

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF ALGER

ESTATE OF LEONARD MARTIN, SR.,
by, MARGARET MARTIN, Personal
Representative,

Plaintiff(s),

-vs-

Case No. 93-2429-NO
Hon. Charles H. Stark

INDUSTRIAL INSULATION CORP.
OF WI; UNION CARBIDE CORP;
WESTINGHOUSE ELECTRIC CORP.;
LINDBERG & SONS, INC.; BARK
RIVER CONSTRUCTION CO.; BAY
INSULATION CO.; G.A.F.
CORPORATION; PITTSBURGH-CORNING
CORP.; ARMSTRONG WORLD INDUSTRIES;
AND A.P. GREEN INDUSTRIES, INC.,
Defendant(s).

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TELEPHONIC DEPOSITION OF JOHN MYERS

AUGUST 30TH, 1995

CHAPA & GIBLIN (313)961-2288

UCAREF00023976

The telephonic deposition of JOHN MYERS,
taken for the purpose of discovery in the
above-entitled cause, before Dennis J. Giblin,
(CSR 0107), a Notary Public in and for Macomb
County, Michigan, (Acting in Wayne County,
Michigan), at 1370 Penobscot Building, in the
City of Detroit, Michigan, on August 30th,
1995, commencing at or about the hour of 3:30
o'clock P.M.

APPEARANCES:

MR. ALAN KELLMAN

The Jaques Admiralty Law Firm

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(313)961-1080

Appearing on behalf of the Plaintiff(s).

MR. JAMES W. STUART

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Appearing on behalf of the Defendant,

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1 APPEARANCES (Continued):

2 MR. DALE R. BURMEISTER

3 Harvey, Kruse, Westen & Milan, P.C.

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7 Appearing on behalf of the Defendants, Union
8 Carbide, Armstrong World Industries, G.A.F.
9 Corporation and A.P. Green Industries, Inc.

10
11 MR. DANNA SUNTAG

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16 Appearing on behalf of the ^{deponent,} John Myers.17
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I N D E X

PAGE

Examination by Mr. Kellman

5

E X H I B I T S

MARKED FOR
IDENTIFICATION

(None offered)

1 MR. KELLMAN: We are here
2 on the case of Leonard Martin, Senior by
3 Margaret Martin, personal representative
4 versus Industrial Insulation Corp. of Wisconsin
5 et al.,.

6 There has actually been no
7 formal notice sent out with respect to this
8 deposition but it has been agreed to by counsel
9 representing all parties as has the presence of
10 the court reporter here in Detroit as opposed
11 to being out there with you and Mr. Myers.

12 EXAMINATION BY MR. KELLMAN:

13 Q. Good afternoon, Mr. Myers.

14 A. Good afternoon.

15 Q. State your name for the record, please.

16 A. ^{John L}
~~Ronald~~ Myers.

17 Q. And where do you reside, Mr. ~~Myers~~ Myers?

18 A. In King City, California.

19 Q. Is that in the Los Angeles area?

20 A. No. It is in Monterey^e County.

21 Q. Mr. Myers, I obviously don't know much about
22 you so I would like to begin by getting a brief
23 summary of your educational background, maybe
24 starting with post high school. You want to
25 just give it to me in a narrative fashion or

1 just sort of want me to lead you through it?

2 A. Lead me through it.

3 Q. Did you attend college?

4 A. Yes.

5 Q. Where did you attend?

6 A. Purdue University.

7 Q. What was the degree in?

8 A. Chemical engineering.

9 Q. Did you do any post graduate work?

10 A. No.

11 Q. You did not obtain a Master's or Doctorate or
12 anything of that sort?

13 A. No.

14 Q. Has there been any continuing education since
15 graduation?

16 A. No. Nothing formal.

17 Q. And what year did you graduate?

18 A. 1951.

19 Q. And I take it you went to work at that time?

20 A. After graduation, yes.

21 Q. And where did you first go to work?

22 A. With Union Carbide Corporation in Oakridge,
23 Tennessee.

24 Q. How long did you stay with Union Carbide?

25 A. Until 1985.

1 Q. So you were there for 34 years?

2 A. Right.

3 Q. And I guess taking the earliest time first, I'd
4 like to run through where you were actually
5 working and what different capacities and
6 titles and the responsibilities you might have
7 had. Starting with 1951, can you tell me what
8 your job duty, title and description was in
9 Tennessee?

10 A. I don't remember the job title. I was ^{a junior} ~~senior~~
11 engineer at the atomic energy facility which
12 was operated by Union Carbide Corporation.

13 Q. How long did you work in that capacity?

14 A. I was there until 1952.

15 Q. And then?

16 A. I transferred to the same kind of an operation
17 in Paducah, Kentucky.

18 Q. Also as a chief engineer?

19 A. ^{As a junior} ~~Engineer~~ and, I was involved with
20 decontamination operations, uranium, various
21 things connected with that industry.

22 Q. How long did you stay in Kentucky in that
23 capacity?

24 A. I left that job in '66.

25 MR. SUNTAG: Let me clarify

1 it may have come across poorly. I thought you
2 asked him if he was chief engineer at Paducah,
3 Kentucky and I thought that was a referral back
4 to his Oakridge, Tennessee work?

5 A. I think he testified he was junior engineer in
6 Oakridge, Tennessee.

7 A. I was never a chief engineer. Just one of the
8 engineers.

9 Q. Up until '66 did your work for Union Carbide
10 have anything to do with asbestos or asbestos
11 containing products?

12 A. No, ~~he~~^I didn't.

13 Q. After 1966 where was your next position?

14 A. I was transferred from Paducah, Kentucky to
15 Niagara Falls, New York to be with the asbestos
16 group there involved with research and
17 development.

18 Q. Okay. And what was your title at that point?

19 A. Research engineer.

20 Q. Can you describe what you were doing?

21 A. Primarily learning about asbestos. I was
22 involved with ^{the} development of a new product, a
23 modified asbestos product called RG244 and also
24 involved with developing and researching the
25 use of our asbestos in oil well drilling fluid.

1 Q. What is RG244 used for?

2 A. It ^{is} used as ^{a Thixotropic} ~~an exotropic~~ agent in various resin
3 systems.

4 Q. What kind of agents?

5 A. ^{Thixotropic} ~~Exotropic~~. Viscosity control ~~agents~~ agents.

6 Q. When you were doing this research in '66, what
7 if any knowledge did you have about the
8 potential hazards of asbestos?

9 A. I don't recall if there ^{was} ~~was~~ any particular,
10 any particular information about the hazard at
11 that time.

12 Q. So in 1966 you were unaware of any of the
13 hazards or dangers of asbestos, is that
14 correct?

15 A. I don't say that I was unaware. I don't
16 remember whether or not I was aware.

17 Q. Can you tell me when you first became aware of
18 the hazards and dangers of asbestos?

19 A. Only that it developed over a period, probably
20 from the late sixties to early seventies.

21 Q. How long did you work as a research engineer in
22 Niagara Falls?

23 A. Until 1967.

24 Q. 1967. And at that time where did you go?

25 A. I was then transferred from Niagara Falls to

1 King City, California as technical
2 superintendent of the milling operation.

3 Q. Okay. What were you milling?

4 A. Asbestos ore.

5 Q. And what did your job involve as the technical
6 superintendent?

7 A. I was again involved with the RG244 product^y
8 developing that product^y for eventual product^y.
9 I was ^{also} involved with quality control.

10 Q. How long did you work as the technical
11 superintendent for milling?

12 A. I was there until '70 at which time I was
13 transferred back ~~to New York~~ to Niagara Falls
14 as the marketing manager for Union Carbide
15 asbestos products.

16 Q. Can you describe what your job duties entailed
17 as the marketing manager?

18 A. Yes. I was responsible for all the sales
19 efforts, the developing^{ment} of marketing
20 information and sales promotional information.
21 Everything associated with marketing of a
22 product or products.

23 Q. Did this encompass all of the asbestos
24 containing products that were produced,
25 marketed or sold by Union Carbide?

1 A. We were not involved with any asbestos
2 containing products. We were selling or
3 marketing raw ~~crisittile~~ *chrysotile* asbestos fibers.

4 Q. And nothing else?

5 A. Nothing else.

6 Q. And at that time had you become aware of the
7 hazards or dangers of asbestos?

8 A. When you say at that time, you mean 1970?

9 Q. Yes.

10 A. I guess I --

11 MR. SUNTAG: I would object,
12 vague and ambiguous as to what you mean by
13 hazards and dangers of asbestos. If you can
14 answer the question, go ahead.

15 A. Again, as I said before, I can't recall exactly
16 when I became aware. But it was in the time
17 frame of the late sixties to the early
18 seventies.

19 Q. (BY MR. KELLMAN): How long did you remain as
20 the marketing manager?

21 A. Until '81.

22 Q. And did Union Carbide continue to sell raw
23 ~~crisittile~~ *chrysotile* asbestos fibers throughout that
24 period?

25 A. Yes.

- 1 Q. Did they sell any other asbestos products?
- 2 A. I am not aware of that. That would be a
- 3 different division, ~~different division~~ of Union
- 4 Carbide.
- 5 Q. You are not saying yes or no?
- 6 A. I am not saying yes or no.
- 7 Q. Okay. And you lived in Niagara Falls as the
- 8 marketing manager until '81?
- 9 A. I lived in Lewiston, New York.
- 10 Q. I take it it was --
- 11 A. Nearby community.
- 12 Q. Okay. And in '81, did you move on to another
- 13 position?
- 14 A. Yes. I was transferred back to King City as
- 15 the production manager for the mining and
- 16 milling operation of asbestos.
- 17 Q. Okay. Do you know what type of asbestos you
- 18 were mining and milling?
- 19 A. Yes.
- 20 Q. What type?
- 21 A. Crisitile short fiber crisitile.
- 22 Q. How long did you remain as the production
- 23 manager?
- 24 A. *Until* The Union Carbide sold the asbestos business in
- 25 July of '85.

1 Q. And did you remain as an employee of Union
2 Carbide after July of '85?

3 A. No.

4 Q. What did you do?

5 A. I stayed with the company that purchased the
6 asbestos operation from Union Carbide.

7 Q. What was the name of that company?

8 A. KCAC, Incorporated.

9 Q. And as I understand it, you are now retired, is
10 that correct?

11 A. Correct.

12 Q. Did you retire from KCAC, Incorporated?

13 A. Yes, I did.

14 Q. In what year?

15 A. December 1993.

16 Q. Did you ever work in the State of Michigan?

17 A. Nope.

18 Q. Have you ever been to the State of Michigan?

19 A. Yes.

20 Q. And as a tourist or while employed?

21 MR. SUNTAG: Can I ask what
22 the relevance of that is?

23 MR. KELLMAN: The case is
24 centered in Michigan and eventually.

25 MR. SUNTAG: What is the

1 relevance of whether Mr. Myers has been in
2 Michigan?

3 MR. KELLMAN: The relevance
4 is if he has not been in Michigan, eventually
5 he is going to tell me he does not know
6 anything about the paper mill up in Munising.

7 MR. SUNTAG: You want to
8 know if he has seen the paper mill?

9 MR. KELLMAN: I will
10 rephrase the question.

11 MR. SUNTAG: Okay.

12 Q. (BY MR. KELLMAN): Okay. Have you ever been in
13 the Upper Peninsula in Michigan, Mr. Myers?

14 A. Yes, I have.

15 Q. Whereabouts?

16 A. In Cheboygan, Carp Lake. I used to vacation
17 there with my grandparents.

18 Q. Have you ever been in Munising, Michigan?

19 A. Not that I can recall.

20 Q. Okay. Then I take it it follows that you have
21 never been in the paper mill that is presently
22 owned by Kimberly Clark located in Munising,
23 Michigan?

24 A. No, I have never been there, as far as I can
25 recall.

1 Q. Okay. Although this may be a very obvious
2 question, I assume you do not know the decedent
3 in this case, Mr. Leonard Martin?

4 A. No, I do not.

5 Q. Do you know anything about the sale of any
6 Union Carbide asbestos products to the Kimberly
7 Clark paper mill?

8 A. I don't remember anything specifically. I have
9 been told that there were some sales in 1973
10 and 1974 but I have not, didn't recall that
11 from my own memory and have not seen any
12 documents to that effect.

13 Q. Okay. Who told you that?

14 A. Mr. Suttgart.

15 Q. Do you know what was sold?

16 A. High purity pellets.

17 Q. You got that information from Mr. Suttgart?

18 A. Yes.

19 Q. You do not have any independent knowledge of
20 any sales to the Kimberly Clark paper mill, is
21 that correct?

22 A. That is correct, that I just cannot recall 20
23 years ago who we sold to.

24 Q. Do you have any knowledge at all as to what the
25 conditions are like up at the Munising, at the

1 Kimberly Clark paper mill up in Munising?

2 A. No, I don't.

3 Q. Do you have any knowledge about what Mr. Martin
4 did while in the employ of Kimberly Clark?

5 MR. SUNTAG: Before the
6 witness answers the question, I object. To the
7 extent that the witness might know that
8 information through what he has been told by
9 his lawyers, I would instruct him not to answer
10 on the grounds that it is privileged but if the
11 witness has independent only knowledge of that,
12 he can give that independent knowledge.

13 MR. KELLMAN: That is fine.

14 A. I have no independent knowledge of that, of his
15 job.

16 Q. (BY MR. KELLMAN): Including his job
17 description?

18 A. That is correct.

19 Q. Or what machinery he might have worked on or
20 did not work on up there?

21 A. That is correct.

22 Q. Okay. Or what conditions were like at the
23 plant?

24 A. Yes, I already answered that.

25 Q. Mr. Myers, I need to back up a little bit

1 here. Have you ever testified in any cases
2 involving asbestos?

3 A. Yes.

4 Q. How many times?

5 A. One time.

6 Q. When was that?

7 A. I don't recall the year.

8 Q. 1990s?

9 A. No.

10 Q. 1980s?

11 A. Possibly. 1970s or eighties. I don't recall
12 the date.

13 MR. SUNTAG: This is
14 testimony at trial, Al?

15 MR. KELLMAN: No, not
16 necessarily. Let me clarify that and be a
17 little bit broader.

18 Q. (BY MR. KELLMAN): Did you ever provide any
19 testimony whether it be in the form of a
20 deposition such as we are doing today or at
21 trial?

22 A. Yes.

23 Q. Is that still one time?

24 A. One trial.

25 Q. One trial?

1 A. Yes.

2 Q. And was Union Carbide a defendant in that
3 trial?

4 A. Yes.

5 Q. Do you happen to remember where the trial took
6 place?

7 A. Yes, I remember; Little Rock, Arkansas.

8 Q. Did it involve the pellets that we have, the
9 high purity pellets that we referenced before?

10 A. No.

11 Q. What, do you remember what type of asbestos it
12 involved?

13 A. It was the RG244 ^{product} pellets.

14 Q. Okay. Are you familiar with the high purity
15 asbestos pellets that have been referenced?

16 A. What do you mean by familiar with?

17 Q. Did you have anything to do with their
18 development?

19 A. I was the plant production manager for, as I
20 said before several years, we produced the high
21 purity pellets. I didn't, I was not involved
22 with the development of the product in the
23 plant originally because I was not involved ~~in~~
24 ~~in~~ when the plant was starting operation in
25 1963, I was not there. You know, I have been

1 involved in producing all the different variety
2 of asbestos products that Union Carbide has
3 produced under the Caladria trade name.

4 Q. I need to determine which time frame we are
5 talking about here. Are we talking about the
6 1981 time frame when you were in King City?
7 When you were the production manager for mining
8 and milling?

9 A. I was also there from ~~1965 to~~ 1967 to 1970.

10 Q. Right. So we are talking about 1967 to 1970
11 and again from 1981 to July of 1985?

12 A. As I say, I was familiar with all the products
13 and when I was marketing manager I would have
14 been familiar with the high purity pellets as
15 well as the other Caladria products that were
16 being marketed.

17 Q. Okay. And can you tell me and I am not quite
18 sure how to ask this question so maybe you can
19 help me with it about with respect to Union
20 Carbide high purity pellets. Have they been
21 consistently of the same composition, size over
22 the years?

23 A. Yes.

24 Q. And can you describe the pellets for me, tell
25 me what is contained in the pellets?

1 A. All short fiber, ~~cris~~tile fibers. ~~Cris~~tile
2 fiber. The only material, that is what the
3 pellets consist of. The size was about
4 one-quarter inch diameter and about a
5 three-eighth⁶ of an inch in length.

6 Q. And is it sealed somehow or how is it held
7 together?

8 A. Held together the way I understand it by
9 Vanderwald~~X~~ forces. It is the attraction
10 between the fibers themselves that hold them
11 together. There is no binder.

12 Q. This was a product that was used in paper, am I
13 not correct?

14 A. Among other applications, yes.

15 Q. What else was it used for?

16 A. It was used in acoustical ceiling tile. I
17 cannot offer ~~and~~ recall any other
18 applications.

19 Q. Do you know when it is used in paper how it is
20 processed with the other ingredients? Do you
21 have any knowledge about that?

22 A. Not any personal knowledge. I cannot recall
23 having seen it used but I understand that it
24 would just be added along with the other
25 materials that make up a paper furnish.

1 Q. So it would break down and mix with the other
2 materials, is that correct?

3 A. Yes.

4 Q. Is it a dusty product?

5 A. The pellets were, ^{not} that was part of the reason
6 for ~~pulling~~ ^{producing} our asbestos ~~or marketing our~~
7 asbestos in pellets ~~form~~ ^X because they were
8 essentially dust free.

9 Q. But when it is broke down, when it was mixed
10 with the other products, would it not become
11 dusty, friable?

12 A. It wouldn't be because it would be in a liquid
13 application.

14 Q. How do you mean it is in a liquid application?

15 A. That is the way it was incorporated, as I say,
16 in the furnish. The furnish, the way I
17 understand the paper operation is a water based
18 application.

19 Q. But --

20 A. To my knowledge it was never processed in a dry
21 form, the pellets were never processed in a dry
22 form.

23 Q. Did you ever personally process any of the high
24 purity pellets into paper?

25 A. No.

1 Q. Have you ever observed the processing of the
2 high purity pellets into paper?

3 A. Not that I can recall.

4 Q. So you do not have any personal knowledge about
5 the other ingredients that go into paper, is
6 that correct?

7 A. No, I don't.

8 Q. Your knowledge is based upon what you have been
9 told?

10 A. Yes.

11 Q. Okay.

12 A. And what I have read.

13 Q. What did you read?

14 A. Well, just about the makeup of material and I
15 don't remember where I read it, how asbestos
16 was used in these paper applications.

17 Q. Did you read that in preparation for today's
18 deposition or was that something that you read
19 in some years prior?

20 A. Been read in many years prior.

21 Q. So then, you do not now know how they went
22 about mixing the pellets with the other
23 ingredients at the Kimberly Clark paper mill?

24 A. No, I don't.

25 Q. Do you know whether or not there are any

1 studies regarding the friability of these
2 pellets?

3 A. No. I don't.

4 Q. Okay.

5 A. What was the, what was the word?

6 Q. Friability, do you know what I mean when I use
7 the word friable, Mr. Myers?

8 A. Yes. It means able to be crushed with hand
9 pressure.

10 Q. Let me give you a little bit of a broader
11 definition than that. When I use the word I
12 just mean that the asbestic particles become
13 air born.

14 A. I don't think you are correct in that.

15 MR. BURMEISTER: Friable is
16 a term of art that is used by the EPA and in
17 its asbestos regulations.

18 MR. KELLMAN: As Mr. Myers
19 defined it there?

20 A. Yes.

21 MR. BURMEISTER: Yes.

22 Q. (BY MR. KELLMAN): Are there any studies
23 regarding the fibers that comprise the pellets
24 becoming air born under any circumstances that
25 you are aware of?

1 A. Studies with the --

2 Q. The individual fibers that are in the pellets?

3 A. If the pellets are ground up, and then
4 aggitated with some air flow, they would
5 obviously become air born^h

6 Q. Would if they just sit and become dry, are they
7 more likely to be easily broken up?

8 MR. BURMEISTER: I object to
9 the question. I do not think there is a
10 foundation for this. This individual, is
11 really, his area is the marketing and the sale
12 of Caladria and so forth. If you want to get
13 into the technical side of dust measurements
14 and so forth we have witnesses listed that
15 specifically know about that, the dust counting
16 techniques and so forth and whatnot and I can
17 let you know who they are on our witness list
18 but they specifically know about Caladria and
19 whatnot but this gentleman is really on the
20 marketing side of the equation, if you will,
21 not so much the technical side I would
22 suggest.

23 So I object to the lack of
24 foundation for the question.

25 MR. KELLMAN: Mr. Myers has

1 testified that he does not, other than what he
2 learned in preparation for today, have any
3 independent recollection of any sales directly
4 or indirectly to Union Carbide.

5 Q. (BY MR. KELLMAN): Is that correct, Mr. Myers?
6 I mean, to Kimberly Clark.

7 A. Correct, yes.

8 MR. BURMEISTER: Just so he
9 understands how generally it was sold, what
10 went with it and so on and so forth.

11 Q. (BY MR. KELLMAN): Were the sales made directly
12 to a paper mill or did you go through an
13 intermediary?

14 MR. SUNTAG: Objection. It
15 lacks foundation. Not specific enough, to make
16 it ambiguous. Can you rephrase it?

17 MR. KELLMAN: I am talking
18 about the pellets.

19 Q. (BY MR. KELLMAN): And Mr. Myers, you had
20 indicated that you were told that there were
21 sales to the Kimberly Clark paper mill. I am
22 asking with respect to the sales of the
23 pellets. Would these sales be made directly by
24 Union Carbide, for example, to the Kimberly
25 Clark paper mill or would you use a retailer?

1 A. Most customers, we use both. We use direct
2 sales and we also use distributors.

3 Q. Would you know who the distributors were for
4 the State of Michigan in the sixties and
5 seventies?

6 MR. SONTAG: Let me
7 interject this. I am not sure if that answers
8 your question, Alan. I think you were asking
9 with respect to sales by Union Carbide to
10 Kimberly Clark of Caladria, whether those sales
11 were intermediary like a distributor, is that
12 what you are asking?

13 MR. KELLMAN: I was asking a
14 little bit broader than that because I have a
15 personal answer to that already in the Answers
16 to Interrogatories, but let me keep going here.

17 Q. (BY MR. KELLMAN): Do you know, Mr. Myers, who
18 were the distributors of Caladria in the State
19 of Michigan?

20 A. No, I don't remember.

21 Q. Do you have any knowledge as to whether or not
22 the sales were made directly from Union Carbide
23 to Kimberly Clark or through a distributor?

24 A. I am not sure specifically about Kimberly
25 Clark. To the best of my knowledge, we didn't

1 sell high purity pellets through a distributor.

2 Q. Okay. I am speaking of the United States?

3 A. Right.

4 Q. When you were the marketing manager from '70 to
5 '81, did there come a point during the
6 seventies when you would provide warnings with
7 regard to the sale of the asbestos products to
8 your purchasers?

9 A. We provided information regarding the potential
10 hazards of using asbestos, yes. It was part of
11 our marketing efforts to keep the customers
12 advised of new regulations or changes in the
13 regulations that might be appropriate to tell
14 them about.

15 Q. Would that have coincided with the OSHA
16 regulations coming into play?

17 MR. SUNTAG: Objection to
18 the extent it calls for a legal conclusion as
19 to anything about OSHA regulations but Mr.
20 Myers can give his understanding.

21 MR. KELLMAN: I was just
22 asking for a date.

23 A. The ^{original} ~~usual~~ OSHA regulations didn't, to my
24 recollection, require any notification like
25 that. As I remember, we probably began this

1 before the OSHA regulations came out in 1972.

2 Q. Can you recall when you began doing this?

3 A. I can't recall a specific date. I have in the
4 past seen information that we have sent to
5 customers dated 1970.

6 Q. Okay.

7 A. We made it a practice or an attempt to do this
8 on a periodic basis, as I say, to keep
9 customers informed of any new regulations or
10 any new information regarding asbestos.

11 MR. KELLMAN: I do not have
12 any further questions at this point, Mr. Myers.

13 MR. STUART: No questions on
14 behalf of Westinghouse.

15 MR. BURMEISTER: Can we take
16 a break for just a second here and then we will
17 wrap it up if there is anything else. I do not
18 think there probably is, but. Let me just --

19 I have no questions. I
20 would however request an opportunity for Mr.
21 Myers to read and sign the deposition because
22 of the fact that we are doing it telephonically
23 but as soon as I receive it from Mr. Giblin I
24 will immediately Federal Express it out to him
25 and I am sure that given the relatively short

1 nature of it it should not take long at all for
2 him to do that. Other than that, I guess we
3 can close the record.

4 MR. KELLMAN: Thank you,
5 Mr. Myers.

6 A. Thank you.

7 (Deposition concluded
8 at 4:30 p.m.)
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1 ESTATE OF LEONARD MARTIN, SR.,

2 Plaintiff(s),

3
4 -vs-

Civil Action

5 No. 93-2429-NO

6 Hon. Charles H. Stark

7
8 INDUSTRIAL INSULATION

9 CORP. OF WI,, et al.,

10 Defendant(s).

11 -----/

12
13 VERIFICATION OF DEPONENT

14 I, JOHN MYERS, having read the
15 foregoing deposition consisting of my testimony
16 at the aforementioned time and place do hereby
17 attest to the correctness and truthfulness of
18 the transcript.

19
20 -----

21 Dated:-----

22
23 Dennis J. Giblin, Reporter

1 CERTIFICATE OF NOTARY
2
3

4 STATE OF MICHIGAN)

5)SS

6 COUNTY OF MACOMB)
7
8

9 I, Dennis J. Giblein,

10 Certified Shorthand Reporter and Notary Public
11 in and for the above county and state, do
12 hereby certify that the deposition of JOHN
13 MYERS, was taken before me at the time and
14 place hereinbefore set forth; that the witness
15 was by me first duly sworn to testify to the
16 truth, the whole truth and nothing but the
17 truth, that thereupon the foregoing questions
18 were asked and foregoing answers were made by
19 the witness which were duly recorded by me
20 stenographically and later reduced to computer
21 transcription; and I certify that this is a
22 true and correct transcript of my stenographic
23 notes so taken.

24 I further certify that I am
25 not of counsel to either party nor interested

1 in the event of this cause.

2

3 -----

4 Dennis J. Giblin, CSR-0107

5 Notary Public

6 Macomb County, Michigan

7

8 My Commission expires:

9 June 9, 1992

10

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CHAPA & GIBLIN (313)961-2288

UCAREF00024007

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF ALGER

ESTATE OF LEONARD MARTIN, SR.,
by, MARGARET MARTIN, Personal
Representative,
Plaintiff(s),

-vs-

Case No. 93-2429-NO
Hon. Charles H. Stark

INDUSTRIAL INSULATION CORP.
OF WI; UNION CARBIDE CORP;
WESTINGHOUSE ELECTRIC CORP.;
LINDBERG & SONS, INC.; BARK
RIVER CONSTRUCTION CO.; BAY
INSULATION CO.; G.A.F.
CORPORATION; PITTSBURGH-CORNING
CORP.; ARMSTRONG WORLD INDUSTRIES;
AND A.P. GREEN INDUSTRIES, INC.,
Defendant(s).

-----/

CORRECTIONS TO DEPOSITION OF JOHN MYERS

KELLEY DRYE & WARREN

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

515 SOUTH FLOWER STREET

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STAMFORD, CT.
PARSIPPANY, N.J.
BRUSSELS, BELGIUM
TOKYO, JAPAN

November 29, 1995

Mr. John L. Myers
102 River Drive
King City, California 93930

Re: Estate of Leonard Martin, Sr. v. Industrial Insulation Corp. of WI

Dear John:

I received today the enclosed copy of the deposition you gave on August 30, 1995, by telephone from Monterey. I am informed by Union Carbide's lawyer in the case, Dale Burmeister, that the case settled. He sent the deposition transcript for informational purposes only.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

DANA A. SUNTAG

DAS:bhs
Enclosure
cc: Alan Jay Gerson, Esq. (w/enc.)

LA01/SUNTD/122887 71

UCAREF00024009

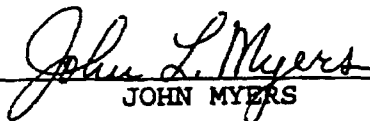
I, JOHN MYERS, have reviewed the transcript of my deposition taken in the above action on August 30, 1995, and the transcript is true and correct with the following changes:

<u>Page/Line</u>	<u>Reads</u>	<u>Should Read</u>
3:16	the John Myers.	the deponent, John Myers.
5:16	Ronald Myers.	John L. Myers.
5:17	Mr. Meyers?	Mr. Myers?
5:20	Monteray	Monterey
7:10	senior	a junior
7:19	Engineer	As a junior engineer,
8:22	a development	the development
9:2	used as an exotropic	is used as a thixotropic
9:5	Exotropic	Thixotropic
9:5	controlled agents.	control agent.
9:9	there were any particular,	there was
10:7	products	product
10:8	products	product
10:8	product	production
10:9	was involved	was also involved
10:13	to New York to	to
10:19	developing	development
11:3	crisitile	chrysotile
11:23	crisitile	chrysotile
12:3	different division, different division	different division
12:21	Crisitile	Chrysotile

<u>Page/Line</u>	<u>Reads</u>	<u>Should Read</u>
12:21	crisitile	chrysotile
12:24	The Union Carbide	Until Union Carbide
14:16	Cheboygan	Sheboygan
18:13	pellets.	product.
18:23-24	involved in 19,	involved
19:3	Caladria	Calidria
19:9	from 1966 to, 1967	from 1967
20:1	crisitile	chrysotile
20:1	Crisitile	Chrysotile
20:5	three-eight	three-eighths
20:9	Vanderwald	Vanderwal
20;17	offer and recall,	recall
21:5	were, that	were not. That
21:6-7	pulling our asbestos or marketing our asbestos	producing our asbestos
21:7	pellets form	pellet form,
24:5	air born.	airborne.
27:23	usual	original

I declare under penalty of perjury that the foregoing
is true and correct.

Executed this 15th day of December, 1995, in
Los Angeles, California.



JOHN MYERS

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535 GRISWOLD STREET

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CHRISTOPHER R. ROYCE
ROBERT PAUL VIAR

OF COUNSEL
RONALD R. PAWLAK
*ALSO LICENSED TO
PRACTICE IN ILLINOIS
*ALSO LICENSED TO
PRACTICE IN FLORIDA

KIRT B. DEVRIES (1949-1994)

November 28, 1995

Donna Suntag
Kelley, Drye & Warren
515 South Flowers St., Ste 1100
Los Angeles CA 90071

Re: John Myers deposition

Dear Mr. Suntag:

Enclosed for your review is a copy of John Myers' August 30, 1995 deposition taken in the Martin case.

Very truly yours,

HARVEY, KRUSE, WESTEN & MILAN, P.C.


Carolyn Osborn
Legal Assistant

CO/jbw
Enclosure

UCAREF00024012