you willing to
2 stipulate that that is a business
3 record of Anchor Packing?

4 MR. MAHONEY: Yes. We'll
5 stipulate to that, yes.

6 MR. MORRISON: And that
7 Exhibit Number 6 is a true and
8 correct copy of that document?

9 THE WITNESS: That's what it
10 appears to be.

11 MR. MAHONEY: We will
12 stipulate this is an Anchor Packing
13 catalog, although I believe the
14 testimony is that we don't have the
15 date when it was issued.

16 MR. MORRISON: I agree.

17 MR. MAHONEY: But that's all
18 clear on the record.

19 MR. MORRISON: Can we have
20 the same agreements as to Exhibit
21 Number 7, which is identified as a
22 1939 catalog, that it is a true and
23 correct copy and that it is or was a
24 business record of The Anchor
25 Packing Company?

1 MR. MAHONEY: We'll stipulate
2 to that as well. It's the 1939
3 catalog?

4 MR. MORRISON: Yes.

5 MR. MAHONEY: It was
6 identified as such, correct?

7 MR. MORRISON: Yes. I assume
8 we cannot reach any such agreement
9 on Exhibits 8 and 9, as I provided
10 those today?

11 MR. MAHONEY: No. We'll have
12 to take a look at that. Why don't
13 you submit that in written form and
14 we'll respond.

15 MR. MORRISON: Okay. How
16 about Exhibits 3, 4, and 5, which
17 are the photocopies of warnings?

18 MR. MAHONEY: What are you
19 asking that I --

20 MR. MORRISON: Two questions,
21 one, whether or not you're willing
22 to stipulate those are true and
23 correct copies?

24 MR. MAHONEY: We will
25 stipulate to that.

1 MR. MORRISON: As to 3, 4,
2 and 5?

3 MR. MAHONEY: Yes.

4 MR. MORRISON: And I'm asking
5 you to stipulate that they are
6 business records of The Anchor
7 Packing Company.

8 MR. MAHONEY: Yeah, we'll
9 stipulate to that as well. No
10 problem.

11 MR. MORRISON: I don't
12 believe we can do this to 23 because
13 he said he thought that was
14 Raybestos; is that right?

15 MR. MAHONEY: Yes. Based on
16 the witness' testimony and my review
17 of the discovery responses, we'll
18 have to take another look at this.
19 I can't stipulate that it's a
20 business record or that it's frankly
21 even an Anchor document.

22 MR. MORRISON: I gotcha.
23 Same thing for 22, Bill, that I
24 provided?

25 MR. MAHONEY: No stipulation

1 on this one, right.

2 MR. MORRISON: Okay. How
3 about as to Call 21, which was
4 attached to one of the depositions?

5 MR. MAHONEY: We will
6 stipulate that this is a true and
7 accurate copy of the letter of
8 February 2nd, 1976 and we will
9 stipulate that it is a business
10 record of The Anchor Packing
11 Company.

12 MR. MORRISON: How about Call
13 Exhibit Number 20?

14 MR. MAHONEY: Same
15 stipulations.

16 MR. MORRISON: Call Exhibit
17 Number 2, I believe he's already
18 testified was a true and accurate
19 copy of his employment history. Is
20 that a business record of The Anchor
21 Packing Company or was that
22 created?

23 MR. MAHONEY: No, it is not
24 or you can ask Mr. Call how it was
25 created, if you want to clarify

1 that.

2 MR. MORRISON: Okay.

3 MR. MAHONEY: I believe he
4 prepared it himself.

5 THE WITNESS: I created it
6 myself.

7 MR. MORRISON: Okay. How
8 about Call Exhibit Number 19?

9 MR. MAHONEY: Yeah, we'll
10 stipulate these are Material Safety
11 Data Sheets of The Anchor Packing
12 Company, and we will stipulate that
13 such records were kept as business
14 records by Anchor Packing Company
15 after they were received and issue.

16 MR. MORRISON: And that
17 Number 19 are true and correct
18 copies of those MSDS sheets?

19 MR. MAHONEY: Yes.

20 MR. MORRISON: Okay. Can we
21 get the same two stipulations as to
22 Call Exhibit Number 18, the list of
23 products?

24 MR. MAHONEY: Basically, I'm
25 prepared to stipulate that this is a

1 list of asbestos-containing products
2 that was filed in a proceeding in
3 Madison County, Illinois, but this
4 was not a business record of The
5 Anchor Packing Company, that this
6 document was prepared specifically
7 for that litigation.

8 MR. MORRISON: In response to
9 discovery, I guess.

10 MR. MAHONEY: Yes.

11 MR. MORRISON: And just --

12 MR. MAHONEY: In response to
13 a court order and discovery request.

14 MR. MORRISON: Okay.

15 MR. MAHONEY: Placed on all
16 parties in those cases that all the
17 defendants had to list all of their
18 products.

19 MR. MORRISON: And just in
20 fairness to you and for the record,
21 this is not a list of all
22 asbestos-containing products. Some
23 he's identified as
24 asbestos-containing and some not,
25 right?

1 THE WITNESS: That's correct.

2 MR. MAHONEY: His testimony
3 speaks for itself on that.

4 MR. MORRISON: I have already
5 done those. Let me make sure,
6 Mr. Call, that we've got all these.
7 I think we do. That's all I have,
8 sir. Thank you.

9 MR. MAHONEY: Thank you.

10 THE WITNESS: You're
11 welcome.

12

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17

JOHN D. CALL

18

19

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25

1 THE STATE OF TEXAS:
2 COUNTY OF HARRIS:

3 Subscribed and sworn to before me, the
4 undersigned authority, by the witness,
5 JOHN D. CALL, on this, the _____ day
6 of _____, 1994.

7
8 _____
9 Notary Public in and for
Harris County, T E X A S

10 My Commission Expires:
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STATE OF TEXAS:
COUNTY OF HARRIS:

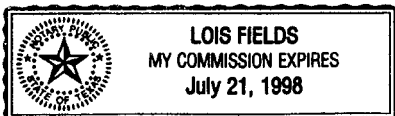
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TAKEN ON DECEMBER 7, 1994

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Subscribed and sworn to on this, the R
12th day of December, 1994.



Lois Fields
LOIS FIELDS, CSR
Certified Shorthand Reporter
In and for the State of Texas

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