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In The Matter Of:

*Ronald J. Corbal, et al. v.
Chevron Corporation, et al.*

*Ronald J. Corbal
September 16, 1998*

*Trial
Testimony*

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THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES
RONALD J. CORBAL and KATHLEEN)
ANN CORBAL,)
Plaintiffs,)
) CASE NO.
V.) BC 182 895
CHEVRON CORPORATION, a)
corporation; et al.,)
Defendants.)
TRIAL TESTIMONY OF RONALD J. CORBAL
WEDNESDAY, SEPTEMBER 16, 1998
PAGES 1 - 50; VOLUME 1
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Trial Testimony of RONALD J. CORBAL, taken
on behalf of PLAINTIFFS, at 3262 Trebol
Lane, San Jose, California, commencing at
10:01 a.m., WEDNESDAY, SEPTEMBER 16, 1998,
before VICKI A. CARR, Certified Shorthand
Reporter No. 6280, pursuant to Notice.

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WEDNESDAY, SEPTEMBER 16, 1998

RONALD J. CORBAL, VOLUME 1

Examination by MR. THOMAS

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

PAGE LINE

None.

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EXHIBITS

RONALD J. CORBAL - VOLUME 1

Number	Description	Page
None.		

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[1] WEDNESDAY, SEPTEMBER 16, 1998;
10:01 A.M.

[3] MR. THOMAS: We're going to go
through the [4] obligatory introductions
and statements before [5] we go on the
video record, so let me begin.

[6] My name is Tom Thomas. I'm [7]
representing Mr. and Mrs. Corbal in an
action [8] pending in Los Angeles County.

I am with the [9] firm of Davis & Thomas,
1999 Avenue of the [10] Stars, Suite 2310,
Los Angeles, California [11] 90067.

[12] I am operating the video camera [13]
today. We are videotaping the testimony
of [14] Mr. Corbal for perpetuation for trial
[15] purposes. And counsel present, we'll
go around [16] and state your appear-
ances and then we will [17] begin.

[18] MR. RIFF: My name is Larry Riff from
[19] Steptoe & Johnson. I represent Chev-
ron.

[20] MS. BHIRDO: Kelly Bhirdo from Gor-
don & [21] Rees, for Rapid American
Corporation.

[22] MS. ROSEN: Joanne Rosen from
Haight, Brown [23] & Bonesteel re-
presenting a number of other [24] defen-
dants in this case.

[25] MR. THOMAS: This is the com-
mencement of

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[1] tape 1 at approximately 10:02 a.m., [2]
September 16, 1998. And, madam re-
porter, if [3] you'll swear the witness,
please.

[4] RONALD J. CORBAL, [5] having been
first duly sworn, testified as [6] follows:

[8] EXAMINATION

[9] BY MR. THOMAS:

[10] Q: Sir, could you state your name for
the [11] record, please?

[12] A: Ronald J. Corbal.

[13] Q: Mr. Corbal, we are here today in
your [14] home videotaping your trial
testimony to be [15] played before a jury
in your lawsuit pending in [16] Los
Angeles.

[17] The oath that you have just been
given [18] is the same oath that you would
receive were [19] you in a court of law,
carries with it the same [20] penalty of
perjury. Do you understand that, [21] sir?

[22] A: Yes, I do.

[23] Q: Would you tell us your date of
birth?

[24] A: I was born September 10th, 1946.

[25] Q: That would make you age 52?

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[1] A: Fifty-two.

[2] Q: In fact that would have been then
your [3] 52nd birthday was just last week.

[4] A: Last week, yes.

[5] Q: Also, if you'll remember to allow
me [6] to complete my question before
you begin your [7] answer, it will make it a
lot easier to [8] understand both on the
video as well as for the [9] court reporter.

[10] Sir, are you married?

[11] A: Yes.

[12] Q: And what is your wife's name?

[13] A: My wife's name is Kathleen Ann.

[14] Q: And when were you married?

[15] A: Do you need her maiden name?

[16] Q: No. That's fine. She goes by Kathy?

[17] A: Yes.

[18] Q: And when were you married to
Kathy?

[19] A: We were married July 9th, 1972.

[20] Q: So then you've been married a
little [21] bit over 26 years now?

[22] A: Twenty-six years, correct.

[23] Q: How did you meet Kathy?

[24] A: I was playing adult softball, and a
[25] friend of mine on the team men-
tioned that he.

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[1] had a cousin that he would like me to
meet. So [2] he basically set this up, and
my wife came to [3] one of the games and
we became acquainted and [4] started
dating at an adult softball game.

[5] Q: And this has been your one and
only [6] marriage, correct?

[7] A: That's correct.

[8] Q: Do you have any children?

[9] A: Yes.

[10] Q: Would you tell us their names and
[11] ages, please?

[12] A: We have three children. The old-
est, [13] Robert Allen, just turned 24 on
Sunday. His [14] birthday is the 13th of
September.

[15] My second son is Richard James. He is
[16] 21. His birthday is in March, March
26th. And [17] my daughter is 17. Her
birthday is in June, [18] June 15th.

[19] Q: Are the children still living at
home?

[20] A: My middle son is currently attend-
ing [21] UC Santa Cruz and basically lives
off campus at [22] the college, works in
Santa Cruz and goes to [23] school there.
So he goes not really spend a [24] great
deal of time here.

[25] My older son graduated from UC
Santa

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[1] Cruz and has returned home. He's
doing [2] substitute teaching. And until he
can really [3] establish himself in order to
become [4] independent, more in-
dependent, he is living at [5] home here
with us. My daughter obviously, yes, [6] is
home with us.

[7] Q: What is she, a senior in high school
[8] now?

[9] A: She's a senior in high school.

[10] Q: You provide financial support to
both [11] your wife and your children?

[12] A: Yes.

[13] Q: Could you describe, please, for us
[14] your educational background?

[15] A: My educational background, I have a [16] bachelor's degree in business administration [17] and industrial management from San Jose State [18] University which I obtained in 1969. I also [19] have a master's in business administration [20] which I obtained from San Jose State University [21] in 1976.

[22] Q: Now, it's my understanding between the [23] bachelor's and the master's you got a polite [24] little notice from a very rich uncle, Uncle [25] Sam, drafting you into the service; is that

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[1] correct?

[2] A: That's correct.

[3] Q: Would you tell us about that? When [4] did you serve in the military?

[5] A: In 1969, when I graduated with a [6] bachelor's degree from San Jose State, I was [7] informed that I no longer had deferment, [8] college deferment, and that my presence was [9] requested at Fort Lewis, Washington. I spent [10] approximately the next two years in the army [11] infantry and served a tour of duty in Vietnam.

[12] Q: The tour of duty in Vietnam, that was [13] approximately April 1970 through middle of [14] March 1971; is that correct?

[15] A: Correct.

[16] Q: Following your discharge from the [17] military, the active duty military portion, [18] there was a period of time where you also [19] served as a reserved enlisted individual, [20] correct?

[21] A: Um-hum.

[22] Q: Ultimately some six years after your [23] initial drafting you had completed your [24] military service with the U.S. Army?

[25] A: Yes.

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[1] Q: What did you do after you got out of [2] the army in 1971?

[3] A: I started looking for employment. And [4] while I was a veteran and had a degree, I [5] believed it would be fairly easy to get a job. [6] Unfortunately most employers told me that [7] without experience they would like to talk to [8] me later, once I did have some experience. So [9] I spent approximately six months looking for [10] employment.

[11] During that time I contacted the State [12] of California Employment Development [13] Department, the state job service and through [14] their assistance was referred to a number of [15] positions but also was given information about [16] a position internal to EDD helping veterans [17] find employment.

[18] So in October of 1971 I was hired by [19] EDD to work as a veteran's repre-

ntative [20] assisting vets to find employment.

[21] MR. THOMAS: All right. Let's take a short [22] break on tape number 1 at approximately 10:08. [23] We have another guest here. This will be a [24] break on tape 1.

[25] (Recess.)

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[1] MR. THOMAS: This is the continuation of [2] tape 1 at approximately 10:11 a.m.

[3] BY MR. THOMAS:

[4] Q: Mr. Corbal, not to slight your [5] daughter, I don't believe we've actually heard [6] her name on the record. What is her name?

[7] A: My daughter's name is Kristin Marie.

[8] Q: Now, you were telling us about your [9] employment and the company EDD. What is EDD?

[10] A: EDD stands for the Employment [11] Development Department, which is the state [12] component of the national job service system [13] under the Department of Labor.

[14] And it is charged with providing [15] assistance to employers and job seekers. Also [16] it provides unemployment insurance. And there [17] is just so many programs now that we're [18] involved in.

[19] Q: Now, you still work for EDD, correct?

[20] A: Correct.

[21] Q: This has been your one and only job [22] since getting out of the service for, what, the [23] last 27 years?

[24] A: Correct.

[25] Q: Let me see if I can put this

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[1] chronology into perspective. You get out of [2] the service in March of 1971, spend a period of [3] time seeking employment, ultimately work with [4] EDD, and obtain full-time employment in October [5] of 1971.

[6] You have met your wife, have been [7] dating her, ultimately married July 9, 1972, [8] but you're not getting your master's until [9] 1976; is that correct?

[10] A: Correct.

[11] Q: Could you tell us how you came about [12] going back to school and the circumstances [13] involved there?

[14] A: When I came out of the service one of [15] the things that I learned was that under the GI [16] bill there were some benefits that I was [17] entitled to that I would be foolish not to take [18] advantage of. And if I was to return to school [19] and pursue an advanced degree, not only would [20] that benefit

me as a person but I was entitled [21] to some payments from Uncle Sam also.

[22] So I did return. And while starting a [23] new family, working full time, trying to keep a [24] new house, you know, maintained and whatnot, it [25] was quite hectic, but in about two and a half

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[1] years I completed the MBA program. And in '76 [2] ultimately received the degree.

[3] Q: What exactly is your position with EDD [4] presently?

[5] A: Currently I'm an employment program [6] manager. And within a field office - field [7] office I'm assigned to is the Campbell [8] office - I manage a group of individuals who [9] are responsible for assisting the public, the [10] public being job seekers, employers, those [11] people looking for information on training. [12] Anyone who needs assistance with employment and [13] training issues our staff is there to assist [14] them, providing workshops, providing direct [15] placement assistance, providing referrals to [16] other services. Again, just a whole myriad of [17] activities.

[18] Q: It is my understanding your current [19] rate of pay is approximately \$4,170 per month [20] plus benefits; is that correct?

[21] A: That's correct.

[22] Q: There was a recent opportunity for [23] promotion that was presented to you; is that [24] correct?

[25] A: That's correct.

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[1] Q: Would you describe that for us, [2] please, and what happened?

[3] A: As we had talked before, within [4] government civil service, especially with an [5] EDD, there have not been many opportunities for [6] advancement over the years. And just recently [7] it was like all of a sudden the door opened [8] with a few promotional opportunities.

[9] I currently am on two promotional [10] lists for classifications higher than my [11] current classification and would be considered [12] for openings at that level, those advanced [13] levels, and hopefully would be selected. In [14] one case I actually have a letter where I would [15] have been selected had it not been for my [16] health.

[17] Q: You've had to withdraw your name from [18] consideration for this promotion due to your [19] health?

[20] A: That's correct.

[21] Q: Sir, can you give us an approximation [22] as to what the pay increase would have been [23] under this new promotion compared to your [24] current

ent?

[25] A: Most of our classifications have
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[1] ranges, but it's like a 5 percent increase [2] classification to classification. You know, I [3] couldn't give you details without looking at [4] the chart but approximately 5 percent.

[5] Q: Over your 27 some years with EDD, you [6] have worked your way up through the ranks from [7] a low level trainee up to your current [8] position; is that correct?

[9] A: Correct.

[10] Q: Do you have any plans to retire?

[11] A: Actually I haven't given it a great [12] deal of thought. I do, sure, I mean off into [13] the future. We have a fairly decent retirement [14] package, and I am looking forward someday to [15] enjoying not having to get up in the morning [16] and clean up and go to work and all that kind [17] of stuff.

[18] But I really haven't given it a great [19] deal of thought. I kind of like what I'm [20] doing. And, you know, if you enjoy what you're [21] doing, if you enjoy the people you're working [22] with, if you feel that what you're doing makes [23] some sense and has some importance, that's what [24] I focus on. So I really haven't given [25] retirement per se a great deal of thought.
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[1] Q: With a young daughter still in high [2] school and college yet to come and perhaps even [3] advanced degrees, would it be fair to say that [4] you would continue working as long as you were [5] physically able even up through age 65 to age [6] 70?

[7] MR. RIFF: Objection. Leading.

[8] THE WITNESS: Pardon me?

[9] MR. RIFF: I have made an objection, and [10] you can answer.

[11] MR. THOMAS: Let me rephrase it.

[12] BY MR. THOMAS:

[13] Q: Sir, given the situation with a young [14] daughter still at home yet to go to college and [15] perhaps even any other advanced degrees, could [16] you give us an estimate as to how long you [17] would have anticipated continuing to work given [18] your health allowing you to continue working?

[19] A: I really wouldn't be able to answer [20] how long. I mean it would be guess work on my [21] part.

[22] You're right. My daughter right now [23] is a senior in high school and is looking at [24] various universities as possibilities. One of [25] the universities she is looking at is Gonzaga,
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[1] and I said, "Fine, great, wonderful. And

you [2] better be looking at the scholarship money [3] you're going to get to pay for it too." The [4] point being that, yes, college is extremely [5] expensive.

[6] I have a disabled veteran tuition [7] waiver that can be applied within the [8] University of California system that has meant [9] that for my two sons going to UC Santa Cruz [10] they have had some of their fees waived which [11] saved us some money, not having to pay those [12] fees.

[13] We still had to pay other fees and the [14] living expenses. And there have been times [15] where writing out that check for the fall [16] semester kind of cut into some of the checks we [17] were writing for other things.

[18] So college is definitely something [19] that has to be considered when I look at can I [20] survive on retirement income or do I need to [21] continue working in order to have a full [22] income.

[23] Q: If your health were to allow your [24] continued work at EDD, there is no mandatory [25] retirement age there, is there?

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[1] A: No.

[2] Q: And you would be able to work up to [3] age 70 is you so desired?

[4] A: Correct.

[5] Q: What I want to do now is focus your [6] attention many, many years in your past to a [7] period while you were in college and talk to [8] you about your summer jobs during college.

[9] Would you tell us, please, where did [10] you work during your summers while going to [11] college?

[12] A: The first summer - I believe this was [13] between high school and college - I worked for [14] a company, Grosken, Incorporated, which was an [15] industrial or commercial landscape firm that [16] contracted to take care of planting plants and [17] sterilizing soil and doing various things [18] around corporate headquarters, things of that [19] nature. I did that for one summer.

[20] The following summer I was fortunate [21] enough to get a job with Southern Pipe & [22] Casing. And I say fortunate because this was a [23] union type of position, meaning it paid a [24] little more than the average summer position. [25] And when you are just working three or four
Page 21

[1] months to try to pay for your entire school [2] year, that's very important.

[3] Q: Let me interrupt you here for a [4] second, just ask you briefly, this period of [5] time between your senior year in high school [6] and your freshman year in

working for Grosken, [7] there is no reason to your knowledge to believe [8] that you had any asbestos exposure during that [9] summer, correct?

[10] MR. RIFF: Objection. Leading.

[11] Go ahead and answer.

[12] THE WITNESS: None whatsoever. We [13] basically were planting ivy, pruning bushes, [14] watering plants, doing things that to my [15] knowledge didn't expose me to any asbestos.

[16] BY MR. THOMAS:

[17] Q: Let me rephrase the question in [18] response to the objection to make sure that we [19] have it clear on the record.

[20] What did you do? What were your job [21] duties while working for Grosken during that [22] summer between your senior year in high school [23] and your freshman year in college?

[24] A: I was a laborer. And basically, [25] again, I spent time planting mostly ivy on side
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[1] hills, watering plants, pruning and shaping [2] plants. That was predominantly what I did.

[3] Q: Now let's take you to your work at [4] Southern Pipe. First let's get a general [5] picture.

[6] You went back and worked at Southern [7] Pipe for each of the summers during your [8] college years, correct?

[9] A: That's correct.

[10] Q: So the time frame we're talking about [11] is the summer of 1965, '66, '67, and '68, [12] correct?

[13] A: That's correct.

[14] Q: Tell us, what did you do while working [15] during those summers for Southern Pipe?

[16] A: Each of those four years, and it [17] didn't change appreciably from summer to [18] summer, I was a laborer. I'm not even sure now [19] but I think the union classification probably [20] was laborer.

[21] I was asked and did anything basically [22] that they told me to do, which included helping [23] the forklift drivers move steel pipe around the [24] yard, take it off of trucks, put it on trucks, [25] move pipe into the area where it would go
Page 23

[1] through the machines that would coat - put a [2] coating on the outside of the pipe, yard [3] cleanup around the yard itself, just so many [4] very basic labor types of activities.

[5] Q: What was this coating that went on the [6] pipe called? What was its name?

[7] A: Somastic.

[8] Q: Somastic. S-o-m-a-s-t-i-c?

[9] A: I believe so, yes. [10] That was one of the coatings. This [11] plant coated pipe based on where the pipe was [12] going to be laid, under the bay, in adobe soil, [13] in loam. So the coating depended on where the [14] pipe was going to be.

[15] I would say the majority - gosh, I [16] wouldn't begin to - a very high percentage of [17] the pipe that we ran through ran through [18] Somastic. So what I'm saying is there were [19] other coatings that were put on the pipe but [20] Somastic was without a doubt the foremost [21] coating that we put on.

[22] Q: Describe for us, what was this process [23] of coating these steel pipes with Somastic? [24] How did that occur?

[25] A: Most of the time it was a matter of
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[1] placing steel pipe - and this steel pipe was [2] between two inches and I think the largest we [3] dealt with was 36 - steel pipe, 40 foot [4] lengths. These pipe were placed in a machine, [5] an extrusion machine. Were run through, and [6] through a process of - I don't know how to [7] describe it exactly. I wasn't privy to the [8] technical aspect of the process - but [9] basically tar or asphalt, the various materials [10] that made up Somastic, for example, came [11] together in this machine and were spread - [12] for lack of a better word - were spread on [13] the pipe as the pipe went through the machine.

[14] Q: Were the ends of these pipes coated [15] with Somastic during the application process?

[16] A: No.

[17] Q: And why not?

[18] A: Obviously you have 40 foot lengths. [19] They have to be trucked to a job site and [20] connected at the job site. So the Somastic, or [21] whatever the coating we were using, normally [22] stopped a good foot, foot and a half, two feet [23] short of the end. So that when they were sent [24] to the field this pipe could then be welded, [25] could be coated, the ends could go coated in

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[1] the field to finish the job.

[2] Q: Now, during your summer jobs at [3] Southern Pipe, did you know at that time that [4] Somastic contained asbestos?

[5] A: Absolutely not.

[6] Q: Let me talk to you about the bag days, [7] the process of filling bags with dry Somastic [8] mix. Could you describe that process for us, [9] please?

[10] A: Yes. As I mentioned, the ends of the [11] pipe were free of the coating. And when it [12] went to the field a mixture had to be made and [13] the job finished

so that this was a continuous [14] pipe run.

[15] The only way we could do this is to [16] have like a dry mix of the Somastic material [17] that could be combined with asphalt, I guess, [18] in the field to complete that job. In order to [19] get this dry mix, we had to run the machine [20] that normally coated the pipe basically the [21] same way it always ran with the exception that [22] the asphalt wasn't included in the mixture as [23] it came through the machine.

[24] Now, what this meant was that from the [25] machine there was a "Y" apparatus, a duct work

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[1] "Y" apparatus, coming down to the "Y" being [2] upside down, two spigots with control handles [3] that could shut off or open that particular [4] side.

[5] And we four individuals usually would [6] stand there with gunnysacks. And one person [7] would have a sack over the end of that spigot, [8] if you will. His would be open, the sack would [9] be filling. Once that sack was full he [10] basically would shut his off and it [11] automatically opened the other side. The other [12] side, the guy better be standing there with a [13] sack covering his spigot. And this just went [14] back and forth, back and forth, back and [15] forth.

[16] The other two individuals in the [17] process were there to very quickly tie the top [18] of the gunnysack and throw the sacks onto a [19] pallet, stack them onto a pallet. It could be [20] set at different speeds. And sometimes it was [21] set pretty fast.

[22] And we did this quite often. We did [23] quite a bit of this because, again, it was [24] needed for the ends of the pipe in the field.

[25] Q: So every single load of pipe that went

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[1] out in the field had to have their own batch of [2] dry mix Somastic that could then be applied on [3] the ends of the pipe that's in the field?

[4] A: That's correct.

[5] Q: Your job during these bag days was [6] simply to, as quickly as able, you and three [7] other fellows fill these gunnysacks with this [8] dry material on a continuing basis, correct?

[9] A: That's correct.

[10] Q: Were these bag filling days - was [11] that a dusty process?

[12] A: Yes. Very, very, very dusty.

[13] Q: How would you describe it? What was [14] it like?

[15] A: I have been on baseball fields where [16] the dirt was so finely ground

that it was like [17] powder, I mean just like talcum powder or [18] something. And I have kicked that dirt. And [19] that dust cloud is the best dust cloud you ever [20] saw. I mean it beats, let's say, a sand storm, [21] anything. It's just ultimate dust. I would [22] equate this with that. Very, very dusty.

[23] Q: Now, this was a material that you were [24] putting in the bags from spigots that were base [25] high, shoulder high? Could you describe what

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[1] level it was?

[2] A: More or less shoulder height, yes.

[3] Q: Would this dust also get all over your [4] clothes?

[5] A: Oh, definitely.

[6] Q: Was this dust that you and the other [7] fellows breathed?

[8] A: Yes.

[9] Q: Was there any way for you to avoid [10] breathing this dust during the bagging process?

[11] A: There was no way to avoid breathing in [12] the dust, no.

[13] Q: Were any respirators provided for your [14] use?

[15] A: No.

[16] Q: Were any uniforms provided that would [17] allow you to then take off these dusty clothes [18] and not transport the dust home in either your [19] car or to the home?

[20] A: No.

[21] Q: Did you in fact bring home [22] contaminated dusty clothes as a result of this [23] bagging process?

[24] A: I'm sure I had to have because, again, [25] we just - the Levi's and sweatshirt or

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[1] whatever we were wearing that particular day, [2] when the day ended you jump in the car and you [3] go home. And so basically whatever I had on [4] me - now, sure, we might try to, you know, [5] brush it off. But I'm sure that I was bringing [6] this material wherever my clothes went.

[7] Q: Did you drive back and forth to this [8] job during the summers in your own car?

[9] A: Yes.

[10] Q: And so whatever was in that dust that [11] was on your clothes also ended up in your car [12] and in your home?

[13] A: I would say yes.

[14] Q: During these summers working at [15] Southern Pipe did you expect you could work [16] with or around Somastic without it causing you [17] any harm?

[18] A: I didn't give it any thought. In my [19] mind there was no reason to believe there was [20] any harmful effect or any danger.

[21] Q: In essence you expected you could work [22] with and around this material without any [23] personal injury?

[24] A: Yes, absolutely.

[25] Q: No one ever told you Somastic could be

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[1] harmful to your health in any respect, did [2] they?

[3] A: No.

[4] Q: You saw no warnings on the bags?

[5] A: No.

[6] Q: Did anybody ever make any statement to [7] you in any fashion that breathing the asbestos [8] dust from Somastic would cause you any physical [9] harm?

[10] A: No.

[11] Q: Were you ever instructed by anybody, [12] during these summer jobs while at Southern Pipe [13] breathing asbestos dust from Somastic, that [14] precaution should be taken to avoid breathing [15] this asbestos?

[16] A: Not per se. In other words, not as [17] far as asbestos or Somastic or anything of that [18] nature. But rather just because it was a very [19] dusty area, we all would say to each other [20] something about wearing these little masks. [21] And the masks that we had were - I would call [22] them these inexpensive garden type of mask. [23] Wear long sleeve shirts.

[24] I mean we took those kinds of [25] precautions just because it was so dusty. But

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[1] no one ever instructed us or gave us any [2] information that would help us go beyond that.

[3] Q: These little masks that you're [4] describing, are these little paper masks [5] that -

[6] A: Right.

[7] Q: Is it basically because it was so [8] darned dusty you would be choking on the dust [9] if you didn't wear it?

[10] A: Absolutely.

[11] Q: Other than your work at Southern Pipe [12] during the summer jobs from 1965 through 1968, [13] are you aware of any other potential exposures [14] to asbestos in your entire life?

[15] A: I am not.

[16] Q: No other jobs where you could in your [17] understanding have any asbestos exposure?

[18] A: I cannot think of any exposure.

[19] Q: After graduating college, after go-

ing [20] to the army and coming to work for EDD, from [21] that point on your entire employment career has [22] been involved with office jobs, correct?

[23] A: That's correct.

[24] Q: Wearing a coat and tie and no exposure [25] to any dust as you know?

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[1] A: That's correct.

[2] Q: Sir, let me turn your attention to [3] your medical condition and the disease [4] mesothelioma. What I would like you to do is [5] describe for us, please, the symptoms you were [6] experiencing up to the diagnosis of [7] mesothelioma in March of 1998.

[8] A: Approximately November or December of [9] 1997 I started experiencing some chest pain, [10] shortness of breath, but a great deal of [11] heartburn and acid indigestion. I went to my [12] doctor and we pursued a belief that perhaps I [13] was suffering from like an esophageal reflux or [14] something that was more esophageal in nature.

[15] I was given some medication that did [16] help as far as the heartburn and the acid [17] condition. But I still continued to have pain, [18] and it started getting worse probably about [19] beginning of this year. Sometime beginning of [20] January, the pain started getting worse. And [21] it was focused in the front left rib area and [22] left back. And this could at times be very [23] excruciating.

[24] Later I was told that the cause of the [25] pain was that the disease was pressing against

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[1] or had grown into a rib and obviously the [2] effect on the nerves that was causing the [3] pain.

[4] I spent a great deal of time during [5] that period, December, January, February, [6] March, working with a pain management nurse at [7] Kaiser, here in San Jose, trying to come up [8] with ways to control the pain.

[9] I'd say for about four months I spent [10] my life trying to find a comfortable position [11] that I couldn't find. The pain was just too [12] excruciating. And no matter how I climbed all [13] over the furniture, no matter what I did, I had [14] the pain.

[15] Finally about April, I think, we hit [16] on the best combination of medications that is [17] now fairly well controlling the pain.

[18] Q: Describe those pain medications that [19] you've utilized to control the pain at [20] present.

[21] A: The two primary medications, one is [22] Oramorph MSCONTIN, a morphine tablet. I take [23] 300 millig-

rams twice a day, so 600 milligrams [24] of MSCONTIN.

[25] I also take Mexiletine, which is a

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[1] morphine product, and I take 900 milligrams of [2] that a day in tablet form.

[3] Q: Have your pain medication dosages [4] increased over time?

[5] A: It did increase up to the present [6] level, which seems to be the level that is for [7] the most part controlling the pain. And I have [8] to tell you, everything is relative. It's not [9] that I'm without pain but it's controlled.

[10] Q: You are in pain right now?

[11] A: Minor.

[12] Q: Is virtually every waking moment of [13] your life dealing in trying to control the pain [14] you're experiencing?

[15] A: Um-hum.

[16] Q: Let's take you back before March, and [17] if you'll describe for us, please, the [18] chronology of the diagnosis until the point [19] when a doctor told you you had mesothelioma, if [20] you would, please.

[21] A: Again, my doctor was having tests run, [22] x-rays, and we felt that it had something to do [23] with the esophagus. But she is a specialist [24] who I guess has had some background with chest [25] x-rays and how they depict certain cloudy

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[1] areas. And this apparently is what occurred in [2] this case.

[3] An x-ray showed a very suspicious [4] cloudy area that caused her to ask for a CT [5] scan. The scan basically told her that [6] mesothelioma was a possibility or something [7] serious was a possibility. She ordered a [8] biopsy, and the biopsy confirmed what she had [9] felt, that it was mesothelioma.

[10] Q: After confirming the diagnosis that [11] indeed you had mesothelioma, what did you do [12] regarding a search for effective treatment if [13] anything?

[14] A: I have to say that my wife and I [15] especially spent many, many, many hours on the [16] Internet, making phone calls, making copies of [17] materials. In addition, friends and relatives [18] have just been unbelievable helping us to get [19] information.

[20] And what we were looking for was [21] something that would be the most - how should [22] I say it - the most beneficial treatment. [23] Mesothelioma does not have a standard treatment [24] procedure that works. And because of that we [25] were looking at clinical trials, we were

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[1] looking at photo dynamics, gene therapy. You [2] name it, we looked at it. [3] We made phone calls to Pennsylvania, [4] to Louisiana, to specialists at universities [5] all over the country trying to find out about [6] their particular clinical trials or do we [7] qualify, do I qualify for what they're looking [8] into.

[9] End result being that unfortunately I [10] do not qualify for most of the studies because [11] the pleural area had been too much invaded, if [12] you will. There was not enough room or space [13] to continue a study of that nature, so I wasn't [14] eligible.

[15] We were referred to an oncologist, a [16] specialist at Kaiser here in San Jose, who is [17] the head of the department and very well [18] respected, who along with a private doctor in [19] Aptos assisted in coming up with what is now [20] the only course of action I have really.

[21] Q: And what is that?

[22] A: Chemotherapy.

[23] Q: Describe that for us, please, the [24] process and the chronology of your chemo [25] treatments.

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[1] A: Again, mesothelioma does not respond [2] to standard treatments well. So chemotherapy [3] even was not ever considered the answer. But [4] when we got to the point where there wasn't any [5] other answers then we had to consider it as [6] something that we might at least try to buy [7] some time.

[8] So along about - I'm going to say [9] it's been two months since we started the [10] chemotherapy. Along about July I was started [11] on a regimen with two chemotherapy drugs. The [12] regimen is four weeks - excuse me. It's one [13] day a week, a Friday, for four weeks, and then [14] with two weeks off the chemotherapy. And then [15] a repeat of that cycle.

[16] I have completed one cycle. I am next [17] week due to complete the second cycle. I think [18] it's too early to say whether it's had any [19] beneficial - you know, whether it's been [20] beneficial or not.

[21] Q: You receive the chemotherapy treatment [22] on Fridays?

[23] A: Correct.

[24] Q: Do you have to do anything on Thursday [25] in anticipation of the treatment on Friday?

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[1] A: Yes. Thursdays I have a blood test so [2] that they can determine the blood counts, so [3] that if the blood counts are too low - and it [4] happened once where I was denied treatment, if [5] you will. And when I said denied, it was felt [6] that it was

better that I not receive the [7] chemotherapy that particular week because my [8] white blood count was so low that I was just a [9] target for infection.

[10] And I guess - you know, this is - [11] I've never been through this before. This is [12] all new to me. I guess that's the thing you [13] have to really watch out for is infections.

[14] Q: We'll get to this in a moment. You've [15] had some infections and you've had three [16] emergency room visits recently.

[17] A: Correct.

[18] Q: Let me just focus at this stage on the [19] chemotherapy. The therapy itself, how long [20] does that take on Fridays?

[21] A: It's an infusion process. And [22] normally I'm there between three and four [23] hours. There are some preliminary drugs that [24] are infused that have to do with nausea, to try [25] to prevent nausea. And then the two drugs are

Page 39

[1] given.

[2] Q: Have you experienced nausea as a side [3] effect of your chemotherapy?

[4] A: I have experienced side effects, yes.

[5] Q: Describe those for us.

[6] A: Well, I have had some hair loss. I [7] guess I'm very fortunate in that it has been a [8] thinning rather than a total loss of my hair. [9] The primary and more serious side effects are [10] nausea, constipation. Sometimes the [11] constipation changes and it's diarrhea. [12] Light-headedness and anxiety, tingling and [13] numbness in my feet, swelling. Every day is [14] different.

[15] Q: Following the chemotherapy, can you [16] predict how you are going to feel?

[17] A: No.

[18] Q: Your last chemotherapy treatment was [19] last Friday. Today is Wednesday. Your next [20] treatment - you'll have blood tests tomorrow [21] and another treatment two days from now, [22] correct?

[23] A: Correct.

[24] Q: Let me talk to you about your sleep [25] patterns. Could you describe those for us,

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[1] please? What is your sleeping situation these [2] days?

[3] A: Because of the pain, the pressure on [4] the rib, I have not been able to sleep in a bed [5] for ages. In fact, stomach is out of the [6] question since like last - since the first of [7] the year. Right and left side

I've tried a few [8] times but they're iffy at best.

[9] So basically it's a lay on your back [10] situation, and my bed is too firm, so for quite [11] sometime I have been sleeping on an air [12] mattress on the floor of my bedroom.

[13] Q: Are you able to get a full night's [14] sleep?

[15] A: It's the best I can get. I mean I [16] wake up two or three times. But I do get some [17] sleep.

[18] Q: Now, you've had some infections, and [19] you've been to the ER three times recently, [20] correct?

[21] A: Correct.

[22] Q: Just describe those for us, please.

[23] A: The first time was a couple of months [24] ago. One evening I was very, very anxious and [25] experiencing nausea, light-headedness and

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[1] whatnot. My wife became very concerned and [2] called 911.

[3] The paramedics determined that while [4] there probably wasn't anything serious, I [5] should be checked out and took me over to [6] emergency. It was determined that I did have [7] an infection at that time, and they prescribed [8] some other medications to help me overcome, for [9] example, the nausea.

[10] I had lost approximately 15 pounds. I [11] was very weak. And so what they were going to [12] do basically was try to build me back up. I [13] was very, very down at that point.

[14] The second time had to do more with [15] the nausea, the fact that I didn't know where [16] this was going. I mean it was something I had [17] never experienced before and didn't know how to [18] deal with. And it ended up that they had to [19] increase the medication for the nausea.

[20] This last time I came home on a Friday [21] afternoon from work, in fact it was the last [22] day that I worked, and felt a little feverish. [23] My daughter took my temperature, and it was [24] 101.

[25] My wife got home minutes later, and as

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[1] soon as she heard that we were on our way to [2] emergency, because one of the things they say [3] when you're on chemotherapy is if your [4] temperature reaches 101, get in here. I don't [5] know the reason but there must be a reason.

[6] When we went into emergency a lot of [7] tests, a lot of x-rays and whatnot, and they [8] determined that I had pneumonia. Very [9] concerned because, again, on chemotherapy, [10] these poisons are put in your system to kill [11] the cancer cells but they also kill good cells

[12] and take your ability to fight off infections [13] way down.

[14] And so without the ability to fight [15] off infections and having pneumonia, I was - [16] they were very concerned at that point in [17] time. Gave me antibiotics and sent me home. [18] So I'm basically over that pneumonia.

[19] Q: You've also been prescribed [20] supplemental oxygen; is that true?

[21] A: That's true.

[22] Q: In fact we have the oxygen tank, the [23] portable tank, right next to you. You've not [24] needed it so far during this session. But [25] could you describe for us, please, what you

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[1] need the oxygen for and when do you use it?

[2] A: Increasingly, especially over the last [3] month, I've noticed decreased lung capacity, a [4] much harder time breathing. And I noticed also [5] in the hot weather the heat just - if there [6] was no breeze, if there was no air circulating, [7] it was just very, very difficult for me to [8] breathe.

[9] And part of it, I think, is that it [10] tends to make you anxious. And that plays on [11] itself too, so that - I mean it's a vicious [12] cycle. And the more you think you need it, the [13] more you need it. And the more you use it - I [14] mean I haven't needed it a great deal, but I [15] have at times needed it and I'm glad I had it.

[16] Q: In addition to the portable unit that [17] you have here in the living room you also have [18] a much larger unit, a recirculator, correct?

[19] A: Correct.

[20] Q: When you are using the oxygen, would [21] you tell us what is the flow rate that you [22] are -

[23] A: Two millimeters.

[24] Q: And that is per minute?

[25] A: Yes, I believe so.

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[1] Q: And the capacity of the one tank that [2] you have next to you, that's rated between [3] three and four hours; is that true?

[4] A: I believe so.

[5] Q: Now, you mentioned you've been unable [6] to work?

[7] A: Um-hum.

[8] Q: Tell us what has happened recently [9] with respect to your work.

[10] A: Well, I tried as long as I could to [11] continue a normal life-style. And part of that [12] is going to work. Done it for 27 years, why [13] stop now. But I found it more and more [14] difficult to - from an energy standpoint, just [15] found it

difficult to spend an entire day at [16] work. So for about a three-week period I cut [17] back, and I would work - one of the weeks I [18] think I worked two days, another week three [19] days, and a final week two or three days.

[20] And that's when I had the pneumonia. [21] And the doctor said two things: You can't even [22] handle two or three days; and, secondly, this [23] is putting you in an environment where you're [24] more susceptible to be around viruses, the [25] various things that I'm trying to avoid from

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[1] the standpoint of infection.

[2] So fortunately I have the ability - I [3] have accumulated sick leave, and I have the [4] ability to take some time, right now at least, [5] at full pay.

[6] Q: Prior to your disease mesothelioma, [7] would you describe for us what was your general [8] health like?

[9] A: I was always on the go. And typical [10] aches and pains, typical 50 year-old complaints [11] about various things. But generally pretty [12] good health.

[13] Q: Trips to the doctors over the 10 years [14] prior to this mesothelioma, did you have to go [15] to the doctor?

[16] A: I practically live at Kaiser right [17] now. And there were years probably prior to [18] this where I didn't go to Kaiser once in the [19] whole year. I didn't need to.

[20] Q: Other than a short bout with malaria [21] back in the army in Vietnam, have you ever been [22] hospitalized in the 20 years prior to this [23] mesothelioma?

[24] A: No.

[25] Q: Your mother and father are still

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[1] living, correct?

[2] A: Correct.

[3] Q: How old are they?

[4] A: My mother is eighty - I want to say [5] three but it might be four, and my father is [6] 82. He will be 82 in October.

[7] Q: How about your grandfather, how long [8] did he live?

[9] A: My paternal grandfather lived to be [10] 99.

[11] Q: Let me talk to you about your [12] activities and hobbies and family affairs prior [13] to the diagnosis. Could you describe for the [14] ladies and gentlemen of the jury, just what [15] generally were the things that you and your [16] family enjoyed doing prior to this disease?

[17] A: We had kind of a "Leave It To Beaver" [18] family in that it's rare, I think, but we did a [19] lot of things together. And we enjoyed doing [20] things toge-

ther. We have a home up in the [21] Sierras that my father built in 1980 that we [22] use year round. In the winter we're up there [23] skiing; in the summer we're up there fishing, [24] boating, whatnot.

[25] My kids have been involved in lots and

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[1] lots and lots of sports and school activities. [2] And over the years we just have - we've done [3] an awful lot of things together and enjoyed [4] being together.

[5] Personally, I enjoy playing golf. I [6] played softball, fished, skied, did a lot of [7] work around my home here. I took a great deal [8] of pride in the way my home looked and so as [9] far as maintenance and yard work and that type [10] of thing, you know, spent a lot of time doing [11] that.

[12] But busy in the sense of good clean [13] activities. I mean lots of things we did.

[14] Q: What were your dreams for the future?

[15] A: Well, obviously I have three [16] children. And making sure that they're okay, [17] that - I mean, like anyone, I wanted to see my [18] daughter go down the aisle. You know, see [19] graduations, those type of things.

[20] But it goes beyond that. I am very [21] close to my kids. And I'm very concerned about [22] them. I'm very concerned about what this [23] means.

[24] MR. THOMAS: Thank you. That's all I have, [25] sir.

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[1] THE WITNESS: Pardon?

[2] MR. THOMAS: That's all I have.

[3] This will conclude the videotape [4] testimony of Mr. Corbal. At tape 1, [5] approximately 11 a.m., we'll go off the tape.

[6] MR. RIFF: Why don't we go off the record a [7] couple minutes and reorganize ourselves.

[8] MR. THOMAS: This concludes the videotape [9] trial testimony of Ron Corbal and end of tape [10] 1.

[11] (At 11:01 a.m., the deposition [12] proceedings concluded.)

[15] RONALD J. CORBAL

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STATE OF CALIFORNIA)
COUNTY OF SAN MATEO) ss

I hereby certify that the witness in the foregoing deposition, RONALD J. CORBAL, was by me duly sworn to testify to the truth, the whole truth and nothing but the truth, in the within-entitled cause; that said deposition was taken at the time and place herein named; that the deposition is a true record of the witness' testimony as reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting by computer.

I further certify that I am not interested in the outcome of the said action,

nor connected with, nor related to any of the parties in said action, nor to their respective counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of September, 1998.

VICKI A. CARR, CSR No. 6280
STATE OF CALIFORNIA

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