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Note on cover sheet:

testimony that corporate physicians
were members of AMA (1945 -) and AOMA.
pp 216-240

VOLUME I
PAGES: 1 - 264
EXHIBITS: 1 - 11

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VICTORIA LUND, *
individually and as *
successor in interest to *
WILLIAM LUND, deceased; *
and DAVID LUND, an *
individual; SHEILA LUND, * CASE NO:
an individual, as legal * 2:13-CV-02776-WGY
heirs of WILLIAM LUND, * (VBK)
Deceased, *
Plaintiffs, *
vs. *
AIR & LIQUID SYSTEMS *
CORPORATION, ET AL., *
Defendants. *

DEPOSITION OF ELECTRIC BOAT CORPORATION,
by and through its designee, BRADFORD HEIL
Friday, March 27, 2015
Mystic Marriott Hotel
625 North Road
Groton, Connecticut

--- Deanna Veinotte, RPR, CRR, CCP, LSR #428 --
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Page 2	Page 4
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Page 3	Page 5
1 2 PROCEEDINGS 3 10:16 a.m. 4 5 THE VIDEOGRAPHER: Good morning. We 6 are on the record. The date is Friday, March 7 27, 2015, and the time is 10:16 a.m. 8 I am Robert Sweig, Certified Legal 9 Video Specialist on behalf of Southwest Legal 10 Videographers, 73844 Two Mile Road, 29 Palms, 11 California, 92277. The court reporter is 12 Deanna Veinotte representing HG Litigation 13 Services, 915 Wilshire Boulevard, Suite 150, 14 Los Angeles, California, 90017. 15 This deposition is taking place at the 16 Mystic Marriott Hotel, 625 North Road, Groton, 17 Connecticut 06340. 18 This begins video media number one, 19 volume one in the videotaped deposition of 20 Electric Boat Corporation, person most 21 qualified by Mr. Bradford Heil. 22 The case number is 23 2:13-CV-02776-WGY(VBK) pending in the United 24 States District Court for the Central District 25 of California entitled Victoria Lund, et al.	1 ***** 2 BRADFORD HEIL, Deponent, having first been 3 satisfactorily identified and duly sworn by the 4 Notary Public, deposes and states as follows: 5 ***** 6 MR. BRATT: Before we begin, Mr. 7 Rosse, rather than go through the list of 8 things that we went through on the prior 9 deposition, are you agreeable to all the things 10 that were clarified on the record with respect 11 to the preliminary matters, or do you want me 12 to go through them again? 13 MR. ROSSE: Well, if you can just 14 outline them so I can make sure I understand 15 what you're talking about. You don't need to 16 go through in detail, but if you just outline. 17 MR. BRATT: Sure. Initially, as I had 18 stated previously that rather than seal the 19 entire deposition because there's nothing 20 within the Court Order or the agreement that's 21 been -- protective order agreement that has 22 been signed by all the parties that it is 23 automatically sealed, that specific portions 24 that may deal with ITAR-related materials can 25 be marked within five days after you receive a

Page 6	Page 8
1 completed transcript, at which point then those 2 specific portions that have been identified and 3 designated would then fall within the 4 confidentiality agreement that's been signed. 5 MR. ROSSE: Agreed. 6 MR. BRATT: Okay. Secondly, we 7 reached a stipulation with respect to the 8 documents that have been produced in this case. 9 There's over 11,000 of them. They've all been 10 Bates-stamped that they are true and correct 11 copies and authentic under federal and 12 California rules, and also that they were 13 either created and obtained in the ordinary 14 course of business and maintained by either 15 General Dynamics Corporation and/or Electric 16 Boat Corporation and would qualify as business 17 records under the federal law and California 18 rules with exception to hearsay. You maintain 19 all other objections relative to hearsay. 20 MR. ROSSE: Right. The only hearsay 21 objection I would not waive is for documents 22 that were not prepared by Electric Boat or 23 Electric Boat Division of General Dynamics, 24 maybe a third-party document contained within 25 there. I agree they are all records that have	1 records, or is he? 2 MR. ROSSE: He is not officially the 3 custodian of records. He does have some 4 knowledge in that respect, but I am agreeing 5 and stipulating to the authenticity of the 6 business records. 7 MR. BRATT: I issued a statement 8 related to the prejudice to plaintiffs in that 9 over 10,000 documents have been produced 10 starting on Tuesday of this week and as late as 11 after the business hours yesterday, and that 12 plaintiffs have not had a full and complete 13 opportunity to review all those, given the fact 14 that they were produced so late and haven't had 15 an adequate opportunity to prepare. 16 This has prejudiced us. There's been 17 a request dating back to June of 2014 and 18 multiple requests in between then that would 19 have allowed for those documents to be 20 produced, so I reserve the right to seek with 21 the Court additional opportunity to depose the 22 witness. 23 I had asked previously if the witness 24 would be coming live to trial. You said it was 25 not determined. I also asked if you would
Page 7	Page 9
1 been maintained and anything created by 2 Electric Boat or the former division of General 3 Dynamics. If that does fall within the hearsay 4 exception. 5 MR. BRATT: So if there's a letter 6 that's in response to a letter that's 7 written -- was written to and addressed to 8 someone at General Dynamics and it's maintained 9 in the records, you're saying that that still 10 does not fall within the business records 11 exception? 12 MR. ROSSE: Well, if there's a 13 statement within that letter, that statement by 14 a non -- by someone other than a General 15 Dynamics or Electric Boat person, that 16 statement would still be hearsay. 17 Anything created by Electric Boat or 18 the Electric Boat Division of General Dynamics, 19 I would agree would fall under the exception. 20 MR. BRATT: All right. There's some 21 issues then that we have, but nonetheless, we 22 can move on. 23 One thing I didn't address last time, 24 the witness is being produced as the person 25 most qualified. He's not the custodian of	1 accept a subpoena on the witness's behalf. You 2 declined. I assume you still decline? 3 MR. ROSSE: We will follow the Federal 4 Rules of Civil Procedure with regard to any 5 subpoena of trial witness. 6 MR. BRATT: So you're not going to 7 accept a subpoena on his behalf? 8 MR. ROSSE: No. 9 MR. BRATT: Okay. As I stated, I 10 would seek a motion, as I described in the 11 prior transcript, with respect to if you then 12 decide to object because he's outside the 13 subpoena power because of distance but then 14 decide to bring him live, then it would be like 15 having your cake and eating it, too. 16 We would seek a motion to require that 17 you come in our case in chief, and we have a 18 right to take him first. We can meet and 19 confer about that further. 20 I had also asked if you had located 21 and produced a complete copy of the depositions 22 that were produced, that's EB-LUND-000001 23 through 001760. Those depositions were 24 produced on behalf of both General Dynamics and 25 Electric Boat, and there were missing pages

Page 10	Page 12
1 that were identified in various correspondence 2 I've had with you over the last two weeks. 3 Were you able to locate complete 4 copies of those depositions? 5 MR. ROSSE: As I've told you, we 6 produced those depositions in the manner that 7 we still have them. We don't have any other 8 copies that are different from what we've given 9 you. So to the extent there's anything missing 10 in there, that's all we have. 11 MR. BRATT: You have also failed to 12 produce the specific exhibits with respect to 13 those depositions. Were you able to locate 14 them? 15 MR. ROSSE: I disagree with your 16 language that we failed to produce them. We 17 produced what we have. We don't have those 18 exhibits as they were marked to those 19 depositions. We don't know what happened to 20 them. We don't know whether court reporters 21 may still have them or where they are, if they 22 exist. 23 What we have done is have attempted 24 to, based on the deposition testimony, find and 25 produce the documents that are identified. We	1 appropriate time. 2 MR. BRATT: And I had asked whether or 3 not for purposes of hearsay and unavailability 4 that the individuals with respect to the 5 depositions that were produced, are they deemed 6 unavailable? Can we stipulate that they are? 7 MR. ROSSE: Well, I don't think for -- 8 they were produced as witnesses on behalf of 9 the corporation, so I don't know that 10 unavailability is an issue. I don't know they 11 are available, but I don't think there's an 12 issue with that when they were produced as a 13 corporate witness. 14 MR. BRATT: My point is that while you 15 may have specific objections to certain pages 16 of my designations, either relevance, et 17 cetera, you're not going to object that the 18 transcripts themselves are hearsay. 19 MR. ROSSE: I would agree with that. 20 MR. BRATT: Okay. 21 MR. ROSSE: Let me clarify. They are 22 hearsay, but there's a hearsay exception to 23 that rule. 24 MR. BRATT: You won't be raising the 25 hearsay objection with respect to that? You
Page 11	Page 13
1 can't guarantee they are exactly the same 2 documents, but we have done the best we can to 3 find the documents as they're discussed and 4 produced those to you. 5 MR. BRATT: Would you agree, though, 6 that the exhibits associated with the 7 depositions have either been lost, discarded, 8 misplaced, or destroyed. 9 MR. ROSSE: I agree that we don't have 10 them. 11 MR. BRATT: Okay. We've reached an 12 agreement that rather than go into the 13 financial condition of the corporation and seek 14 out documents of the same, that if at the time 15 of trial or after the first phase of trial 16 there's a finding of punitive damages, malice, 17 oppression, or fraud that we will engage in 18 discovery at that time and that I'm not waiving 19 my right to seek further documents and 20 information as well as a corporate witness for 21 that specific subject matter. 22 MR. ROSSE: I agree that you're not 23 waiving any right you may have to that, and 24 we're not producing someone at that point and 25 it will be addressed to the Court at the	1 may have, like, an objection to hearsay within 2 the transcripts or relevance within the 3 transcripts or what have you? 4 MR. ROSSE: Agreed. 5 MR. BRATT: But you're not going to 6 say that I can't use Bernard Guillotte, 7 G-U-I-L-L-O-T-T-E, March 28, 1978 as a former 8 testimony deposition, correct? 9 MR. ROSSE: Correct. We are not going 10 to argue that they are former corporate 11 representative testimony. 12 MR. BRATT: Okay. Preliminarily, I 13 will attach as Exhibit 1 the most recent 14 Amended Deposition Notice of the Taking of the 15 Videotaped Deposition of Defendant, Electric 16 Boat Corporation Person Most Qualified Pursuant 17 to F.R.C.P. Rule 30(b)(6). 18 As Exhibit 2 I will attach the Court 19 Order to produce within 30 days from February 20 27, 2015, both defendant General Dynamics and 21 defendant, Electric Boat's 30(b)(6) witness, 22 and then I'm ready to proceed. 23 * * * * * 24 EXAMINATION CONDUCTED 25 BY MR. BRATT:

Page 14	Page 16
1 Q. Good morning, sir. Can you introduce 2 yourself and give me your name? 3 A. Good morning. My name is Bradford 4 Heil. 5 Q. And how old are you, sir? 6 A. I am 60 years old. 7 Q. What is your birth date? 8 A. September 18, 1954. 9 Q. And where do you live? 10 A. I live in Pawcatuck, Connecticut. 11 Q. And where do you work? 12 A. I work for Electric Boat Corporation. 13 Q. What is your title? 14 A. I am a manager of international 15 programs and business development. 16 Q. And how long have you been employed at 17 Electric Boat Corporation? 18 A. Continually, since September of 1977. 19 Q. You understand that there's a business 20 relationship between Electric Boat Corporation 21 and another company called General Dynamics 22 Corporation? 23 A. Yes. 24 Q. Okay. You understand that you're 25 testifying in the Lund case today?	1 through clear on the telephonic connection, 2 will you please let me know? 3 A. I will. 4 Q. Is it fair for me to assume that if 5 you answer a question that you understood it? 6 A. Yes. 7 Q. Now, you're testifying today not as an 8 individual, but as a corporation, correct? 9 A. That is correct. 10 Q. And that corporation is Electric Boat 11 Corporation? 12 A. It is. 13 Q. You're speaking on behalf of Electric 14 Boat Corporation today, correct? 15 A. Correct. 16 Q. And what you say is binding on that 17 company? 18 A. Understand. 19 Q. All right. You have been identified 20 as an individual who is the most qualified and 21 knowledgeable to speak on behalf of Electric 22 Boat Corporation; is that true? 23 MR. ROSSE: Objection to the extent it 24 calls for a legal conclusion. 25 A. I would -- yes.
Page 15	Page 17
1 A. Yes. 2 Q. And you've been identified and 3 designated to testify today on behalf of 4 defendant, Electric Boat Corporation, correct? 5 A. Correct. 6 Q. You have taken an oath to swear and 7 tell -- strike that. 8 You've taken an oath today, correct? 9 A. Correct. 10 Q. And you're sworn to tell the truth? 11 A. Yes. 12 Q. And you will do that in response to my 13 questions today, correct? 14 A. To the best of my ability. 15 Q. All right. We had a very brief 16 deposition that commenced this morning. It 17 lasted maybe an hour, at which point it was 18 suspended, but other than that, have you ever 19 been deposed before? 20 A. No. 21 Q. If you don't understand one of my 22 questions, will you please ask me to rephrase 23 it or repeat it? 24 A. I will. 25 Q. If for some reason I'm not coming	1 Q. Okay. Is this the first time that you 2 are testifying in this capacity on behalf of 3 Electric Boat Corporation? 4 A. It is. Yes, it is. 5 Q. Now, with that in mind, you understand 6 that you are testifying with respect to 7 Electric Boat Corporation's corporate knowledge 8 and not just your own personal experience or 9 personal knowledge? 10 A. Yes. 11 Q. And that means when you give your 12 answers today, it will be based in part on your 13 investigation to learn what the corporation 14 knew and did or failed to do back in its 15 history? 16 A. Understand. 17 Q. Well, not that you just understand. 18 I'm correct; is that right? 19 A. Yes. 20 Q. Now, some of these things, in fact, 21 most of these things that you're going to be 22 asked about today predate your employment with 23 Electric Boat Corporation; is that true? 24 A. That is true. 25 Q. And so with respect to what you were

Page 18	Page 20
1 personally involved in, that may be very 2 limited or nothing at all? 3 MR. ROSSE: Objection. Calls for 4 speculation. 5 Q. Let me clarify. Since you started in 6 1977, things that occurred prior to that date 7 would be things that you wouldn't have any 8 personal knowledge or personal involvement in, 9 correct? 10 A. It would be true that I was not 11 present -- obviously, not present to my start 12 date, but the practices of submarine 13 construction are very consistent through the 14 years, so my basis of -- my personal experience 15 are representative. 16 MR. BRATT: Move to strike 17 nonresponsive portions. 18 Q. Sir, from merely the standpoint of 19 your start date in 1977, anything that occurred 20 within the corporation from a factual 21 standpoint would be things that you were not 22 personally involved in? 23 A. True. 24 Q. Is that true? 25 A. True.	1 Q. For this case. For your role as the 2 person most qualified of Electric Boat? 3 A. Just general reading in the past as 4 you've expanded the question. 5 Q. Okay. We're going to get into some of 6 that more specifically. 7 This investigation was done to prepare 8 yourself to answer questions with respect to 9 the areas of inquiry contained within the 10 deposition notice; you understand that, right? 11 A. I do, yes. 12 Q. Have you seen -- strike that. 13 MR. BRATT: You know what, can we go 14 off the record real quick while I get some 15 water? 16 THE VIDEOGRAPHER: We're going off the 17 record at 10:38 a.m. 18 (Off the record, 10:38 a.m.) 19 (Back on the record, 10:42 a.m.) 20 THE VIDEOGRAPHER: We're back on the 21 record at 10:42 a.m. 22 Q. Sir, we're back from a break. You 23 understand you're still under oath? 24 A. I do. 25 Q. All right. When did your
Page 19	Page 21
1 Q. All right. So you wouldn't have any 2 personal knowledge of those matters, correct? 3 A. Correct. 4 Q. However, as part of that 5 investigation, you've been able to look back in 6 time in various ways and figure out what the 7 corporation was doing, how they were acting, 8 and how they were responding, correct? 9 A. Yes. 10 Q. How did you go about your 11 investigation? 12 A. Through the reading of prior 13 depositions of Bernie Guillotte, 14 Dr. MacDougall, Bob Secor, the gentlemen that 15 were contemporaries at the time dealing with 16 the subject matter at hand. 17 Q. Any other ways that you've done any 18 investigation? 19 A. I have read depositions of Mr. Lund 20 and Mr. Burns. I looked at the documentation 21 that was produced for this case. 22 Q. Anything else that you've done in your 23 investigation? 24 A. Please clarify. For this case or in 25 general?	1 investigation begin? 2 A. More specifically? For this case? 3 Q. Yes. 4 A. I would put that a couple of months 5 ago when the notice was provided. 6 Q. And at that time, were you provided 7 anything to start reviewing? 8 A. The notice, which was provided, which 9 was served. 10 Q. After you reviewed the notice, did you 11 start identifying things that you needed 12 information on? 13 A. I'm not sure I understand your 14 question. 15 Q. Well, you started with the company in 16 1977, correct? 17 A. That's correct. 18 Q. So were there things that predated 19 your employment that you just didn't know about 20 that you needed to learn? 21 A. Again, what time frame are you 22 referring to here? 23 Q. Well, the notice deals with various 24 different areas; is that correct? 25 A. Yes, it does.

Page 22	Page 24
1 Q. It deals with, for example, Category 1 2 reads, "All information regarding your document 3 retention policies prior to present including 4 all information regarding your document 5 repositories." Do you remember that category, 6 the very first one? 7 A. Yes, I do. 8 Q. Do you happen to have a notice there? 9 MR. ROSSE: I can provide him one, if 10 you'd like, Mark. 11 MR. BRATT: It might make things 12 easier. 13 MR. ROSSE: He's got one. 14 A. Okay. I have it. 15 Q. So we'll just use that one as a 16 starting point. When you read this notice and 17 you saw that first category, were there things 18 that you needed to investigate and learn to 19 prepare yourself to testify about Category 20 No. 1? 21 A. No. 22 Q. Okay. Are you the custodian of the 23 records for defendant, Electric Boat 24 Corporation? 25 A. No, I'm not.	1 that predate your employment? 2 A. I do not have that information 3 available. 4 Q. Okay. So we'll move on from Category 5 No. 1. I was just trying to use that as an 6 example. We'll skip Category No. 2, but we'll 7 go to Category No. 3 just as an example, 8 "Whether or not asbestos or asbestos-containing 9 components or insulation were associated with 10 any of your products and/or services in 11 connection with the following vessels," and it 12 lists a bunch of them. Do you see that? 13 A. Yes, I do. 14 Q. Okay. Now, just to cut to the chase, 15 is it true that the vessels or the boats that 16 are at issue in this particular case that you 17 and I are going to talk about today are the USS 18 Lafayette and the USS Gato; is that correct? 19 A. That is correct. 20 Q. Are there any other ones on this list 21 or any other ones that you're aware of that 22 Mr. Lund worked on other than those two? 23 A. Mr. Lund spoke of those in his 24 deposition. 25 Q. Okay. Are there any other ones that
Page 23	Page 25
1 Q. So you don't have any duties over how 2 they're maintained, correct? 3 A. That's correct. 4 Q. Or how they've historically been 5 maintained? 6 A. That's correct. 7 Q. And so with respect to information 8 about the document retention policies, do you 9 have knowledge about the current document 10 retention policies? 11 A. Yes, that's true. 12 Q. What about the document retention 13 policies that predated your employment? 14 A. There are -- I'm not familiar with 15 them in detail. I'm aware of the policies that 16 would be included in the contractual 17 obligations for the information that would be 18 required by contract. 19 Q. All right. So with respect to the 20 document retention policies in general, though, 21 that predated your employment, did you have to 22 do any investigation to learn about them? 23 A. I did not. 24 Q. Okay. So are you not prepared to 25 testify about the document retention policies	1 you're aware of that are relevant to this case 2 or responsive to any of the categories that are 3 listed in this notice other than the Lafayette 4 and the Gato? 5 MR. ROSSE: I would just object as 6 vague and ambiguous. 7 Q. Go ahead. 8 A. Could you clarify that for me, please? 9 Q. Sure. You read that Mr. Lund was 10 working aboard the USS Lafayette for a period 11 of time in the 1960s, correct? 12 A. Correct. 13 Q. Are you aware that the USS Lafayette 14 was built and constructed and designed by 15 Electric Boat Company -- Corporation, I should 16 say? 17 A. Yes, I am. 18 MR. ROSSE: Object as compound. 19 Q. Let me rephrase. 20 Did Electric Boat Corporation have any 21 role in the construction or design of the 22 Lafayette? 23 A. Yes. 24 Q. Okay. You're aware, through reading 25 Mr. Lund's testimony, that he spoke about

Page 26	Page 28
1 working aboard the USS Gato, correct? 2 A. Correct. 3 Q. Are you aware of whether or not 4 Electric Boat Corporation had any involvement 5 in the construction or design of the Gato? 6 A. The construction of the Gato and the 7 Lafayette were undertaken by Electric Boat 8 Division of General Dynamics, a Former Division 9 of General Dynamics. 10 Q. Are there any other boats or vessels 11 that Mr. Lund described in his deposition that 12 you reviewed that Electric Boat had any 13 involvement in the construction or design? 14 A. Not in the construction. 15 Q. How about the design? 16 A. Not in specific design, but no, class 17 design of the Robert E. Lee. 18 Q. Okay. So we have the Lafayette, the 19 Gato, and the Robert E. Lee, correct? 20 A. In what regard? Not in total. 21 Q. Those are three ships that Mr. Lund 22 worked aboard that Electric Boat had some 23 involvement either in the construction and/or 24 the design, correct? 25 MR. ROSSE: Objection. It's compound.	1 investigate the specific details related to the 2 construction and/or design of these three 3 vessels, boats, or ships, however you want to 4 define them? 5 A. Well, what specific information was 6 available for these ships was produced as part 7 of the material and information requested in 8 response to your request. 9 Q. So you're talking about the documents 10 that have been Bates-stamped in this case and 11 produced to plaintiffs? 12 A. Correct. 13 Q. When did you start reviewing those 14 documents? 15 A. Earlier this week. 16 Q. How were they provided to you? 17 A. In paper form. 18 Q. How many hours have you spent looking 19 over those documents? 20 A. Gee, I'm not sure. 21 Q. Are you — let me jump to another 22 area, and we'll get back to this. 23 *Do you know how it is that you were 24 identified as the person that was best 25 qualified or most qualified to testify on
Page 27	Page 29
1 A. Again, not in the construction of the 2 Robert E. Lee. 3 Q. Fair. So the construction and the 4 design of the Lafayette and the Gato, the 5 design of the Robert E. Lee? 6 MR. ROSSE: Objection. It's vague and 7 ambiguous. 8 A. Yes. 9 Q. Okay. You were not employed at 10 Electric Boat when those ships were designed 11 and/or constructed, true? 12 A. That's true. 13 Q. What investigation did you undertake 14 to learn about the design and/or construction 15 of those ships or vessels or boats, however you 16 want to define them? 17 A. That information is a part of my 18 professional background, as the design of those 19 submarines are consistent with practices as to 20 when I was employed or came to be employed. 21 MR. BRATT: Move to strike 22 nonresponsive portions. 23 Q. I'm not discounting your experience. 24 We'll get to that in a second, but what I'm 25 asking more specifically is, how did you	1 Electric Boat in this particular lawsuit? 2 MR. ROSSE: I would just object. It 3 calls for attorney/client privilege and 4 attorney work product. To the extent it 5 doesn't come from discussions with his 6 attorney, I will allow him to answer. 7 MR. BRATT: Certainly. I don't want 8 to dive into that stuff. 9 Q. Do you understand the question, sir? 10 A. I'll ask you to restate it to be sure. 11 Q. I'll have it read back, and then if 12 you don't understand it, I'll restate it. 13 MR. ROSSE: With the objections 14 preserved. 15 MR. BRATT: Certainly. 16 (*Testimony read back by 17 reporter.) 18 A. I believe it's based on my 19 professional experience. 20 Q. Let's talk about that very quickly. 21 Sir, you were born in what, 1952? 22 A. '54. 23 Q. '54, I apologize. You were born in 24 1954. What year did you graduate high school? 25 A. 1973.

Page 30	Page 32
1 Q. Okay. So is it fair to say that the 2 design and/or construction of the three ships 3 we talked about, the Lafayette, the Gato, and 4 the Robert E. Lee all occurred prior to when 5 you graduated from high school? 6 A. That's true. 7 Q. In fact, do you know when the USS 8 Lafayette had completed construction and was 9 actually commissioned? 10 A. The mid '60s. 11 Q. And I know that's slightly vague, but 12 you're in the neighborhood at that point of 12 13 years old? 14 A. In the neighborhood. 15 Q. When was the Gato constructed and 16 commissioned? 17 A. Late '60s. 18 Q. So you're slightly older, but maybe 14 19 or so? 20 A. Or so, yes. 21 Q. And do you know when the Robert E. Lee 22 or the class that the E. Lee fell under when 23 those plans were designed by Electric Boat? 24 A. No, I'd have to go back and check. 25 Q. But do you think it was -- strike	1 behalf of the company, was that when you were 2 provided the notice in this particular case? 3 A. No. 4 Q. When is the first time that testimony 5 was ever discussed with you that that might be 6 a part of your job? 7 A. Let's see, that would be some time 8 ago. 9 Q. Do you have any particular way of 10 pinpointing that? 11 MR. ROSSE: I just object to the 12 extent that it calls for attorney/client 13 privilege. 14 Q. I'm not looking for those 15 conversations. I just want to know when you 16 were told by your superiors that they might 17 have you, at some point in time, testify on 18 behalf of the company. 19 MR. ROSSE: And to the extent that it 20 came from attorneys, I would object as 21 attorney/client privilege. Otherwise, 22 I'd agree. 23 To the extent that someone other than 24 your attorneys talked to you about that, you 25 may answer.
Page 31	Page 33
1 that. 2 Okay. That's fine. You're not 3 prepared to answer that at this time, right? 4 A. That's correct. 5 Q. Okay. Let me ask you this, in your 6 role as the manager of international programs 7 and -- what is it? Development? 8 A. Business development. 9 Q. Business development, sorry. Strike 10 that. 11 In your role as manager of 12 international programs and business 13 development, when you were hired, did they 14 discuss that you might have to provide 15 testimony in disputes or lawsuits that the 16 company was involved in? 17 A. In what time frame are you 18 questioning? 19 Q. Well, when you were promoted or gained 20 that title? 21 A. No. 22 Q. Okay. Was the first time that it was 23 ever raised to you that in your role as the 24 manager of international programs and business 25 development that you might have to testify on	1 A. I had no other conversation. 2 Q. Okay. Was it in general or was it in 3 specific to this case when you testifying first 4 came up? 5 MR. ROSSE: Again, I'd object to the 6 extent it calls for attorney/client privilege. 7 Q. Go ahead, sir, if you can answer. 8 A. I don't recall the details. 9 Q. Okay. Would you consider yourself a 10 loyal employee of Electric Boat Corporation? 11 A. Yes, I would. 12 Q. Would you consider yourself an 13 advocate for Electric Boat Corporation? 14 A. I am a proud employee of Electric Boat 15 Corporation. 16 Q. So you'd be an advocate for them, 17 true? 18 A. Yes. 19 Q. Do you feel as the manager of 20 international programs and business development 21 that you have a duty to protect the financial 22 well-being of the company? 23 A. Yes. 24 Q. Is most, if not all, of the money that 25 you are paid, does it come from your work at

Page 34	Page 36
1 Electric Boat Corporation? 2 MR. ROSSE: Objection as vague and 3 ambiguous. I don't understand what you're 4 asking, Mark. 5 MR. BRATT: I think it's pretty clear, 6 but I'll rephrase. 7 MR. ROSSE: Are you asking if he has 8 some other source of income? 9 Q. Does the majority of money that you 10 earn on a year-to-year basis come from your 11 employment at Electric Boat? 12 A. Yes, it does. 13 Q. Are you being paid today to testify? 14 MR. ROSSE: Objection as vague and 15 ambiguous. 16 A. I am -- yes. 17 Q. Okay. You, obviously, receive a 18 salary from Electric Boat; is that true? 19 A. That is true. 20 Q. Do you get a bonus -- performance- 21 based bonus at the end of the year? 22 A. I do. 23 Q. Is that based on how well the company 24 does, its bottom line at the end of the year? 25 A. I do not know how it's determined.	1 Q. As part of your benefits package with 2 the company, do you have health benefits for 3 you and your family through Electric Boat? 4 A. Yes, I do. 5 Q. Do you have retirement through 6 Electric Boat? 7 A. Yes. 8 Q. Okay. Briefly, when you were hired in 9 September of 1977 -- actually, let me back up. 10 Strike that. 11 What year did you graduate high school 12 again? 13 A. 1973. 14 Q. Did you attend college? 15 A. Yes, I did. 16 Q. Where? 17 A. Boston. 18 Q. What was your degree? 19 A. Mechanical engineering, bachelor's, 20 mechanical engineering. 21 Q. Did you do any graduate studies or 22 post-graduate work? 23 A. Yes. 24 Q. And what did you study? 25 A. I studied business science.
Page 35	Page 37
1 Q. Okay. Do you own stock in Electric 2 Boat Corporation? 3 A. I do. 4 Q. As a stockholder, are you concerned 5 with the financial well-being of the company? 6 A. I am. 7 Q. You'd be concerned, as a stockholder 8 and an employee, if Electric Boat was being 9 named as a defendant in lawsuits, correct? 10 A. I don't understand that question. 11 Q. As somebody who has a financial stake 12 in the well-being of Electric Boat, you'd be 13 concerned if it was being sued in lawsuits, 14 correct? 15 MR. ROSSE: Object as vague and 16 ambiguous. 17 A. I'm not sure what you mean by 18 "concerned." 19 Q. Well, you're not happy that Electric 20 Boat is being sued, are you? 21 A. I have no opinion on it. 22 Q. Okay. Do you have stock options? 23 A. I do not. 24 Q. Future stock options? 25 A. I do not.	1 Q. And where did you take those courses? 2 A. Rensselaer Poly Tech. 3 Q. Did you obtain a degree? 4 A. A master's. 5 Q. Any other schooling? 6 A. Structured courses here and there 7 throughout the years. 8 Q. Was that after you had started working 9 at Electric Boat? 10 A. Yes. 11 Q. Okay. Did Electric Boat pay for your 12 graduate studies? 13 A. Partially. 14 Q. When did you graduate undergrad? 15 A. 1977. 16 Q. You immediately started working at 17 Electric Boat? 18 A. I did. 19 Q. And you've been working there 20 consistently since that time? 21 A. Yes. 22 Q. What were you hired initially to do? 23 What was your title? 24 A. Engineer. 25 Q. How many years did you work as an

Page 38	Page 40
1 engineer? 2 A. Approximately 12 years. 3 Q. And in what division were you working 4 as an engineer? 5 A. "Division," you mean department or 6 section? Could you clarify? 7 Q. Sure. Forgive me for using the wrong 8 phraseology, but yes, department, division, 9 section, however you want to term it? 10 A. Design engineering. 11 Q. For what specifically? What type of 12 product? 13 A. For ventilation and life support 14 systems. 15 Q. And were those being, I guess, built 16 or constructed on vessels, boats, ships, 17 aircraft, what? 18 A. For submarines. 19 Q. Okay. You did that all 12 of those 20 years? 21 A. I spent a year or so supporting -- 22 also supporting the planning yard or existing 23 fleet, the fleet support. 24 Q. What did that entail? 25 A. Excuse me?	1 A. It was overseeing the administration 2 of the contracts between Electric Boat and the 3 U.S. Navy. 4 Q. Was that the first time that you -- 5 I'm sorry, did I interrupt you? 6 A. No, sir, go ahead. 7 Q. Is that the first time that you had 8 involvement in that capacity where you were 9 working directly with the Navy? 10 A. No. During design engineering, we 11 were working directly with the Navy as well. 12 Q. And on a contractual basis, is that 13 the first time you were working on behalf of 14 Electric Boat with the Navy? 15 A. Yes. 16 Q. How many years did you perform those 17 duties and act in that role? 18 A. It would have been approximately five 19 years. 20 Q. So that brings us to approximately 21 1994 or thereabouts? 22 A. Thereabouts, yes. 23 Q. And what was your next job function 24 and job title? 25 A. I then went back to design
Page 39	Page 41
1 Q. What did that entail? 2 A. That entailed receiving reports from 3 the fleet, analyzing their problems and 4 deciding how to respond, how to fix it. 5 Q. And when was that, what year or years? 6 A. That would be '77 to '79, in that time 7 period. 8 Q. So after that you went back to your 9 prior job? 10 A. Yes. 11 Q. And so in '89 would be 12 years, 12 approximately. Is that when you took your next 13 position? 14 A. Yes, approximately. 15 Q. All right. And what was that next 16 position? 17 A. That position was where I worked on 18 the shipyard production side of the Trident 19 class construction, program office. 20 Q. And what were your general duties? 21 A. Duties were contract management and 22 outfitting, general outfitting, oversight of 23 those functions. 24 Q. When you say "contract management," 25 can you explain that a little further?	1 engineering, and I was the engineering manager. 2 Q. And for how many years did you act in 3 that role? 4 A. It would have been another 5 approximately six years. 6 Q. That brings us to approximately 2000? 7 A. Yes. 8 Q. And what was your next job title and 9 job function? 10 A. Title remained the same, but the 11 function moved to the area I am in today. 12 Q. Meaning? 13 A. International programs and business 14 development. 15 Q. And so how did that change your 16 day-to-day? 17 A. It changed the content of my 18 responsibility. 19 Q. Can you explain further? 20 A. The engineering manager's 21 responsibility that I left was for the current 22 submarine production today, Virginia class, and 23 it moved to support an international program we 24 have today with Australia. 25 Q. Okay. And then that was in what year

Page 42	Page 44
1 again? 2 A. Approximately 2000. 3 Q. And is that when you gained the title 4 that you currently have, or is it a different 5 title? 6 A. The title remained reasonably 7 consistent. 8 Q. Okay. 9 A. Still manager category. 10 Q. So you've been in that role since 11 2000, or am I missing a step? 12 A. No, you've got it. 13 Q. Okay. At any point in time, did you 14 have any specific training in asbestos hazards? 15 A. At any time in my employment? 16 Q. Let me rephrase that. 17 At any point, have you taken any 18 courses that specifically dealt with asbestos 19 causing diseases in humans? 20 A. I'm going to ask you to further 21 clarify. Medical classes? 22 Q. Courses that dealt with the medical 23 causation side or the -- yes. 24 A. No, I have not. 25 Q. Let me be clear.	1 with asbestos and protecting one self or others 2 from asbestos hazards? 3 A. No. 4 Q. So you don't have any certification 5 for asbestos safety or anything? 6 A. I do not. 7 Q. And you don't have any certification 8 for asbestos abatement? 9 A. No, I do not. 10 Q. Have you taken any either graduate, 11 post-graduate, or certification courses that 12 deal with industrial hygiene? 13 A. No, I have not. 14 Q. How about toxicology? 15 A. No. 16 Q. You talked about some safety training 17 that Electric Boat gave you, and I assume 18 others, with respect to asbestos. When did 19 that occur or when did those occur, if they 20 occurred on multiple occasions? 21 A. I don't recall the exact dates, but it 22 occurred during the period of being a design 23 engineer. 24 Q. Well, you were a design engineer on 25 two separate occasions, right?
Page 43	Page 45
1 Did you deal with any courses, either 2 in your undergraduate or your post-graduate or 3 any supplementary courses, that dealt 4 specifically with asbestos and the hazards it 5 poses to humans? 6 A. No. 7 Q. Okay. Did you take any specific 8 courses, graduate, post-graduate, or 9 supplemental courses dealing with how to 10 protect against exposure to asbestos? 11 A. As part of work, yes, we had some 12 classes as to that subject, that concern. 13 Q. When you say "as part of work," what 14 do you mean? 15 A. As part of our safety training, as 16 part of our training to go aboard ships in the 17 active fleet which still contain that material, 18 Electric Boat trained us to its hazards and its 19 precautions. 20 Q. Okay. We're going to get to that in a 21 second. But as far as any actual courses that 22 you took in either your undergraduate, your 23 post-graduate, or any supplemental courses 24 where you might obtain a certificate or 25 something, did you take any courses that dealt	1 A. I was. Well, one was a design 2 engineer, and one was a design manager, for 3 clarity. 4 Q. I understand. Thank you. I'm sorry. 5 Did the course work occur when you 6 were the engineer or the manager or both? 7 A. I was referring to when I was an 8 engineer. 9 Q. Okay. Were these multiple-day 10 courses, one-day courses, several-hour courses? 11 Can you remember? 12 A. No, I'm sorry, I can't. I don't 13 recall. 14 Q. Did you take multiple courses, or was 15 it just one course? 16 A. It would have been multiple 17 occurrences, subject to each occurrence. 18 Q. And so this would have been at some 19 point from, and correct me if I'm wrong on 20 these dates, '79 to '89 or '77 to '89, which 21 one? 22 A. It would have been '77 to '89. 23 Q. Okay. Were you taught that going 24 aboard ships could potentially expose you to 25 asbestos?

Page 46	Page 48
1 A. Not that I recall. 2 Q. What hazards were you taught about 3 asbestos with respect to being aboard ships? 4 A. I don't recall there being specific 5 hazards discussed. 6 Q. Were you ever told that asbestos could 7 cause cancer? 8 A. You're referring to by the Electric 9 Boat training? 10 Q. Yes. 11 A. I don't recall. 12 Q. Were you ever taught that asbestos 13 could cause a disease called mesothelioma? 14 A. I don't recall. 15 Q. Were you ever taught by Electric Boat 16 to avoid disturbing asbestos insulation 17 installed aboard boats and ships? 18 A. Yes. 19 Q. Were you ever taught the reasons why 20 you should avoid disturbing the asbestos 21 insulation? 22 A. Could you clarify that question for 23 me, please? 24 Q. They taught you to avoid disturbing 25 it, correct?	1 with asbestos lagging or insulation aboard 2 ships or vessels? 3 A. No. That was not my function. 4 Q. Were you taught about any sort of 5 protective measures that could be taken to 6 avoid creating dust from insulation? 7 A. No. Again, that was not my function. 8 Q. What, specifically, do you recall them 9 teaching you with respect to safety as it 10 related to asbestos aboard vessels? 11 A. The instruction was when found, if 12 found, it was to identify to the U.S. Navy crew 13 present. 14 Q. Anything else that you were taught? 15 A. Not that I recall. 16 Q. Do you remember why it was important 17 that you identify it and then report it? 18 A. That it was a potential hazard and not 19 to be disturbed. 20 Q. What type of hazard? 21 A. I don't recall. 22 Q. Did they ever tell you that asbestos 23 was toxic? 24 A. I don't recall. 25 Q. Do you ever remember seeing anywhere
Page 47	Page 49
1 A. Correct. 2 Q. Did they ever tell you why you should 3 avoid disturbing it? 4 A. That, I don't recall. 5 Q. Who led these courses? 6 A. Courses were led by the safety 7 department. 8 Q. Who specifically, if it was one 9 individual or multiple individuals, led these 10 courses? 11 A. That, I'm sorry, I don't recall the 12 individual. 13 Q. Were you given written material? 14 A. I don't recall that either. 15 Q. Were you taught what types of products 16 actually contained asbestos aboard vessels? 17 A. As a part of the training? 18 Q. Yes. 19 A. General knowledge. 20 Q. They taught you general knowledge? 21 A. Well, generally, lagging, you know, 22 the identification of lagging as a potential. 23 Q. Anything else? 24 A. Not that I recall. 25 Q. Were you taught how to safely work	1 at Electric Boat, be it at a facility or on 2 board ships, any sort of warning signs with 3 respect to asbestos insulation or asbestos 4 products? 5 A. What context of time? What time? 6 Q. At any point from September of '77 7 when you started onward? 8 A. I have seen warning signs in the 9 shipyard. 10 Q. And where do you remember seeing them? 11 A. I've seen them in the lagging shop and 12 aboard ships. 13 Q. Okay. Let's talk about the lagging 14 shop. Where in the lagging shop? 15 A. In the general work area of the 16 lagging shop. 17 Q. Do you remember what the warning said? 18 A. I do not recall the exact words. 19 Q. Do you remember if it used the phrase 20 cancer or mesothelioma? 21 A. I do not recall. 22 Q. Do you ever remember any sort of 23 written material that you received or that was 24 posted at Electric Boat informing you and other 25 workers that asbestos could cause cancer or

Page 50	Page 52
1 mesothelioma? 2 A. In a time context, please? 3 Q. At any point from September of 1977 4 onward? 5 A. I received part of my employment 6 manual when I joined, Electric Boat had a 7 safety section, and I recall asbestos being 8 mentioned in there. And even on an annual 9 basis, the company -- Electric Boat identifies 10 materials as asbestos to the workforce. 11 Q. When you say that your safety manual 12 that you were given mentioned asbestos, what 13 did it say? 14 A. I don't recall. 15 Q. Did it mention cancer or mesothelioma? 16 A. I don't recall. 17 Q. Do you have a copy of the one that you 18 received? 19 A. I do not. 20 Q. Do you know when the one that you 21 received was initially drafted? 22 A. No, I do not. 23 Q. Did you receive that upon starting 24 your work in September of 1977? 25 A. Yes.	1 when that was? 2 A. No, I do not. 3 Q. Do you remember what they said? 4 A. No, I do not. 5 Q. Do you remember if it mentioned 6 mesothelioma or cancer? 7 A. I do not recall. 8 MR. BRATT: Why don't we take a 9 five-minute break. 10 THE VIDEOGRAPHER: We're going off the 11 record at 11:27 a.m. 12 (Off the record, 11:27 a.m.) 13 (Back on the record, 11:38 a.m.) 14 THE VIDEOGRAPHER: We're back on the 15 record at 11:38 a.m. 16 Q. Sir, we're back from a break. Are you 17 ready to continue? 18 A. Yes, I am. 19 Q. You understand you're still under 20 oath? 21 A. I do. 22 Q. Okay. Sir, given the fact that you 23 have not had any specialized training with 24 respect to asbestos, its hazard and how to 25 protect, that you're not a hygienist or
Page 51	Page 53
1 MR. BRATT: Mr. Rosse, I would request 2 that the safety manual -- not the specific 3 manual that was given to him, but the one that 4 was being distributed to employees as of 5 September 1977 be produced. 6 And I'll maintain a list of things 7 that were not produced to me in advance of the 8 deposition that I seek production of 9 afterwards, and reserve the right to further 10 examine the witness with respect to these 11 things. 12 Q. Is it true, sir -- 13 MR. ROSSE: And we've made our 14 objections of certain categories of requested 15 documents. We don't need to go through those. 16 We'll stand on those objections where 17 appropriate. 18 MR. BRATT: Your objections are your 19 objections. My requests are my requests. We 20 can meet and confer with the judge. 21 Q. Sir, is it true that you didn't bring 22 with you that safety manual; is that right? 23 A. That is true. 24 Q. Okay. With respect to the warnings 25 that you saw aboard a vessel, do you remember	1 toxicologist, would you agree that any 2 testimony you give today with respect to any of 3 those subject matters would be based upon your 4 investigation? 5 MR. ROSSE: Are you asking if he's 6 limited to that entirely? I just object as 7 vague. 8 Q. Go ahead. 9 A. I am not prepared -- you've included 10 in that combination of questions my knowledge 11 of the medical aspects of the diseases, and 12 I've mentioned before that I'm not a doctor, 13 trained as a doctor, or nor would have any 14 ability to discuss that today. 15 Q. Well, if you turn back to the notice 16 under Category No. 8. 17 A. Yes, I see that. 18 Q. "Your knowledge of the hazards of 19 asbestos and when you knew that asbestos could 20 cause asbestosis, lung cancer, and/or 21 mesothelioma." Did I read that correctly? 22 A. That's how I read it, yes, you did. 23 Q. And the phrase "you" and the phrase 24 "your," that refers to the corporation, 25 Electric Boat Corporation?

Page 54	Page 56
1 A. Correct. 2 Q. You understand that, right? 3 A. Yes, I do. 4 Q. All right. So you don't have any 5 personal knowledge as to that, right? So 6 everything that you may or may not testify in 7 that regard would be based on your 8 investigation, correct? 9 A. That's correct. 10 Q. And what we mean by that is the 11 documents you've reviewed, the depositions 12 you've reviewed, any additional investigation 13 you may have done independently, et cetera, 14 right? 15 A. That's correct. 16 Q. Okay. Are you prepared today to talk 17 about Category No. 8? 18 A. Based on those sets of facts, yes. 19 Q. What do you mean by that, "based on 20 those sets of facts"? 21 A. Based on my education in that area, 22 the historical education in that area. 23 Q. Your investigation? 24 A. Yes. 25 Q. All right. And then with respect to	1 A. In a context of time? 2 Q. Prior to, obviously, September '77? 3 A. Yes, that is correct. 4 Q. And, actually, since you were unable 5 to tell me the content of the warnings that you 6 did see, you can't even personally testify as 7 to what warnings were given by Electric Boat 8 during your time with the company after '77? 9 A. The -- your question is relative to 10 the detailed wording? 11 Q. The detailed wording and the content? 12 A. I don't recall the detailed wording, 13 correct. 14 Q. Okay. Category No. 11, "Any 15 precautions and procedures undertaken by you 16 with respect to the hazards of asbestos." 17 You've done an investigation on that? 18 A. I have. 19 Q. Are you prepared to testify in that 20 regard today? 21 A. I am. 22 Q. Before we continue going through -- 23 bear with me. 24 One more thing here real quick, the 25 Category No. 13, "Your knowledge about the
Page 55	Page 57
1 Category No. 9, which is, "The medical 2 literature that you are aware of which 3 addresses medical conditions and the 4 relationship between asbestos inhalation and 5 those conditions," would that also be based 6 upon your investigation and not based on any 7 sort of personal knowledge? 8 A. That's correct. 9 Q. Okay. Are you prepared to discuss 10 No. 9 today? 11 A. Yes, I am. 12 Q. Okay. Category No. 7, "The warnings 13 and possible hazards associated with your 14 products or services," which would obviously 15 include warnings of hazards related to 16 asbestos. Are you prepared to talk about that 17 today? 18 A. I am. Yes, I am. 19 Q. And would that be based on -- strike 20 that. 21 I just asked you about warnings that 22 you remember personally, and you couldn't 23 remember the content of them. So would any 24 content of any warnings one way or the other or 25 failure to warn be based on your investigation?	1 level and content of the asbestos dust 2 generated during the ordinary and foreseeable 3 installation, repair, maintenance, or servicing 4 of your products," have you done an 5 investigation on that? 6 A. I have. 7 Q. Are you prepared to testify in that 8 regard? 9 A. I am. 10 Q. And you understand your products would 11 be the ships that were -- the ships or boats 12 that were designed and built -- and/or built by 13 your company? 14 MR. ROSSE: I'm just objecting to any 15 attempt to make a legal definition of 16 "product." I'll allow as to the, I guess, 17 colloquial. 18 Q. You understand that, right? 19 A. Yes. 20 Q. Well, I mean, let's put it this way, 21 if you were -- you, as in the company, was 22 hired by the United States Navy to build a 23 submarine and design a submarine, when you 24 finished constructing the submarine and it 25 passed all inspections, would you agree that

Page 58	Page 60
1 that's a finished product? 2 MR. ROSSE: I'd just object as to any 3 attempt to make a legal definition as to the 4 legal definition of the submarine as it is not 5 a product. 6 Q. Go ahead, sir. 7 A. I'm going to ask you to clarify the 8 question, please. 9 Q. Okay. Your company gets paid to 10 design and build submarines, correct? 11 A. You're grouping different functions 12 together there. Could you take them apart? 13 Q. Sure. One way your company gets paid 14 is to draw up specifications and design the 15 technical aspects of submarines, nuclear 16 submarines, correct? 17 A. To the requirements of the U.S. Navy, 18 that's correct. 19 Q. You worked with the U.S. Navy and draw 20 up the specifications, and then eventually, 21 they're approved, correct? 22 A. They're submitted to the U.S. Navy for 23 approval. 24 Q. Okay. But you and the other engineers 25 are the ones that draw up the plans and draw up	1 protected, just for the record. 2 MR. BRATT: You guys can handle it 3 whatever way you think is appropriate. I'm not 4 getting in the way of that. 5 A. Okay. So at the time that the U.S. 6 Navy decides that a submarine is required, it 7 provides the top level performance requirements 8 for that submarine to be fulfilled. It 9 identifies the specifications to be used in 10 fulfillment of that submarine's configuration 11 and the performance criteria as well as the 12 expected equipment suites. 13 That information is then analyzed. 14 Analysis is done for engineering principles, 15 does the submarine go through its cycles, is 16 the material strong enough, and are the 17 equipment cool enough, is the submarine silent 18 enough and be able to handle shock. 19 And that information is then collected 20 into a set of drawings, along with the material 21 specified from the specifications onto the 22 material lists and submitted to the Navy for 23 approval. 24 MR. BRATT: I'm going to move to 25 strike nonresponsive portions.
Page 59	Page 61
1 the designs and specifications, correct? 2 MR. ROSSE: Object as vague and 3 overbroad. 4 A. No, we do not draw specifications, no. 5 Q. You draw up schedules? 6 A. Schedules as in construction 7 schedules, design schedules? 8 Q. Yes. 9 A. Schedules? Schedules are a part of 10 the construction side, not the design side, no. 11 Q. Okay. What does the U.S. Navy pay you 12 to do in regards to designing? 13 A. The response to that question is ITAR- 14 controlled, and I've got to make sure that's 15 understood. Does everyone understand? 16 Q. We've set forth a protective order in 17 that regard, so if you're designating this as 18 potential ITAR, then that's fine. We'll deal 19 with it later. 20 A. Okay. 21 Q. You understand my question. You can 22 answer it. Go ahead. 23 MR. ROSSE: To the extent, Mark, he 24 will identify each time he feels like he's 25 going to make something that should be	1 Q. My question wasn't what the Navy does. 2 My question is, what does the Navy hire your 3 company to do? What do you specialize in with 4 respect to design? 5 A. Electric Boat specializes in receiving 6 those top level requirements, understanding how 7 to apply the MIL specifications to assemble the 8 design drawings for the Navy to approve. 9 Q. Right. The Navy doesn't have the 10 capability of doing itself what it hires 11 Electric Boat to do, correct? 12 A. What context of time? 13 Q. All time. 14 A. No, that's not true. 15 Q. All the different times that they 16 hired you, your company, to design stuff? 17 A. No, that's not true. 18 Q. Did the Navy ever build their own 19 subs? 20 A. Yes. 21 Q. Did the Navy ever design entirely 22 their own subs without seeking outside, I 23 guess, counsel support from companies like 24 Electric Boat? 25 MR. ROSSE: Objection. Calls for

Page 62	Page 64
1 speculation. 2 A. Yes. 3 Q. Okay. Then why does the Navy hire 4 Electric Boat to design things? 5 MR. ROSSE: Objection. Calls for 6 speculation. 7 A. Do you have -- again, I'm going to ask 8 you for a context of time. 9 Q. Well, you don't have any personal 10 knowledge prior to 1977, so I'll ask you about 11 after that. 12 A. The Navy seeks outside assistance, 13 technical service assistance when it cannot 14 handle throughput on its own. 15 Q. Maybe I'm just not educated enough to 16 understand that sentence. Can you explain what 17 you mean? 18 A. The period of time that you're -- that 19 you've isolated this down and even before was a 20 period of heightened war tensions, the Cold 21 War, the amount of submarines required to meet 22 the U.S. Navy's requirements exceeded their own 23 ability to produce that information. 24 MR. BRATT: Move to strike 25 nonresponsive portions.	1 MR. ROSSE: Objection. Compound. 2 Overbroad. 3 MR. BRATT: How is that compound, 4 Greg? 5 MR. ROSSE: Well, you asked if they 6 did the design. What you'll find is they do 7 aspects of the design, not necessarily a 8 complete top to bottom design. There are many 9 aspects to design a submarine. 10 MR. BRATT: I'll rephrase. 11 Q. Has Electric Boat been contracted by 12 the United States Navy and paid money to do top 13 to bottom design for submarines at any point in 14 time? 15 A. No, not that I'm aware of. 16 Q. Has the Navy paid money to Electric 17 Boat to design a majority of the systems 18 associated with submarines on its ships or 19 boats? 20 MR. ROSSE: Objection. Vague and 21 ambiguous. I don't know what you mean by 22 "majority." 23 A. I do not know how to apportion that as 24 you've described majority. 25 Q. The Navy has also paid money in
Page 63	Page 65
1 Q. Would you consider the Navy Electric 2 Boat's best and biggest customer? 3 A. I don't understand that question. 4 Q. Is there another organization in the 5 world that you make more money from than the 6 United States Navy? 7 A. No. 8 Q. Is the Navy your best and biggest 9 customer? 10 MR. ROSSE: Objection. Compound. 11 Q. Okay. Is the Navy your biggest 12 customer? 13 A. Yes. 14 Q. Is the Navy your best customer in that 15 you make the most money from them? 16 A. Best customer? Electric Boat makes 17 the most money from the U.S. Navy. 18 Q. Does Electric Boat provide the Navy a 19 service in designing submarines? 20 A. Service? Electric Boat holds many 21 contracts with the U.S. Navy to do a variety of 22 activities. 23 Q. One of the activities that you, as in 24 Electric Boat, gets paid to do is design 25 submarines for the Navy?	1 regards to contracts for you, as in Electric 2 Boat, to construct submarines, correct? 3 A. Yes. 4 Q. And that's another aspect of how 5 Electric Boat profits off of its business 6 relationship with the United States Navy, 7 correct? 8 A. Yes. 9 Q. Do you believe that Electric Boat has 10 specialized skill in constructing U.S. naval 11 submarines? 12 A. The construction of submarines by 13 anyone is a specialized skill. 14 Q. Do you think that Electric Boat is the 15 best company in the world at constructing 16 submarines? 17 A. I am proud of the submarines built by 18 Electric Boat. 19 Q. Do you think Electric Boat is the 20 best? 21 A. I have -- yes. 22 Q. Do you think Electric Boat is the best 23 at designing submarines for the United States 24 Navy in comparison to its contemporaries? 25 MR. ROSSE: Object as vague and

Page 66	Page 68
1 ambiguous. Overbroad. 2 Q. You can answer. 3 A. The design of a submarine is precise 4 to the MIL specs. It is different than the 5 construction process. 6 Q. So you do not believe you're the best? 7 A. There is no good and bad. There is 8 right and wrong. 9 Q. In designing submarines for the U.S. 10 Navy, do you do it the wrong way or the right 11 way? 12 A. We do it the right way. 13 Q. And is there another company in the 14 world that does more business with the United 15 States Navy than you guys in designing 16 submarines? 17 MR. ROSSE: Objection. Calls for 18 speculation. 19 A. I have no idea. 20 Q. How many submarines have you guys 21 built for the United States Navy? 22 A. I do not know the number. 23 Q. Hundreds? 24 A. I don't know. 25 Q. Do you think you have a specialized	1 A. Guillotte. 2 Q. Have you met him? 3 A. I have not. 4 Q. Is he alive? 5 A. I don't know. 6 Q. Okay. You've read depositions that 7 he's testified in, correct? 8 A. Yes. 9 Q. And in reading them, you learned that 10 he was the guy in charge of insulation and 11 lagging for a period of time at Electric Boat; 12 is that correct? 13 A. That is correct. 14 Q. All right. And you've read his 15 testimony, which was over the course of several 16 volumes, from a case called In Re: General 17 Dynamics Asbestos Cases with the first name 18 Plaintiff, Sammie L. Gray, Civil Action No. 19 H-75-327, correct? 20 A. Correct. 21 Q. And you read depositions from March 22 28, 1978, March 29, 1978, March 30, 1978, March 23 31, 1978, April 4, 1978, and April 5, 1978; is 24 that correct? 25 A. I've read a number of them. If you've
Page 67	Page 69
1 skill, you as in Electric Boat, in designing 2 submarines? 3 MR. ROSSE: Objection. Vague and 4 ambiguous. Compound. 5 A. I'm going to ask you to clarify the 6 question, please. 7 Q. Do you think as a company that designs 8 for the United States Navy, do you have special 9 skills in doing that work? 10 A. We have the appropriate skills to 11 fulfill the specialized needs of designing a 12 submarine for the U.S. Navy. 13 Q. Okay. Let's talk about what you've 14 done in your investigation. You mentioned 15 depositions, correct? 16 A. I did. Yes, I did. 17 Q. And for the sake of time, I want to 18 run through the ones that have been sent to me 19 and ask you collectively if they're the same 20 ones that you've reviewed. Okay? 21 Have you reviewed transcripts from 22 Bernard Guillotte? And I may be pronouncing 23 that wrong, but it's G-U-I-L-L-O-T-T-E. 24 A. Yes. 25 Q. How do you pronounce that?	1 cited the dates accurately, then I would agree. 2 Q. Well, you were provided numerous 3 depositions by -- well, strike that. 4 Did someone provide you these 5 depositions? 6 A. Yes. 7 Q. Who? 8 A. Legal department. 9 Q. In-house legal or out of the company, 10 outside counsel? 11 A. In-house. 12 Q. Okay. And did they have Bates stamps 13 at the bottom? 14 A. I don't recall. 15 Q. Were you told -- strike that. 16 Is it your understanding that these 17 were the same depositions that have been 18 produced to me -- 19 MR. BRATT: And maybe Mr. Rosse can 20 step in and just clarify, so we can cut through 21 this, but I'm just wanting to know that I'm 22 looking at the same stuff he's looking at. 23 MR. ROSSE: Mark, if you want me to 24 confirm that, I will. He has received exactly 25 the same transcripts in the same manner that we

Page 70	Page 72
1 produced them to you back in September. I 2 don't think he has the ones that had the 3 different Bates-stamp number, but they are the 4 same deposition transcripts. 5 MR. BRATT: All right. Fair enough. 6 Thank you. 7 Q. So, sir, it's your understanding that 8 you then reviewed those one, two, three, four, 9 five, six volumes of deposition of Bernard 10 Guillotte, correct? 11 A. Correct. 12 Q. All right. Were you provided the 13 depositions of an individual named Archibald 14 Duncan MacDougall? 15 A. Correct, yes. 16 Q. Dr. MacDougall, right? 17 A. Correct. 18 Q. He was the medical director from the 19 early '50s onward up until at least when he 20 gave these depositions in 1979 for General 21 Dynamics - I'm sorry, for Electric Boat, 22 correct? 23 A. Yes, that's my understanding. 24 Q. And you learned that through reading 25 the depositions?	1 Asbestos Cases, Sammie L. Gray case, do you 2 remember reading that one? 3 A. I do. 4 Q. Okay. Were you provided any 5 additional depositions, other than those that 6 I've just mentioned? 7 A. I mentioned earlier that I have also 8 reviewed Mr. Lund's depositions and Mr. Burns. 9 Q. Fair enough. I forgot that. I 10 apologize. So you also reviewed Mr. Lund's and 11 his coworker, right? 12 A. Correct. 13 Q. Okay. Other than those, is that the 14 world of depositions that you've been provided 15 and reviewed in this case? 16 A. Yes. 17 Q. All of those were provided by the 18 legal department at Electric Boat? 19 A. Yes. 20 Q. Or was it the legal department at 21 General Dynamics? 22 A. Electric Boat. 23 Q. Okay. Did you ever ask for any 24 additional depositions other than what was 25 provided to you?
Page 71	Page 73
1 A. Correct. 2 Q. And you read - it's from the same 3 case, the In Re: General Dynamics Asbestos 4 Case, Sammie L. Gray, the first one was 5 November 19, 1979 of Dr. MacDougall, and the 6 second one was November 20, 1979; and you read 7 those, correct? 8 A. Correct. 9 Q. So when we talk about your 10 investigation, and you mentioned transcripts 11 that you were provided and that you reviewed, 12 these are some of them, right? 13 A. Correct. 14 Q. You also received two depositions of a 15 gentleman by the name of Robert H. Secor; is 16 that right? 17 A. Correct. 18 Q. The first one is from the In Re: 19 General Dynamics cases, but this one was taken 20 back on August 9, 1976; do you remember that 21 one? 22 A. I do. 23 Q. And then you also were provided 24 another one several years later, November 5, 25 1979 in the same In Re: General Dynamics	1 A. In preparation for this case, no. 2 Q. Now, you say, "in preparation for this 3 case, no." Have you ever asked to see other 4 depositions of individuals that used to work at 5 Electric Boat for any other reason? 6 A. No. 7 Q. Okay. So why did you make that 8 clarification? 9 A. To make sure I clearly understood your 10 question. 11 Q. Okay. So there's not another half to 12 that, right? You were being careful, but 13 really you were just suggesting that you, at 14 all times in this case or otherwise, have never 15 asked the legal department for additional 16 depositions, other than what you were provided? 17 A. Correct. Not that I recall. 18 Q. All right. Now, in reviewing those 19 depositions, though, that you did get and that 20 you were provided, a lot of different names of 21 people that used to work at Electric Boat were 22 mentioned, correct? 23 A. Yes. 24 Q. All right. And you didn't seek with 25 the legal department or in any other way to try

Page 74	Page 76
1 to find out if any of those other people gave 2 deposition testimony, correct? 3 A. That is correct. 4 Q. All right. Now, you noticed that in 5 the depositions that were provided to you that 6 there were references to a lot of different 7 exhibits, correct? 8 A. Correct. 9 Q. Did you ever ask for those exhibits? 10 A. I don't recall. 11 Q. Were you ever provided the exhibits 12 that were attached to these depositions? 13 A. Yes. 14 Q. You were? 15 A. Yes. 16 Q. When? 17 A. Yesterday. 18 Q. So you received, just for the record, 19 with respect to Bernard Guillotte's deposition, 20 which was six volumes, there were Exhibits 1 21 through 35. And you received the ones marked 1 22 through 35 with respect to those six volumes of 23 deposition yesterday; is that your testimony? 24 A. No, it is not. You asked -- your 25 question was, did I receive any of the	1 yesterday? 2 A. That is true. 3 Q. You did not receive any of those 4 yesterday that were actually marked as exhibits 5 in the deposition, true? 6 A. I'm not sure I understand your 7 question. 8 Q. The actual exhibits that were marked 1 9 through 35 from that deposition, you did not 10 receive those yesterday, correct? 11 A. That's correct. 12 Q. Did you ever ask for those? 13 A. No, I did not. 14 Q. Did you ever search for those in the 15 records? 16 A. No, I did not. 17 Q. Do you know the whereabouts of those? 18 A. No, I do not. 19 Q. Have they been destroyed? 20 A. I don't know. 21 Q. Have they been lost? 22 A. I don't know. 23 Q. Have they been purged? 24 A. I don't know. 25 Q. Who would know that?
Page 75	Page 77
1 exhibits, did I ever see any of them? And as 2 was described earlier as part of this 3 deposition, there was information presented 4 yesterday for what information was available 5 and produced. I had a chance to take a look at 6 that yesterday, and I believe you received it 7 yesterday. What you received is what I was 8 able to look at and nothing more. 9 Q. All right. My question was, did you 10 receive all of the exhibits from the 11 depositions, and your response was you received 12 them yesterday. That's where I was confused. 13 A. I'm sorry. 14 Q. Let me clarify. 15 A. Let me clarify. My understanding of 16 your question was, did I receive any, and if I 17 responded to an all, that was a mistake on my 18 part. 19 Q. Listen, let's get on the same page. 20 My fault, too. 21 So the testimony is correct that the 22 exhibits, all of the exhibits that were 23 attached to and marked as Exhibits 1 through 35 24 in Bernard Guillotte's six volumes of 25 deposition, you did not receive all of those	1 A. Well, the documents relevant to this 2 case were a collection of documents responsive 3 to your request was coordinated through our 4 legal department, and to the best of my -- 5 Q. I'm sorry, go ahead. 6 A. To the best of my knowledge, all the 7 information that was or is available has been 8 produced. 9 Q. Who in the legal department, if 10 anyone, is responsible for maintaining the 11 records over the course of the years for 12 Electric Boat? 13 MR. ROSSE: Objection. Calls for 14 speculation, outside the -- 15 Q. If you know. 16 A. I do not know. 17 Q. You're aware that back at least at 18 some point as early as 1976, Electric Boat was 19 sued as a defendant in a lawsuit with respect 20 to asbestos allegations, correct? 21 A. Yes. 22 Q. Do you know if that was the first time 23 that Electric Boat had been sued as a defendant 24 in asbestos-related litigation? 25 A. I don't know.

Page 78	Page 80
1 Q. Are you aware of, based on your 2 investigation as the person most qualified of 3 Electric Boat Corporation, any prior lawsuits 4 or workers' compensation claims that were filed 5 where Electric Boat was a defendant where 6 someone was claiming injury as a result of 7 asbestos exposure? 8 A. I don't know. 9 Q. You would agree, though, that at least 10 as of '76 that it occurred? 11 A. Correct. 12 Q. And you're aware that since 1976 that 13 has also occurred on numerous occasions? 14 MR. ROSSE: Objection. Vague and 15 ambiguous. 16 A. I don't know. 17 Q. Are you suggesting that that is the 18 only workmen's compensation claim that was ever 19 filed by employees alleging asbestos injury 20 against Electric Boat and General Dynamics? 21 A. I don't know what the case complaints 22 are. 23 Q. Would you agree that at least as of 24 1976, Electric Boat was aware that it was being 25 named as a defendant in asbestos-related cases?	1 about it. 2 A. I don't know. I do not know. 3 Q. Okay. Let's real quickly, though, you 4 understand that at times, based upon your 5 review of information in this case, that at 6 times, certain types of documents need to be 7 maintained and not destroyed for purposes of 8 litigation; you understand that, right? 9 MR. ROSSE: Objection. That calls for 10 a legal conclusion. 11 Q. You can answer. 12 MR. ROSSE: You know, I don't think 13 so. That calls for a legal conclusion, and 14 he's not an attorney here, so legal obligations 15 are outside of anything he's being produced to 16 testify about, and I'm going to instruct him 17 not to answer. 18 MR. BRATT: You're instructing him not 19 to answer? 20 Q. Sir, did you review any testimony that 21 you were provided by the legal department in 22 Electric Boat that that specific subject was 23 discussed? 24 MR. ROSSE: Objection. That calls for 25 attorney/client privilege and a legal
Page 79	Page 81
1 A. Yes. 2 Q. And so with respect to the maintenance 3 or custody or control of any important 4 documents related to asbestos-related cases, do 5 you know who was responsible for making sure 6 that those documents were kept? 7 MR. ROSSE: Objection. Calls for 8 attorney/client privilege and outside the area. 9 MR. BRATT: It doesn't ask who. 10 MR. ROSSE: Outside the area of which 11 he's being produced for. 12 MR. BRATT: I didn't ask who. 13 Q. You can answer. 14 A. I'm going to ask you to repeat the 15 question, please. 16 Q. Do you know who in Electric Boat was 17 responsible for making sure that documents, at 18 least as of 1976 with respect to asbestos, were 19 maintained and not destroyed? 20 MR. ROSSE: Objection. It calls for a 21 legal conclusion and attorney/client privilege. 22 MR. BRATT: I'm not asking for the 23 content. I'm asking for who. 24 MR. ROSSE: Well, still, calls for a 25 legal conclusion, but if you know anything	1 conclusion. 2 MR. BRATT: It doesn't. 3 Q. Were you provided the depositions, 4 sir, of Mr. Secor on August 9, 1976? 5 A. On that date or of that date? 6 Q. Of that date. 7 A. Of that date, yes. 8 Q. Okay. Real quickly, off the written 9 record. 10 (Off the record, 12:18 p.m.) 11 (Back on the record, 12:18 p.m.) 12 Q. Will someone please hand Mr. Heil the 13 deposition of Mr. Secor from August 9, 1976. 14 It's the one that at the top it says, United 15 States District Court, District of Connecticut, 16 In Re: General Dynamics Asbestos Cases, and 17 then it says CML No. 1, and it says Deposition 18 of Robert H. Secor. I don't think the date is 19 for a couple pages. 20 MR. ROSSE: Okay. I think he has the 21 correct one. 22 Q. Sir, you don't need to, obviously, 23 read the whole thing because I think it's about 24 120 pages or so, but nonetheless -- I'm sorry, 25 117 to be exact, have you read this deposition?

Page 82	Page 84
1 A. I have. 2 Q. Front to back? 3 A. Yes. 4 Q. And you understand that Mr. Secor was 5 the chief of environmental controls for General 6 Dynamics, Electric Boat Division? 7 A. At a point in his career. 8 Q. He started in this position in 9 approximately 1971? 10 A. Approximately, yes. 11 Q. He was previously a chemist, right? 12 A. Yes. 13 Q. And as of '71 when he went into this 14 role, he managed a small health group 15 consisting of industrial hygienists, and they 16 did a number of things including procuring MSDS 17 sheets or material safety data sheets, correct? 18 A. Correct. 19 Q. Now, do you remember when he testified 20 that MSDS sheets were stored in his lab? 21 A. I recall him mentioning that. 22 Q. What is an MSDS sheet? 23 A. Material safety data sheet. 24 Q. But what is it? What type of 25 information is contained on it?	1 I guess, consumers or people using the products 2 about the products? 3 MR. ROSSE: Vague and ambiguous and 4 overly broad. 5 MR. BRATT: Okay. I'll rephrase. 6 Q. MSDS sheets were ones that were 7 provided by the manufacturers or vendors, 8 right? 9 MR. ROSSE: Still overbroad as to 10 time. 11 A. That is my general understanding. 12 Q. That started when? When did they 13 start providing them to Electric Boat, at 14 least? 15 A. In the early '70s. 16 Q. And it was the job of Mr. Secor to 17 review them and collect them, correct? 18 A. Yes. 19 Q. And he maintained a file of them, 20 correct? 21 A. That was his testimony. I don't know 22 if it was his job. 23 Q. Well, he said it was his job, right? 24 A. He said he did that function. 25 Q. He said, "I used to review every one
Page 83	Page 85
1 A. I would have to refresh my memory on 2 all of the categories. 3 Q. Is one of the categories one where 4 they describe what's in a product, the chemical 5 composition of a product? 6 A. I believe so, but, again, I would want 7 to refresh my recollection. 8 Q. Well, in preparation for your 9 testimony, did you review any MSDS sheets at 10 all? 11 A. I recall looking at one, yes. 12 Q. And what was it in regards to? 13 A. In preparation for this deposition. 14 Q. No, what was the manufacturer or the 15 type of product that it was in regards to? 16 A. I don't recall. 17 Q. Was it an asbestos-containing product, 18 or was it something else? 19 A. I don't recall. 20 Q. What's the Bates-stamp number of that 21 one that you reviewed? 22 A. I don't recall. 23 Q. Okay. You understand that material 24 safety data sheets are ones that are provided 25 by the manufacturers or the vendors to inform,	1 that came in"? 2 A. That's correct, he did say that. 3 Q. And then he said at some point another 4 gentleman, Francis Faulk, or maybe it was a 5 female, I don't know, a Mr. or Mrs. Faulk at 6 some point later reviewed them, correct? 7 A. That, I don't recall. 8 Q. Okay. But you do remember him saying 9 that he would review the MSDS sheets and 10 determine if products could be used safely with 11 the proper precautions, right? 12 A. Yes, I do. 13 Q. Now, if you turn to page 65 of that 14 deposition. 15 A. Yes. 16 Q. He informed the lawyers that the MSDS 17 sheets will not be a part of the purge program, 18 didn't he? 19 A. Could you give me a moment to look for 20 that? 21 Q. Sure. Why don't you start reading at 22 line 16. 23 A. Yes, thank you. 24 Q. So he testified that these MSDS sheets 25 aren't going to be purged, right?

Page 86	Page 88
1 A. That's correct. 2 Q. And that he's never purged any since 3 he started the program, correct? 4 A. Correct. 5 Q. And he agreed to not purge any as long 6 as the litigation continued, correct? 7 A. That is what he states. 8 Q. And, in fact, he said, "I'm going to 9 put it on a computer right now." Correct? 10 A. Yes. 11 Q. And then if you turn the page, he 12 talks about that -- he's putting it on a 13 computer so he could retrieve the information 14 more easily, correct? 15 A. I see that. 16 Q. And in this whole discussion, we're 17 talking about all the different MSDS sheets, 18 not just ones that contained asbestos, right? 19 A. Correct. 20 Q. All right. And then at the bottom he 21 starts talking about the monitoring tests of 22 lagging workers. Start at line 18. Do you see 23 that? 24 A. Which page? 25 Q. Same page, 66.	1 A. That's correct. 2 Q. Now, did you search for the MSDS sheet 3 file that was put onto a computer? 4 A. No, I did not. 5 Q. Those MSDS sheets would include 6 asbestos-containing products, correct? 7 A. The MSDS -- your question is referring 8 to page 65? 9 Q. Yes. 10 A. If they exist -- if it was identified 11 on the MSDS sheet, it would be there. 12 Q. Right, so for any and all 13 asbestos-containing materials that sent MSDS 14 sheets to Electric Boat, they would have been 15 put on to a computer or at a minimum compiled 16 by Mr. Secor and his group, correct? 17 MR. ROSSE: Objection. Calls for 18 speculation. 19 A. Mr. Secor says he's going to do that. 20 I don't know if he did it or not. I can't 21 tell. 22 Q. Okay. Well, if he says he's going to 23 do it, you have no reason to doubt that he did 24 it, right? 25 MR. ROSSE: Objection. Calls for
Page 87	Page 89
1 A. I see it. Thank you. 2 Q. Electric Boat had a purge program, 3 didn't it? 4 A. That is what Mr. Secor calls it. 5 Q. Well, you'd have no reason to dispute 6 his testimony, do you? 7 A. No. 8 Q. He says, "I'm permitted to keep those 9 kind of records" -- and he's talking about the 10 monitoring tests of lagging workers -- "I 11 think, for four years, so when operation purge 12 comes around four years from now." Do you see 13 that? 14 A. I do. 15 Q. Did you ask for the monitoring testing 16 of lagging workers that he's talking about? 17 A. No, I did not. 18 Q. Do you know if it was purged? 19 A. I do not know. 20 Q. Based upon his testimony, it looks 21 like it was purged after four years, correct? 22 A. I don't know what happened. 23 Q. Well, you do know that that wasn't 24 provided to you or produced in this case, 25 correct, the documents mentioned on page 66?	1 speculation. 2 Q. You have no reason to doubt that, 3 correct? 4 A. Like I said, I don't know what he did. 5 Q. I know that, but you have no reason to 6 doubt that his testimony is accurate, correct? 7 MR. ROSSE: Objection. Calls for 8 speculation. 9 A. His testimony was, he said he was 10 going to do it. I don't know what he did. 11 Q. Actually, his testimony was I am 12 putting it on a computer program right now, not 13 that he was going to. He's actively doing it, 14 correct? 15 MR. ROSSE: Objection. Calls for 16 speculation. 17 Q. That's what the testimony says, right? 18 A. Yes. 19 Q. You have nothing at all by way of 20 evidence or documents or information that could 21 dispute his testimony, correct? 22 A. Correct. 23 Q. You take it at face value, correct? 24 A. That's correct. 25 Q. You don't think Mr. Secor was a liar,

Page 90	Page 92
1 do you? 2 A. No, I do not. 3 Q. All right. So did you ask for that 4 information? 5 A. I did not. 6 Q. Did you ask for any information sent 7 by the manufacturers of the asbestos-containing 8 materials that sent MSDS sheets to Electric 9 Boat? 10 A. I did not. 11 Q. Did you look on a computer to see if 12 it had been stored somehow? 13 A. No, I did not. 14 Q. Did you ask someone to do it on your 15 behalf? 16 A. No, I did not. 17 Q. In fact, for all the documents that 18 were searched for in this case, did you 19 physically do any searching? 20 A. No, I did not. 21 Q. Who did the searching? 22 MR. ROSSE: Objection. Calls for 23 attorney/client privilege. 24 MR. BRATT: It absolutely does not. I 25 asked for a person. I didn't ask for the	1 A. As to the hazards of 2 asbestos-containing material. 3 Q. How about as to the actual products 4 that historically contained asbestos that were 5 manufactured by various companies, did you take 6 a class on that? 7 A. As part of my technical 8 responsibilities as design engineer, I'm very 9 experienced with the performance aspects of 10 asbestos as it's used in the ventilation 11 systems, in particular, and piping systems in 12 general. 13 Q. Well, as of 1977, did you specify for 14 use asbestos-containing materials? 15 A. Yes. 16 Q. On board subs? 17 A. Yes. 18 Q. And what types of materials were you 19 specifying in 1977? 20 A. I was specifying the materials that 21 were defined in the MIL specs. 22 Q. No, but I want to know what specific 23 ones? Were you specifying the use of asbestos 24 insulation on pipes? 25 A. Ventilation system, lagging, and
Page 91	Page 93
1 content. 2 A. To my knowledge, the legal department 3 at Electric Boat coordinated the document 4 search. 5 Q. Who within -- are you suggesting that 6 the legal department at Electric Boat, someone 7 that is actually employed there or some number 8 of people that are employed there did the 9 search? 10 A. I am unaware of how the search was 11 conducted. 12 Q. You were provided the documents and 13 had no involvement in the search? 14 MR. ROSSE: Objection. Overly broad. 15 A. I did not participate in the search. 16 Q. You have no special training in 17 asbestos products, correct? 18 A. I don't understand your -- when you 19 say "training." 20 Q. Well, I've asked you about a lot of 21 different classes and courses you took in 22 undergraduate, graduate, or in any certificate 23 courses that were done post-graduate. None of 24 them were on the identification of 25 asbestos-containing materials, correct?	1 gaskets. 2 Q. What do you mean by "lagging"? Are 3 you talking about piping systems? 4 A. Ventilation systems. 5 Q. Okay. And so air, not water or steam 6 or hot water? 7 A. Correct. 8 Q. Okay. And so you specified the use of 9 that at least as of 1977 and beyond? 10 A. Correct. 11 Q. All right. What about for steam and 12 hot water lines? 13 A. Excuse me, what about them? 14 Q. Did you ever specify for use that on 15 board subs? 16 A. Me personally, your question? 17 Q. Yes, '77 or beyond? 18 A. No, that was not my responsibility. 19 Q. All right. So how about the actual 20 blankets or cloth or block that was used in 21 insulating, did you ever have to specify any of 22 that stuff that contained asbestos after '77? 23 A. Yes. 24 Q. And that would be specified for use on 25 board subs?

Page 94	Page 96
1 A. Yes, as required by the MIL specs. 2 Q. So just so I'm clear, for how many 3 years after 1977 were you specifying the use of 4 block, pipe insulation, cloth, or other lagging 5 that contained asbestos aboard subs? 6 A. Not until a suitable material was 7 approved through the MIL specs. 8 Q. When did you -- you started in '77. 9 What year did that finally occur? 10 A. I do not recall. 11 Q. So you don't know the last time that 12 you specified the use of asbestos insulation 13 for water and steam pipe, true? 14 A. I did not specify or work on the steam 15 and water pipes. 16 Q. All right. How about asbestos block 17 for use of insulating anything? 18 A. I don't recall. 19 Q. So you know you started in '77. You 20 don't know when the last date that you 21 specified the use of lagging, cloth, block, 22 pipe insulation, et cetera, that contained 23 asbestos, fair? 24 A. That's fair. 25 Q. Okay. But let's just talk solely	1 that would be in that insulation, the various 2 types? 3 A. Not that I recall. 4 Q. So if you wanted to learn that 5 information, you'd have to get it from some 6 other source, correct? 7 A. Correct. 8 Q. And one source that you're aware of at 9 least are MSDS sheets, correct? 10 A. Yes. 11 Q. You weren't provided MSDS sheets in 12 this case that were collected in Mr. Secor's 13 files related to asbestos pipe insulation for 14 hot water and steam, true? 15 A. I don't understand your question, 16 please. 17 Q. You were not provided by the lawyers 18 any MSDS sheets for review in this case that 19 dealt with the manufacturers of asbestos 20 insulation used for piping for hot water and 21 steam, correct? 22 MR. ROSSE: I'd just object as to 23 relevance, and overbroad as to the time. 24 A. I don't recall receiving those MSDS 25 sheets that you described.
Page 95	Page 97
1 about pipe insulation for steam and water, hot 2 water. Since you never did that work yourself, 3 you would have to get information from some 4 other source to learn about it, right? 5 A. Yes. 6 Q. Did you take any classes in that 7 regard? 8 A. I'm sorry, you broke up. Could you 9 repeat the question? 10 Q. Did you take any classes in that 11 regard, be it undergraduate, post-graduate, or 12 any other courses? 13 A. Yes. 14 Q. Specific to asbestos pipe insulation 15 for steam and hot water, you took classes on 16 that? 17 A. Correct. 18 Q. When? 19 A. Undergraduate classes. 20 Q. Did it identify asbestos content by 21 percentage? 22 A. Not that I recall. 23 Q. Did it identify the manufacturers? 24 A. Not that I recall. 25 Q. Did it identify the types of asbestos	1 Q. Okay. And you didn't search for them? 2 A. Correct. 3 Q. You don't even know if they're in 4 existence? 5 A. The -- 6 Q. It's a yes or no. You don't know if 7 they're in existence, correct? 8 A. No, I do not. 9 Q. And, in fact, it's your understanding 10 that you've received all documents that are 11 responsive and relevant to the deposition 12 notice that you've reviewed in this case, just 13 like I've received them, correct? 14 A. Correct. 15 Q. All right. So based on that, you 16 would assume that they aren't in existence, 17 correct? 18 MR. ROSSE: Objection. Vague, 19 overbroad as to time. Lacks relevance. 20 Q. All right. 21 A. I believe all relative documentation 22 has been produced. 23 Q. So it's likely, then, those have been 24 purged, destroyed, or lost, correct? 25 MR. ROSSE: Objection.

Page 98	Page 100
1 A. I don't know. 2 Q. All right. 3 MR. BRATT: I'm losing track of time, 4 so if you guys need a break, let me know, but 5 I'm just going to keep plowing away unless you 6 tell me. 7 MR. ROSSE: Well, at some point if 8 you've got a good breaking point, it's about 9 lunch time here. 10 MR. BRATT: Now is a good time to stop 11 anyway. I'll get organized and we'll jump out 12 for lunch. Do you want an hour? 13 MR. ROSSE: No, we don't need that 14 long. 15 MR. BRATT: Okay. You tell me. 16 MR. ROSSE: A half hour. 17 THE VIDEOGRAPHER: We're going off the 18 record at 12:42 p.m. 19 (Off the record, 12:42 p.m.) 20 (Lunch recess taken.) 21 (Back on the record, 1:23 p.m.) 22 THE VIDEOGRAPHER: We're back on the 23 record at 1:23 p.m. 24 Q. We're back from a break. You 25 understand you're still under oath, correct?	1 case? 2 MR. BRATT: The rules under F.R.C.P. 3 30(c)(1) provide that a deposition should 4 proceed as if it were trial testimony. There's 5 been some rulings suggesting -- in federal 6 court suggesting that during a civil trial a 7 witness and his lawyer are not permitted to 8 confer at their pleasure during the witness's 9 testimony, and the same is true at deposition. 10 So my question is -- 11 MR. ROSSE: Do you have an authority 12 cite for that? 13 MR. BRATT: Sure. Hall v. Clifton 14 Precision, 150 F.R.D. 525. It's Eastern 15 District of Pennsylvania, 1993. Additionally 16 F.R.C.P. 30(c)(1). 17 Q. So my question is, sir, did you speak 18 to counsel about your testimony or about the 19 subject matters related to this deposition 20 during the breaks? 21 MR. ROSSE: I'm still going to assert 22 the attorney/client privilege. I'll allow that 23 broad question. 24 MR. BRATT: So you're allowing that 25 broad question, but you're asserting the
Page 99	Page 101
1 A. I do. 2 Q. Since we've commenced this deposition 3 with respect to your testimony on behalf of 4 Electric Boat Corporation, we've taken two 5 breaks as well as a lunch break, so three in 6 total. You understand that, right? 7 A. I do. 8 Q. Did you have the opportunity to speak 9 to counsel in those breaks? 10 A. Yes. 11 Q. And what did you speak about? 12 MR. ROSSE: Objection. Calls for 13 attorney/client privilege. Do not answer that. 14 MR. BRATT: Are you instructing him 15 not to answer? 16 MR. ROSSE: Yes, I am. 17 MR. BRATT: Are you instructing him 18 not to answer about any questions that I have 19 about the content of the discussions that have 20 gone on between him and counsel on behalf of 21 Electric Boat and General Dynamics during the 22 breaks since the deposition has commenced? 23 MR. ROSSE: Could you rephrase? You 24 mean any general counsel of Electric Boat or 25 General Dynamics, or outside counsel in this	1 attorney/client privilege? 2 MR. ROSSE: I need to look at these 3 cases. If these cases actually say what you 4 do, I may agree that you've got a right to. 5 I'm not familiar with any case law that says 6 you have the right to breach the 7 attorney/client privilege during breaks of 8 testimony. 9 MR. BRATT: Okay. Well, let me just 10 set it up then, and you can instruct him not to 11 answer as you wish or as you think is 12 appropriate. 13 Q. Let me first ask this, sir, during 14 each of the breaks, the three breaks we've had, 15 the 30-plus minute lunch break and the five- to 16 ten-minute breaks we've had since the 17 commencement of the deposition, have you had an 18 opportunity to speak to counsel that represents 19 both defendant, General Dynamics Corporation 20 and defendant, Electric Boat Corporation? 21 A. Yes. 22 Q. Did you, in fact, speak to counsel 23 during those three separate breaks? 24 A. Yes. 25 Q. Did you, in fact, speak to them about

Page 102	Page 104
1 testimony that had been given? 2 A. No. 3 Q. Did you speak to them about testimony 4 that was anticipated? 5 A. No. 6 Q. Did you speak to them about any 7 matters related to the preparation for your 8 testimony as the persons most qualified of 9 Electric Boat Corporation? 10 MR. ROSSE: Objection. Calls for 11 attorney/client privilege, and I'm going to 12 instruct him not to answer. 13 MR. BRATT: Okay. 14 Q. Are you going to follow your 15 attorney's instructions? 16 A. Yes, I am. 17 MR. BRATT: Okay. We'll just leave it 18 at that. We'll let the judge decide later. If 19 you want to look at those cases, you can meet 20 and confer with me off the record. I will be 21 asking additional follow-up related to any 22 discussions that occurred during any additional 23 breaks. 24 Q. But moving on, sir, I want to turn 25 your attention to the exhibits that were	1 attempt to recreate the exhibits and he can try 2 to match those up to Secor if that's what 3 you're trying to do. 4 MR. BRATT: I want to know what I have 5 and what I don't have, and what's been produced 6 and what's not been produced. So I don't know 7 how to short-circuit that unless you've already 8 done it. 9 MR. ROSSE: I told you that we sent 10 you the best we could a recreation. 11 MR. BRATT: But the point is that I 12 don't have everything, and I don't know what I 13 have versus what I don't have because those 14 things were produced to me after business hours 15 yesterday, which is less than 12 hours before 16 the deposition even commenced, counting the 17 time that I had to sleep. 18 MR. ROSSE: Okay. 19 Q. So, sir -- 20 A. Yes. 21 MR. BRATT: Do we have the stack of 22 depositions to make it easy? 23 MR. ROSSE: Yes, we do. 24 Q. Okay. We'll take the first one, March 25 28, 1978.
Page 103	Page 105
1 attached to the March 28, 1978 deposition of 2 Bernard Guillotte. Were you provided Exhibit 1 3 which was a diagram as referenced on page 33? 4 A. I don't know. Do we have them here? 5 Did you send them? 6 Q. I have possession of what you have 7 possession of. Are you talking about the 8 deposition? 9 A. You asked me a question, and I'm 10 asking, did you send that for me to refer to? 11 Q. I sent exactly what was sent to me, 12 which was a copy of the deposition, and I'm 13 referring to the exhibits attached to the 14 deposition. 15 A. Could you repeat which one you're 16 referring to, please? 17 Q. Sure. Why don't we do this, why don't 18 we pull the stack of the depositions and they 19 can be stacked up in order, the Guillotte ones 20 by date order, and then the Dr. MacDougall 21 ones, and then the two Secor ones. 22 MR. ROSSE: Mr. Bratt, if you want to 23 attempt to shortcut this, I'm not going to tell 24 you how to do it, but if you would like, we can 25 show him what was sent to you, which was our	1 MR. ROSSE: Of Guillotte? 2 MR. BRATT: Yes, sorry. 3 MR. ROSSE: He has it. 4 Q. On page 33, there's a reference to a 5 diagram. Do you see it? 6 A. Not yet. 7 Q. Sorry, it's at the top of page 34, but 8 it was referenced on 33. 9 A. No, I have not seen that. 10 Q. Okay. So that document wasn't 11 provided to you, correct? 12 MR. ROSSE: Mark, do you want him to 13 look at the documents we produced to you 14 yesterday to see if he can match those up? 15 MR. BRATT: I want to know what I have 16 and what I don't have, and what he was shown 17 and what he wasn't shown. 18 MR. ROSSE: If this is okay with you, 19 I'm going to show him the documents that we 20 produced to you yesterday. Is that acceptable? 21 MR. BRATT: If it can help answer the 22 question. 23 MR. ROSSE: They are documents he's 24 reviewed, so I believe they will or can. 25 Q. Was Exhibit 1, the diagram referenced

Page 106	Page 108
1 on page 33 and 34 in this deposition, produced 2 to you and me? 3 A. No, I have not seen that. 4 Q. Okay. Exhibit 2 is on page 55. It's 5 discussed, I think, on page 54 as well, but 6 it's a diagram that was drawn by the witness. 7 Have you been produced and shown Exhibit 2? 8 A. Not that I recall. 9 Q. Okay. All right. Turn to page 93, 10 please. On page 92 there's discussions about a 11 department roster, and it was attached on page 12 93. Take your time to look at that. 13 And my question will be, were you 14 produced Exhibit 3 from this deposition? It's 15 a three-page roster. 16 MR. ROSSE: Again, I just want to make 17 it clear that he wasn't produced anything that 18 was marked as exhibits, but he was given 19 documents that we believe were likely to have 20 been the exhibits that we could find. 21 A. I believe that there are four sheets 22 that were provided as part of the package, 23 however, the transcript on page 92 refers to 24 the actual exhibit as only being three sheets, 25 so --	1 board a particular vessel? 2 A. It describes an individual by clock 3 number, shop order, hours worked, and remarks 4 often defining what they worked on, but I do 5 not see what ship it was accomplished on. 6 Q. Were you able to, in your review of 7 any other documents, determine the individuals 8 who performed any sort of work with insulation 9 aboard the vessels that we talked about 10 earlier, the Lafayette, the Gato? We'll just 11 focus on those two, the Lafayette and the Gato. 12 A. Could you repeat that question, 13 please? 14 Q. In your review of over 10,000 15 documents that were provided to you, were you 16 able to identify any similar documents to these 17 Daily Records of Time with respect to 18 individuals that performed insulation work 19 aboard either the Lafayette or the Gato? 20 A. Not that I recall. 21 Q. Did you ask for those? 22 A. No, I did not. 23 Q. Okay. It's true, though, that going 24 back to Exhibit 3, that at least at this point 25 you're unable to locate the three-page document
Page 107	Page 109
1 Q. Are you referring to the four sheets 2 that would be entitled "Daily Record of Time"? 3 A. That is correct. 4 Q. All right. So that is Exhibit 4, 5 which is referenced on page 4, and it's dated 6 1/3/61? 7 MR. ROSSE: Objection. Calls for 8 speculation. 9 A. I'm sorry, I'm looking at page 93, 10 calls it Exhibit 3 as three pages. 11 Q. All right. Turn to 94. At the top, 12 this particular one has the department number 13 246 on it and a date of 1/3/61? 14 A. That's correct. 15 Q. All right. So it appears that you've 16 been provided Exhibit 4, which is Bates-stamp 17 range what? 18 MR. ROSSE: I just object to that 19 representation. 20 A. It is 011321 through 011324. 21 Q. And what is this document? 22 A. It's titled the "Daily Record of 23 Time." 24 Q. Is it a document that describes the 25 work by certain individuals that was done on	1 entitled "Roster"? 2 A. Well, the only distinction between 3 Exhibit 3 and Exhibit 4 is that which is 4 described on page 94, right? 5 Q. One is entitled "Roster" and the other 6 is entitled "Daily Record of Time," correct? 7 MR. ROSSE: Just object as vague and 8 ambiguous. Calls for speculation. 9 A. They both say "Daily Record of Time" 10 in the testimony. 11 Q. Well, if that's the case, then, were 12 you provided two separate Daily Record of 13 Times? 14 A. No, there's only one group of four. 15 Q. Okay. Thank you. All right. I'm 16 done at this point with that particular volume 17 of deposition. 18 Moving on to March 29. You can keep 19 the other documents in front of you, if it 20 helps you. 21 A. Okay. 22 MR. ROSSE: Mark, I'm just going to 23 move them out of the way for sake of not 24 cluttering the area. If you need to go back to 25 them, let us know.

Page 110	Page 112
1 MR. BRATT: That's fine. Do what 2 you've got to do. 3 Q. Okay. Sir, if you turn to page 206. 4 Did you find it? 5 A. Yes. 6 Q. Okay. And it describes -- well, it 7 describes two separate books that deal with 8 invoices containing insulation materials that 9 were available for use. They were attached as 10 Exhibits 5 and 6. Were you provided those 11 documents? 12 Exhibit 5 on the first volume has P.O. 13 ABCDE. The cover page on Exhibit 6 has P.O. 14 ABC, and they refer to purchase orders and 15 various date ranges. 16 In looking through the documents, have 17 you been able to locate those and determine if 18 they were provided to you for review? 19 A. No. 20 Q. So you weren't provided those. Did 21 you ask for them? 22 A. No. 23 Q. Did you either look for or ask for any 24 similar documents that were purchase orders 25 ranging in dates from 1960 up through 1966?	1 reference? 2 A. Give me a moment, please. 3 Yes. 4 Q. Is that the product Min-K blanket or 5 I'm sorry, Thermoflex? 6 A. I don't know what it's referring to. 7 Q. You've now gone through that whole 8 list, but do you recall seeing a four-page 9 document as such that was produced to you? 10 A. I don't recall. 11 Q. Okay. 243, there's 11 pages of 12 purchase orders from American Asbestos and 13 Textile. Do you see that reference? 14 A. Yes. 15 Q. Do you recall being produced those 11 16 pages? 17 A. I don't recall seeing it. 18 Q. Okay. Now, page 251 refers to an 19 18-page booklet entitled "Accident Prevention 20 Booklet For Employees." Are you on page 251? 21 A. I am. 22 Q. Do you recall that 18-page document 23 being produced? 24 A. There was something in the 25 documentation referring to that subject.
Page 111	Page 113
1 A. No. 2 Q. And you weren't provided those either? 3 A. That's correct, to the best of my 4 knowledge. 5 MR. ROSSE: You're referring strictly 6 to the purchase orders referenced in the 7 deposition, or are you referring to any? 8 MR. BRATT: No, I asked the second 9 question. My second question was, did you ask 10 for, receive, or were you provided purchase 11 orders from 1960 through 1966? And he said, 12 no. 13 A. Any purchase orders? Any purchase 14 orders? 15 Q. Listen, my question stands. I'm going 16 to move on. I don't want -- 17 MR. ROSSE: All right. Then he's got 18 to stop this review. 19 Q. You can look at the exhibits through 20 the deposition, but you don't need to look 21 through that stack again. 22 Okay. On page 224 and 225, I'm 23 sorry -- yes, 224 and 225, it references a copy 24 of a four-page document as it relates to a 25 Johns-Manville product. Do you see that	1 Q. But do you know if it was the 2 "Accident Prevention Booklet For Employees," 3 18-page booklet? 4 MR. ROSSE: Do you want him to look at 5 those documents? 6 MR. BRATT: If that's what's required. 7 Q. It was published 5/67 and distributed 8 6/67, and I don't want to influence you at all, 9 but I certainly did not find that in my review 10 of the documents that were produced late last 11 night. 12 A. How do you think they counted that? 13 Q. Sir, the one that you're looking at 14 right now, which on the front, I believe, it's 15 "Your Job at Electric Boat"? 16 A. That is the one I'm looking at. 17 Q. Okay. To cut through time, that 18 appears to be Exhibit 11, so I won't be asking 19 about that because that appears to have been 20 produced. What is the Bates-stamp range for 21 that document? 22 A. No. 11? 23 Q. Yes. 24 A. 011299. 25 MR. ROSSE: Does that say exhibit -- I

Page 114	Page 116
1 object to the reference to "Exhibit 11." Do we 2 know that that's Exhibit 11? 3 MR. BRATT: Well, you can tell me, 4 it's a nine-page booklet entitled "Your Job at 5 Electric Boat" with handwritten note attached. 6 MR. ROSSE: There's no exhibit number 7 on there, so I don't know if it's what's 8 referenced in the deposition as Exhibit 11. It 9 may be the source document for that, but I 10 don't know if it's the actual exhibit or not. 11 MR. BRATT: Well, you haven't produced 12 any actual exhibits, so -- 13 MR. ROSSE: And I don't know for sure 14 if it's a source document. That's my point. 15 We've attempted to recreate as best we can. 16 A. Did you get that first number? 17 Q. Just give me the range again. 18 A. 011299, 011308. 19 Q. And that appears to be a document 20 entitled "Your Job at Electric Boat" that's 21 nine pages in length? 22 A. I counted ten pages, and I can't read 23 the cover that clearly. 24 Q. Okay. Fair enough. You were not able 25 to find an 18-page booklet entitled "Accident	1 entitled Safety Manual C-23 dated 1/1/74 is 2 Bates-stamped EB-LUND-011318 through 320. 3 Sir, I want to ask you just a few 4 other follow-ups on this particular volume to 5 ask if you've obtained any additional documents 6 that were referenced in it. 7 There was a reference on page 256 by 8 Mr. Guillotte. If you recall, he testified 9 that he first learned about asbestos hazards in 10 1968 from Mr. Secor. Do you remember that 11 testimony? 12 A. I do. 13 Q. Okay. And he also mentioned 14 thereafter on page 256 that Electric Boat also 15 started putting up asbestos hazard information 16 on a bulletin board in 1968. I think it was 17 several articles and newspaper clippings, et 18 cetera. Do you recall that testimony? 19 A. I believe the testimony is that the 20 workers in the shop posted the information on 21 the bulletin boards, for clarity. 22 Q. Right. So on page 256, the testimony 23 is, "About that time, also, we had a bulletin 24 board that several items appeared on the 25 bulletin board about asbestos products." Did I
Page 115	Page 117
1 "Prevention Book For Employees;" is that true? 2 A. I don't recall seeing it, no. 3 Q. Okay. On page 300 there's a 4 memorandum dated September 2, 1969. It's a 5 three-page document. Do you know if that was 6 produced? 7 This is an internal memo between a 8 Mr. Painter and a Mr. Dunn. 9 A. There is an internal memo between Dunn 10 and Painter dated September 2, 1969. 11 Q. What's the Bates-stamp for that? 12 A. 011313 to 011315. 13 Q. Okay. I will inform you that I was 14 able to locate Exhibits 13 and 14, which 15 were -- one of them was -- 13 was the safety 16 manual No. C-23 dated 9/4/73, the other one 17 dated 1/1/74. 18 I take it you remember seeing the two 19 safety manuals in that stack of documents that 20 was produced late last night? 21 A. Yes. 22 Q. Okay. For the record, Exhibit 13 of 23 this deposition dated 9/4/73, it's two pages, 24 Bates-stamped EB-LUND-011316 through 317, and 25 then Exhibit 14, which is a three-page document	1 read that correctly? 2 A. That's his testimony, yes. 3 Q. Okay. And you've seen reference from 4 others in other volumes of testimony about the 5 same thing occurring in 1968, correct? 6 A. Other volumes of Mr. Guillotte's 7 testimony, for clarity? 8 Q. I believe, actually, that it was in -- 9 bear with me. I can't seem to find it, I 10 apologize. 11 MR. ROSSE: Are you referring to 12 references by another witness? 13 MR. BRATT: Yes. I'm sorry. I have 14 notes here. I'm trying to track it down. 15 MR. ROSSE: If you expand that, I 16 think he can answer. 17 Q. There were other witnesses that 18 discussed this posting of asbestos hazards on 19 boards; is that true? 20 A. That is true. 21 Q. Okay. And, in fact, there was 22 discussion that at some point, I think it was 23 by Dr. MacDougall or Mr. Secor, that a file of 24 those articles was maintained. Do you remember 25 that testimony?

Page 118	Page 120
1 A. Specifically, no, I do not. 2 Q. Okay. Well, regardless, with respect 3 to the asbestos hazard information that was on 4 the bulletin board that was referenced in 5 Mr. Guillotte's testimony, did you do a search 6 to determine if there were any newspaper 7 clippings or articles that were maintained in 8 the files of Electric Boat? 9 A. No, I did not. 10 Q. So if my memory serves me that another 11 witness talked about maintaining a file -- here 12 it is. I hate to jump around, but I just want 13 to stay on this one subject. Dr. MacDougall's 14 testimony on the 19th of November -- 15 A. Give us a moment, please. 16 Q. No problem. 17 Okay. Did you find it? 18 A. I believe so. Do you have a page, 19 please? 20 Q. Yes, 74. 21 A. Okay. 22 Q. Do you see that question starting at 23 line 7 it says, "I notice you have taken this 24 report out of a file that you have brought with 25 you today. Could you tell me what that file	1 643, which is Exhibit 16. 2 A. Yes. 3 Q. It references the dusting of 4 insulation report, the final report dusting of 5 insulation dated December 31, '73? 6 A. Yes. 7 Q. I was able to locate that, and I 8 assume that just based on the description, you 9 recall reviewing that last night, correct? 10 A. Correct. 11 Q. Okay. I'll just, for the record, give 12 the Bates-stamp range, EB-LUND-011269 through 13 011298, and we can discuss it further on the 14 record, if need be. 15 Okay. Now, do you remember 16 Mr. Guillotte's testimony in the March 30 17 volume that Electric Boat had received and 18 distributed the emergency OSHA requirements in 19 1971? 20 A. I would want to refresh my 21 recollection. 22 Q. Sure, 475, please. 23 A. This same volume or a different 24 volume? 25 Q. Same volume. These don't have line
Page 119	Page 121
1 contains?" Do you see that question? 2 A. I do. 3 Q. And then he discusses that, "This file 4 contains mostly reprints of asbestos articles 5 from the newspaper." Did I read that 6 correctly? 7 A. You did. 8 Q. Have you been provided such a file? 9 A. I have not. 10 Q. Did you look for such a file? 11 A. I did not. 12 Q. You'd agree that if you had been 13 provided such a file, it would inform you about 14 the content of those articles that were being 15 posted or obtained by Electric Boat in that 16 time frame? 17 A. Yes. 18 Q. Okay. Do you know if those files have 19 been purged or destroyed? 20 A. I don't know. 21 Q. Okay. Thank you. We'll move on to 22 Mr. Guillotte's March 30 volume. We're done 23 with 29 at the moment. 24 A. Yes. 25 Q. Okay. The exhibit referenced on page	1 numbers on the page, but midway through it 2 starts, "And those OSHA requirements were 3 received by you in 1971; is that correct?" Do 4 you see that? 5 A. I do. 6 Q. Were you provided a copy of the 7 emergency OSHA requirements in 1971? It's not 8 a referenced exhibit. I'm asking in general, 9 in everything that you've reviewed if you were 10 provided that? 11 A. I have not. 12 Q. Did you ask for it? 13 A. No. 14 Q. Okay. All right. I'm done with that 15 volume. 16 I'll turn your attention to Friday, 17 March 31, 1978 volume of Bernard Guillotte. 18 A. Yes. 19 Q. Bear with me. Okay. On page 713 20 through 715, there's four different catalogs 21 referenced. Catalog No. IN-188 A is Exhibit 17 22 and that is one that's Johns-Manville 23 insulation for lasting thermal efficiency, and 24 on the bottom it reads minus 400 Farenheit 25 cold. I do remember seeing certain catalogs

Page 122	Page 124
1 produced. 2 My question is, I think they began at 3 Bates-stamped 011438 and continued to the end, 4 but I do not recall seeing that particular one? 5 MR. ROSSE: Are you asking him to try 6 to find that? I think he might be looking in 7 the wrong place, if you want him to find it. 8 MR. BRATT: Listen, I just want what 9 the exhibits are, and I want to know if I got 10 them or I don't, and if he saw them or if he 11 didn't. 12 MR. ROSSE: What was the Bates-stamp 13 number you referenced? 14 MR. BRATT: Well, I just know that 15 there's a stack, and mainly they're Unibestos 16 and Pittsburgh Corning documents that start at 17 11438 and go through the end, which is, from my 18 understanding, it is 11687 and I know that 19 Johns-Manville catalogs aren't in this 20 grouping, or at least I couldn't find them. 21 Q. My question is, were you provided 22 those exhibits or that Exhibit 17 as referenced 23 on page 713? 24 MR. ROSSE: I would just object as 25 vague and ambiguous. Overbroad. We've	1 purchase and use of Johns-Manville 2 asbestos-containing insulation on board ships, 3 correct? 4 A. Correct. 5 Q. Okay. Now, Exhibit 23, which is the 6 handbook entitled "Handbook of Asbestos 7 Textiles, 3rd Edition," I'm fairly certain that 8 that was produced. Do you recall the same 9 thing I'm recalling? 10 A. What page, please? 11 Q. Well, it's referenced on page 718 of 12 Mr. Guillotte's testimony. 13 I stand corrected. I'm not able to 14 find that document. Are you able to? 15 A. No, I'm not. 16 Q. And that would be Exhibit 23. 17 Okay. If you turn to page 830. 18 A. Yes. 19 Q. It references a document including a 20 letter dated October 26, 1977 with attachments 21 of copies of cards, business cards. I looked 22 through the documents. I don't recall that 23 being produced. Is that consistent with your 24 memory in reviewing that stack of documents 25 that was produced to us last night?
Page 123	Page 125
1 provided a lot of documents beyond what he's 2 looking at and beyond what he's looking at 3 right now. 4 A. Yeah, I don't recall. 5 Q. Do you recall ever receiving any 6 Johns-Manville insulation specifications or 7 catalogs or documents in the 10,000 documents 8 that you've reviewed - 10,000 plus documents 9 you've reviewed? 10 A. I don't recall. 11 Q. Okay. Because that encompasses 12 Exhibit 17, 18, 19, 20, 21 and 22 which all 13 deal with Johns-Manville, so I'll just move on. 14 Did you ask for any Johns-Manville 15 specification documents? 16 A. No, I did not. 17 Q. And let me clarify. With regard to 18 any insulating materials, be it block, cloth, 19 blankets, lagging, anything? 20 A. In preparation for this case? 21 Q. Yes. 22 A. Not that I recall. 23 Q. Okay. You understand, though, in 24 Mr. Guillotte's testimony, over the course of 25 those six volumes, that he talked about the	1 And if you need to look, feel free, 2 but there's a letter in October 26, 1977 with 3 copies of cards attached. 4 You're not able to find that memo, are 5 you, sir? 6 A. No. 7 Q. And did you search for it yourself? 8 A. No, I did not. 9 Q. Did you ask for it? 10 A. No, sir. 11 Q. I want to turn to the April 4, 1978 12 deposition of Mr. Guillotte. Page 950, please. 13 A. Yes. 14 Q. You see that Mr. Guillotte has 15 testimony about a magazine that he had on his 16 shelf called "Asbestos" magazine, correct? 17 A. I see that. 18 Q. And that he believed that Mr. McBreen 19 used to receive it, and that's how he got that 20 one on his shelf, correct? 21 A. That is what he says. 22 Q. Did you ask for copies of "Asbestos" 23 magazine that were in the files of - either 24 Mr. McBreen's files or in Mr. Guillotte's files 25 or really in anyone's files at Electric Boat?

Page 126	Page 128
1 A. I did not. 2 Q. And you weren't produced copies of 3 those, correct? 4 A. Correct. 5 Q. You also see down further on that same 6 page, there's a periodical that was on his 7 bookshelf called "Insulation"? 8 A. I see that. 9 Q. Did you ask for any copies of 10 "Insulation" magazine? 11 A. I did not. 12 Q. And were any produced to you? 13 A. No. 14 Q. Do you know if a search was done for 15 either "Asbestos" magazine or "Insulation" 16 magazine? 17 A. Could you repeat the question, please? 18 Q. Do you know if a search was performed 19 for either "Asbestos" magazine or "Insulation" 20 magazine? 21 A. The search, as described earlier, was 22 coordinated by the legal department, and to my 23 understanding, they did the appropriate review. 24 Q. Well, let's dive into that a little 25 more. You say to your understanding. You	1 A. Yes. 2 Q. In fact, I think his first two years 3 he was defined as the supervisor of health, and 4 then his title changed to medical director, 5 correct? 6 A. That's what I recall in the testimony 7 as well. 8 Q. And he described his job duties as to 9 take care of injured employees at Electric 10 Boat, correct? 11 A. Correct. 12 Q. And throughout his deposition, he 13 talked about various publications or courses 14 that he took or seminars he attended that 15 informed him about safety and health issues, 16 correct? 17 A. That's what I recall. 18 Q. All right. Do you recall that in 1958 19 he attended a course when he was actually 20 trying to be certified as an occupational 21 doctor of medicine at New York University, NYU; 22 do you remember that? 23 A. I do. 24 Q. Did you search for any notes or 25 memorandums or writings that were in regard to
Page 127	Page 129
1 weren't involved in the search, right? 2 A. That's what I stated earlier, correct. 3 Q. So you have no personal knowledge as 4 to how precisely the search was done and how 5 detailed it was, et cetera, correct? 6 A. To my understanding, it was an 7 appropriate search for the information you've 8 requested. 9 Q. How was it appropriate? 10 A. You identified information in which 11 you sought and an attempt was made to provide 12 it. 13 Q. And "Asbestos" magazine and 14 "Insulation" magazine, which are referenced in 15 this deposition, were not provided to me or 16 you, correct? 17 A. I will only say they were not provided 18 to me. 19 Q. Well, I got what you got, so they 20 weren't provided to us. 21 Okay. Moving on to the November 19, 22 1979 volume of Mr. MacDougall. Sir, you 23 remembered that Dr. MacDougall was the medical 24 director of General Dynamics, Electric Boat 25 Division and he started there in 1950, correct?	1 that 1958 NYU occupational medicine course? 2 A. I did not. 3 Q. Were you produced or provided copies 4 of any memoranda, writing, notes, et cetera 5 related to that course? 6 A. Not that I recall. 7 Q. That's the course he attended where he 8 learned that asbestos could cause 9 pneumoconiosis, correct? 10 A. I believe that was his testimony, yes. 11 Q. And pneumoconiosis is also defined, as 12 you learned through the testimony, as 13 asbestosis, correct? 14 A. That knowledge was gained over time, I 15 believe, he described. 16 Q. Well, as of 1958, he knew that 17 asbestos was causing lung conditions that were 18 affecting the health of individuals, correct? 19 A. That's correct. 20 Q. Okay. Now, he also talked about a 21 seminar he attended in 1971 at Yale University, 22 specifically on asbestos; do you recall that 23 testimony? 24 A. I do. 25 Q. And do - strike that.

Page 130	Page 132
1 Do you recall being provided any 2 writings or notes or memoranda related to that 3 seminar at Yale that took place in 1971 in 4 regards to asbestos? 5 A. Not that I recall. 6 Q. Did you ask for any? 7 A. No, I did not. 8 Q. Now, if you turn to page 109 of the 9 November 19 testimony – actually, start at 10 108. This is where he starts describing that 11 Yale seminar on page 108. Do you see that? 12 A. I do. 13 Q. Okay. And he was asked very directly 14 what pulmonary diseases were discussed at the 15 Yale seminar as being associated with asbestos 16 exposure, and his response was just asbestosis, 17 right? At line 21 on page 108. 18 A. That's correct. 19 Q. All right. So I read that correctly; 20 he said just asbestosis? 21 A. Yes. 22 Q. All right. And then he was provided a 23 copy of his own notes starting at page 109. Do 24 you see that? 25 A. Yes.	1 A. You did. 2 Q. I'm not going to read everything, but 3 the point is that there's notes that he took 4 from this seminar that he is reading from on 5 page 109 and 110 of his testimony, correct? 6 A. Yes. 7 Q. Were you provided those notes? 8 A. I was not. 9 Q. Did you ask for those notes? 10 A. I did not. 11 Q. And these were attached as Exhibit 8 12 to the deposition, correct? 13 A. That's what the transcript describes. 14 Q. Okay. Do you know if these notes are 15 still in existence? 16 A. I do not know. 17 Q. Okay. I'm going to go back a little 18 bit here, and on page 24 of this deposition, it 19 talks about a Dr. Edward Gaensler, that's 20 spelled G-A-E-N-S-L-E-R, who is with Boston 21 University Medical College. Do you see that? 22 A. I do. 23 Q. All right. And on this page, if you 24 read it in full, it discusses that 25 Dr. MacDougall and Electric Boat and I think
Page 131	Page 133
1 Q. All right. And despite his claim that 2 just asbestosis was discussed, in reading 3 through his notes, there was a section or 4 several lines related to mesothelioma; is that 5 correct? 6 At the bottom of 109, it reads, "What 7 did he say about mesothelioma? He stated, and 8 I'm reading from my notes, quote, mesothelioma 9 was usually found in the male." Did I read 10 that correctly? 11 A. Yes, you did. 12 Q. And it continues, correct? 13 A. Onto the next page. 14 Q. Onto the next page. And he talks 15 about various studies showing families also 16 getting mesothelioma, amongst other things, 17 correct? 18 A. Cases of females in Nottingham, 19 England during the war. 20 Q. During the war, and it continues that, 21 "Asbestos was used inside the city, and the 22 Royal Navy does not allow asbestos in new 23 ships. London's studies showed families also 24 getting mesothelioma." Did I read that 25 correctly?	1 with the help of Mr. Robert Secor, they sought 2 advice from Dr. Edward Gaensler related to some 3 of the issues with asbestos. 4 Take your time in reading that. I'm 5 just trying to get through this. 6 A. Yes. 7 Q. And were you provided any documents at 8 all related to this advice that they sought 9 from Dr. Gaensler and the subsequent work that 10 was done for Electric Boat? 11 A. No, not that I recall. 12 Q. Did you ask for any? 13 A. No. 14 Q. And these dealt with x-ray findings 15 and pulmonary function studies of people that 16 were working at Electric Boat in the lagging 17 department, correct? 18 A. That's how he is testifying. 19 Q. Okay. Now, on page 30 and 31, it 20 talks about a medical manual as being standard 21 operating procedure for the medical department. 22 Do you see that? 23 A. Yes. 24 Q. I was able to locate a 1964 safety 25 manual in the documents that were provided last

Page 134	Page 136
1 night that the stack is in front of you, but I 2 was not able to locate any medical manuals. 3 Were you provided any medical manuals as 4 referenced on these pages? 5 A. Not that I'm aware of. 6 Q. Did you ask for any? 7 A. I did not. 8 Q. You understand that Dr. MacDougall 9 drafted the addition to the medical manual, 10 right? If you look on page 32 of his 11 testimony, he was asked how long in existence 12 the medical manuals have been a document at 13 Electric Boat, and he said since I've been 14 there. And then he said, it's been expanded, 15 of course, at the top of 31. Do you see that? 16 A. I do. 17 Q. And then if you go down a little 18 further, it says, "Who drafted the additions to 19 the medical manual?" 20 And he said, "I do mostly, sir." 21 Do you see that? 22 A. I did. I do, yes. 23 Q. And then he further states, "Since it 24 was started." Did I read that correctly? 25 A. Yes.	1 correctly? 2 A. Yes. 3 Q. And when asked what the topic was, he 4 said, "The topic was safety in the 1970s." Did 5 I read that correctly? 6 A. Yes. 7 Q. And it was at their annual meeting, 8 right? 9 A. Correct. 10 Q. Were you provided any documents with 11 respect to that particular speech that he gave 12 at the National Safety Council in 1969? 13 A. Not that I'm aware of. 14 Q. Did you ask for any? 15 A. No. 16 Q. Did you do any independent research to 17 determine if you could find any publications 18 from the National Safety Council in 1969 in 19 regards to Dr. MacDougall's speech? 20 A. I did not. 21 Q. Did you do any research with respect 22 to whether or not anyone at Electric Boat or 23 General Dynamics was a member of the National 24 Safety Council in any period since the National 25 Safety Council was an organization?
Page 135	Page 137
1 Q. Do you have any copies of these 2 medical manuals? 3 A. In this -- in the manuals that 4 Dr. MacDougall produced -- 5 Q. Well, he's talking about a medical 6 manual that was consistently updated. Were you 7 given any version of it at any period of time 8 from when he got there in '50s up until any 9 point really because he was giving his 10 testimony in '79? Was that provided to you, is 11 what I'm asking. 12 A. Not that I'm aware of. 13 Q. Okay. Did you look for it? 14 A. No, I did not. 15 Q. Did you ask for it? 16 A. No, I did not. 17 Q. Okay. Now, if you turn to page 62, it 18 references the National Safety Council up there 19 at the top. Do you see that? 20 A. Yes. 21 Q. And Dr. MacDougall says, "The only 22 association I've had with the National Safety 23 Council was a few years ago I gave a speech to 24 the National Safety Council," and then he 25 continues, "It was in 1969." Did I read that	1 A. No, I did not. 2 Q. On page 64 and 65, he talks about some 3 various publications that he had in his 4 possession at the Electric Boat medical library 5 that he maintains in his office. Do you see 6 that starting on line 7? 7 A. Yes. 8 Q. So you would agree that he said that 9 he maintained the medical library since he 10 started at Electric Boat, correct? 11 A. Yes, correct. 12 Q. And when asked what textbooks in the 13 field of occupational health that he had in the 14 library, he described several, the first one is 15 "Diseases of Occupation" by Hunter. Do you see 16 that? 17 A. I do. 18 Q. Were you provided a copy of that 19 publication or book? 20 A. I was not. 21 Q. Did you ask for it? 22 A. No. 23 Q. Did you independently go out and see 24 if you could find a copy of that publication to 25 inform yourself about what was in it?

Page 138	Page 140
1 A. I did not. 2 Q. You see that there's also a reference 3 to "Occupational Diseases" by a Johnstone? 4 A. Yes. 5 Q. Were you sent a copy of that book? 6 A. No. 7 Q. Did you ask for it? 8 A. No. 9 Q. Did you try to independently research 10 to see if you could obtain a copy of it to 11 determine what information was contained in it? 12 MR. ROSSE: I would just object to the 13 extent it implies that he had any duty to do 14 so. 15 A. No. 16 Q. Under F.R.C.P. 30(b)(6), "the person 17 designated must testify about information known 18 or reasonably available to the organization." 19 Sir, did you make any effort at all to 20 figure out if either of those books were 21 available to you independently of what was 22 provided to you by the legal department for 23 General Dynamics and Electric Boat? 24 A. No. 25 Q. Did you also see reference to the book	1 Take your time, but do you recall that? 2 A. I see it. 3 Q. Okay. And then that was in reference 4 to the threshold limit values for 1960, which 5 was reprinted from the archives of 6 environmental health. Were you provided that 7 document? 8 Sir, before you undertake an entire 9 effort to look through all that, I do know that 10 you were provided with a document from 1955 11 related to TLV. I was unable to find this 12 particular one. 13 Take your time looking for it, but I 14 just wanted to let you know I don't want you to 15 look through every single document, but if you 16 have to, that's fine. 17 A. Okay. Now, I'm going to ask you to 18 restate your question, please. 19 Q. Sure. There's a document that's a 20 booklet entitled "Threshold Limit Values for 21 1960," which was reprinted from the archives of 22 Environmental Health. It was referenced on 23 page 92 and attached as Exhibit 4C to 24 Dr. MacDougall's deposition. Were you provided 25 that document?
Page 139	Page 141
1 "Asbestos and Diseases" by Selikoff? 2 A. I see it. 3 Q. It's on the next page, 65. 4 A. Yes, I see it. 5 Q. Were you provided a copy of that book? 6 A. No. 7 Q. Did you ask for it? 8 A. No. 9 Q. Did you try to obtain it 10 independently? 11 A. No. 12 Q. Sir, if you turn to page 87, do you 13 see there's a reference Exhibit 4B to the 14 meeting of Atlantic Shipboard Safety Council in 15 Bath, Maine? 16 A. I see that. 17 Q. Were you provided a copy of the 18 document that was attached as 4B that's 19 referenced there? 20 A. I don't know. 21 Q. 4C is referenced on page 92. And do 22 you see that he was asked about the threshold 23 limit value for asbestos as of 1960, and he 24 said 5 million particles per cubic foot. I 25 think there was a clarification on page 93.	1 A. As you continue on to page 93, he 2 clarifies that to be the letter dated -- from 3 the Department of Navy dated 7 November 1955 4 received -- 5 Q. Actually, sorry to interrupt, and I'm 6 with you on that, except that was attached as 7 4D, which you can see on page 94. Turn to 94. 8 And I know we have a copy of that. And 4D as 9 referenced on page 94 is Bates-stamp number 10 EB-LUND-011331 through 011338? 11 A. Correct. 12 Q. You were unable to find 4C, correct, 13 the threshold limit values for 1960? 14 A. I'm unaware of the difference. 15 Q. Well, one is dated 1960, the other is 16 dated 1955. 17 A. Well, the testimony isn't that clear. 18 One says 4/1960, and the other says "date," and 19 has a particular date for it. 20 Q. Well, if you turn to 94, do you see, 21 "Will you mark that as an exhibit, please, 4D?" 22 A. Yes. 23 Q. And it lists copy of document issued 24 November 7, 1955, correct? 25 A. Correct.

Page 142	Page 144
1 Q. And then the document that I 2 referenced the Bates-stamp numbers for, would 3 you agree that that's dated the same date and 4 appears to be that same document? 5 A. Yes, it does. 6 Q. All right. Have you been able to 7 locate one that's entitled "Threshold Limit 8 Values for 1960"? 9 A. No. 10 Q. Okay. Did you ask for that document? 11 A. No. 12 Q. And it wasn't provided to you, 13 correct? 14 A. Not that I'm aware of. 15 Q. All right. Sir, I want to talk very 16 quickly about something else that appears in 17 this volume, and it's on 135. 18 A. Yes. 19 Q. Bear with me, I'm trying to find it. 20 At the bottom of 135, it reads, 21 "Doctor, did you meet with anyone from General 22 Dynamics Corporation to discuss the acquisition 23 of Asbestos Corporation Limited?" Do you see 24 that question? 25 A. I do.	1 A. I did not. 2 Q. Did you ask to determine if there was 3 a file within General Dynamics or Electric Boat 4 related to any documents that were obtained 5 during the ownership period of Asbestos 6 Corporation Limited? 7 A. I did not. 8 Q. You also know that Mr. Guillotte, in 9 his March 29 deposition, page 334 mentioned the 10 ownership of Asbestos Corporation Limited? 11 A. Which deposition, please? 12 Q. Sure. Guillotte, March 29, page 334. 13 In the middle there he's asked questions, it's 14 not numbered as far as the lines go, but it 15 says, "Are you involved -- are you aware of the 16 fact that General Dynamics Corporation owns the 17 Asbestos Corporation Limited of Canada." 18 The answer is, "I believe they do." 19 Did I read that correctly? 20 A. Page 324? 21 Q. Page 334, I apologize. 22 MR. ROSSE: I would just interject an 23 objection here that this is not relevant to the 24 issues in this case. I am giving you wide 25 latitude to inquire about that, though. I'm
Page 143	Page 145
1 Q. His answer was, "No, sir, the 2 acquisition of" -- and he's interrupted -- 3 "Asbestos Corporation Limited." And then his 4 answer was, "I thought they always owned it." 5 Do you see that testimony? 6 A. Yes. 7 Q. Did you ask for any documents related 8 to any ownership interest in Asbestos 9 Corporation Limited? 10 A. I did not. 11 Q. Are you aware of a company called 12 Asbestos Corporation Limited? 13 A. Not that I recall. 14 Q. Did you do any independent research on 15 your own to obtain any knowledge or information 16 about Asbestos Corporation Limited? 17 A. I did not. 18 Q. Did you ask for the information or 19 documents related to the purchase of or 20 ownership interest in Asbestos Corporation 21 Limited? 22 A. I did not. 23 Q. Did you ask for or receive any 24 documents related to the sale of any ownership 25 interest in Asbestos Corporation Limited?	1 not waiving our objections, though. 2 MR. BRATT: Well, I'm going to let him 3 respond to my question, and then I'll respond 4 to you. 5 Q. Did I read that correctly, sir? 6 A. You did. 7 Q. Do you have any reason to doubt the 8 testimony of Mr. Guillotte or Dr. MacDougall 9 relating to there being some sort of ownership 10 interest between either General Dynamics or 11 Electric Boat and Asbestos Corporation Limited 12 of Canada? 13 MR. ROSSE: Objection. It calls for 14 hearsay and speculation. 15 A. That is what they testified. 16 Q. And you did no independent 17 investigation on your own to determine if it, 18 in fact, was either true or the opposite, 19 incorrect; am I right about that? 20 A. That's correct. 21 MR. BRATT: Okay. And when it comes 22 to the deposition notice, Counsel, and we ask 23 questions about your knowledge about the 24 hazards of asbestos and where all that 25 information came from, which comes from various

Page 146	Page 148
1 different categories that were sought, the 2 ownership interest of an asbestos mine 3 certainly falls within that realm. So this is 4 highly relevant and information that was not 5 provided to the witness. So you deal with the 6 Court. 7 I'm going to make my record as far as 8 a few other things, but we can deal with the 9 Court on whether or not that is something that 10 is going to be inquired any further. 11 MR. ROSSE: And we did make our 12 objections to your notice, and I'm making an 13 objection now for the record. 14 MR. BRATT: All right. 15 Q. Sir, with respect to Asbestos 16 Corporation Limited, do you understand that it 17 was a company that owned an asbestos mine in 18 Quebec, Canada? 19 MR. ROSSE: Objection. Calls for 20 speculation. 21 A. My knowledge is of Electric Boat and 22 Electric Boat as a former division of General 23 Dynamics. 24 Q. My question is, testifying in that 25 capacity and in response to the various	1 Mining Association? 2 MR. ROSSE: I just object to that as 3 far as you're asking about Asbestos Corp. 4 Limited and General Dynamics, this is outside 5 the area for which this witness is being 6 offered to testify in. 7 I'll allow him to answer as to 8 Electric Boat, the Former Division of General 9 Dynamics and Electric Boat Corporation. 10 A. I have no knowledge. 11 Q. Did you see any reports or papers that 12 were written by a Dr. Lanza, who was with Met 13 Life for a period of time, related to any 14 surveys at Asbestos Corporation Limited mines? 15 MR. ROSSE: I just object that it 16 lacks foundation. Calls for speculation. 17 A. I have no idea. 18 Q. Were you provided or did you review 19 any documents related to the Saranac 20 Laboratories and any studies that were 21 performed related to the company, Asbestos 22 Corporation Limited? 23 MR. ROSSE: I just object that it 24 lacks foundation and calls for speculation. 25 Also, it's outside the area for which he's
Page 147	Page 149
1 categories in the deposition notice, did you 2 learn any information or were you provided any 3 information related to the asbestos mine called 4 Asbestos Corporation Limited, which was based 5 in Canada? 6 A. Not that I'm aware of. 7 Q. Are you aware of any sort of 8 communications between Asbestos Corporation 9 Limited and a company called Metropolitan Life 10 Insurance Company? 11 A. I am not. 12 Q. Are you aware of any sort of dust 13 surveys that Metropolitan Life took of mines up 14 in Canada? 15 MR. ROSSE: Just object. This is 16 outside the scope of relevance and also outside 17 the area which he's been offered to testify in. 18 Q. Sir, you can answer. 19 A. I have no knowledge of dust collecting 20 in mines in Canada. 21 Q. All right. Do you have any 22 information related to either Asbestos 23 Corporation Limited or any of the employees of 24 General Dynamics or Electric Boat being members 25 in an institute called the Quebec Asbestos	1 being offered to testify to and with respect to 2 anything about Asbestos Corp. Limited or 3 General Dynamics. 4 A. No. 5 Q. And do you recall ever being provided 6 or reading or reviewing any reports by the U.S. 7 Public Health Service by Dreessen related to 8 the Metropolitan Life reports on the Quebec 9 mines? 10 MR. ROSSE: Objection. Lacks 11 foundation. Calls for speculation. 12 A. Not that I'm aware of. 13 Q. Are you aware that, through any 14 documents that you were provided, that the 15 treasurer of Asbestos Corporation Limited, who 16 started working there in the '20s, died from 17 pleural mesothelioma in 1949? 18 Is that something that you learned 19 from any of the documents that you were 20 provided or reviewed? 21 MR. ROSSE: Objection. Lacks 22 foundation. Calls for speculation. It's 23 testimony by counsel. We have no foundation 24 for that being any kind of a fact. 25 A. I have no idea.

Page 150	Page 152
1 Q. Were you provided any documentation 2 related to Asbestos Corporation Limited's 3 membership in the Industrial Hygiene Foundation 4 from December 1, 1953 until December 31, 1960? 5 MR. ROSSE: I'll just object that's 6 outside the scope for which this witness is 7 being offered. He's not being offered to 8 testify as to what ACL was a member of at any 9 time or place or having to do with General 10 Dynamics possible ownership of ACL. 11 Q. Go ahead, sir. 12 A. Not that I'm aware of. 13 Q. Were you provided any documents or did 14 you do any independent investigation that 15 uncovered the fact that ACL was an associate 16 member of the Asbestos Textile Institute from 17 June of 1952 until it was dissolved in the 18 1970s? 19 MR. ROSSE: Again, I just object that 20 this is outside the area that he's being 21 offered to testify as to. Lacks foundation. 22 A. No, I did not. 23 Q. Speaking about the Industrial Hygiene 24 Foundation, did you do any research or were you 25 provided any sort of documentation from	1 by the lawyers; is that true? 2 A. No, I have 38 years of personal 3 experience that I rely on as well. 4 Q. I'm talking about things that occurred 5 prior to when you started at Electric Boat in 6 September of 1977, as far as facts and actions 7 and failures to act, that occurred by the 8 corporation prior to that date, you would have 9 to rely on documents and depositions, correct? 10 A. That is correct. 11 Q. And in doing so, since you have not 12 done any independent research yourself, you 13 have relied upon what the lawyers have provided 14 to you, correct? 15 A. That is correct. 16 Q. Okay. Now, sir, on 126 of this same 17 deposition, Dr. MacDougall -- and after I ask 18 this, we'll go and take a quick break. 19 Now, it talks about, on 126, that 20 Mr. Secor attended a conference where he 21 learned that asbestos caused cancer. This is 22 in 1968. Do you see that testimony? 23 A. Do you have a line number, please? 24 Q. Sure. If you go -- you can read the 25 whole page, but if you go down to 126, 21 to
Page 151	Page 153
1 Electric Boat or General Dynamics related to 2 any individuals employed by either company that 3 attended or were members of the Industrial 4 Hygiene Foundation for any period of time? 5 MR. ROSSE: Objection. Vague and 6 ambiguous. Overbroad. 7 A. I have -- I'm going to ask you to 8 repeat that question. That was -- 9 Q. Sure. Were you provided any documents 10 or -- strike that. 11 Were you provided any documents in 12 this case related to anyone that was employed 13 by General Dynamics or Electric Boat being a 14 member of the Industrial Hygiene Foundation at 15 any time? 16 A. Not that I'm aware of. 17 Q. Did you do any independent research to 18 determine whether or not anyone that was 19 employed by either of those entities was a 20 member of that organization? 21 MR. ROSSE: Objection to the point 22 that it implies that he had some duty to do 23 independent research. 24 A. No, I did not. 25 Q. You only know what's been given to you	1 22, it says it would also cause cancer. Do you 2 see that? 3 A. Yes. 4 Q. Okay. Were you provided any sort of 5 memorandum, notes, or any other written 6 document related to this conference that was 7 attended by Mr. Secor? 8 A. Not that I recall. 9 Q. Did you ask for any? 10 A. I did not. 11 MR. BRATT: Let's take a break. 12 THE VIDEOGRAPHER: This ends video 13 media number one, volume one in the deposition 14 of Electric Boat Corporation person most 15 qualified by Bradford Heil on Friday March 27, 16 2015. We are off the record at approximately 17 3:14 p.m. 18 (Off the record, 3:14 p.m.) 19 (Back on the record, 3:23 p.m.) 20 THE VIDEOGRAPHER: This begins video 21 media number two, volume one in the deposition 22 of Electric Boat Corporation person most 23 qualified by Bradford Heil on Friday, March 27, 24 2015. We are back on the record, and the time 25 is approximately 3:24 p.m.

Page 154	Page 156
1 Q. We're back from a break. You 2 understand you're still under oath? 3 A. I do. 4 Q. Did you have an opportunity to speak 5 to counsel over the break about the substance 6 of your testimony that's been given? 7 MR. ROSSE: Objection. Calls for 8 attorney/client privilege, and will instruct 9 him not to answer. 10 Q. Are you going to follow the 11 instruction? 12 A. I am. 13 Q. One more, just for the record. Did 14 you receive any instructions from the attorney 15 about the testimony you've given or the 16 testimony you're about to give with regard to 17 today's deposition? 18 MR. ROSSE: Objection. It's 19 attorney/client privilege. I'll give you a 20 little latitude. 21 A. I did not. 22 Q. Okay. Moving on to -- for now you can 23 just set the November 19, Dr. MacDougall 24 testimony aside. We'll get back to it in a 25 little bit.	1 you this week. You can't identify any by 2 Bates-stamp number or anything like that; is 3 that true? 4 A. Correct, not that I recall. 5 Q. So when you've said "not that I 6 recall" with respect to documents being 7 produced to you up to this point in the 8 deposition, you do not ever remember receiving 9 those documents, and you can't identify 10 anywhere in the record Bates-stamp numbers with 11 respect to those documents; is that true? 12 A. I do not remember individual Bates- 13 stamp numbers, that is correct. 14 Q. And you can't direct me to any Bates- 15 stamp numbers to any such documents that you 16 have not been provided or you don't recall 17 seeing, correct? 18 A. That's correct. 19 Q. All right. I'm trying to -- one 20 second here. On page 190, it discusses a copy 21 of a letter from John P. McCann -- strike that. 22 I think I saw that one. 23 Page 179, it's a letter from an Allen 24 Coleman to a D.C. Wilkins, Jr. dated July 1, 25 1966. Do you see the reference to that?
Page 155	Page 157
1 Moving on to the November 20, if you 2 turn to 155, which is literally right at the 3 beginning, do you see on line 16 is where the 4 question begins through 23, it talks about the 5 medical manual, and then he discusses that 6 Liberty Mutual was the liability carrier. Do 7 you see that? 8 A. I do. 9 Q. Okay. And then if you turn to page 10 156, he clarifies that it's for the workmen's 11 compensation. Do you see that? 12 A. I do. 13 Q. Did you receive any sort of 14 documentation related to communications by 15 Liberty Mutual to either Electric Boat or 16 General Dynamics with respect to asbestos as it 17 relates to the workmen's compensation liability 18 coverage? 19 A. Not that I recall. 20 Q. Did you ask for any? 21 A. No, I did not. 22 Q. Were any provided to you? 23 A. Not that I recall. 24 Q. You say not that you recall. You 25 reviewed the documents that were provided to	1 A. I do. 2 Q. Were you provided that document? 3 MR. BRATT: I would note, Counsel, for 4 the record, rather than muddy the record when 5 he's looking for these documents that were not 6 provided both to him or me but were clearly 7 referenced as exhibits or documents that were 8 referenced in these depositions that you 9 provided us, I have not chosen to go off the 10 record every single time. It muddies the 11 record. 12 However, if you're going to take the 13 position that every single minute that has been 14 taken up by him searching through the documents 15 that you provided to us after business hours 16 last night, if you're going to take the 17 position that that eats into the total amount 18 of time that we have for this deposition, then 19 I will start doing that. 20 I will also be raising this issue with 21 the Court. I'd rather meet and confer on it 22 and come to an agreement. I just want to get 23 this overwith, but I just want to make my 24 position clear, for the record. 25 MR. ROSSE: Our position is clear that

Page 158	Page 160
1 this is time on the deposition. You're asking 2 him to see if he's found that stuff. There's a 3 large volume of documents. He's had an 4 opportunity to review, and he hasn't committed 5 them to memory. 6 MR. BRATT: Okay. We're going to go 7 off the record every single time while he 8 searches. 9 MR. ROSSE: No, we're not. He's not 10 doing stuff off the record, absolutely not. 11 MR. BRATT: Oh, you're not going to? 12 MR. ROSSE: Absolutely not. 13 MR. BRATT: Madam, court reporter, I 14 want to start noting the time when he starts 15 reviewing documents and then when he gives 16 answers, and I'll just keep a record that way. 17 So can you note the time right now? 18 (3:32.) 19 MR. ROSSE: I just note that you're 20 asking him to see if he's reviewed something, 21 and he's trying to answer the questions 22 pursuant to the documents. 23 MR. BRATT: Counsel, I'll ask you 24 this, when did you give him these documents, 25 and when did you give me these documents?	1 MR. ROSSE: Well, I think that the 2 Court will make those decisions, not you. I 3 understand you will make your motions and we do 4 not agree with them. I do not agree with your 5 position, and you are not the Court. The Court 6 will make their decisions. 7 Q. Sir, did you find that document? 8 A. I did not find it. 9 MR. BRATT: Madam, court reporter, can 10 you please note the time. Thank you. 11 (3:34.) 12 MR. ROSSE: Are you going to turn the 13 court reporter into a witness in this case? 14 MR. BRATT: No, I'm just going to note 15 the time. And since you're not going to work 16 with me, then I'll work with her. 17 Q. Sir, that document wasn't provided to 18 you, was it? 19 A. Not that I'm aware of. 20 Q. And you reviewed this deposition, 21 correct? 22 A. Yes. 23 Q. Did you ask them for that document? 24 A. No, I did not. 25 Q. Now, a copy of the article entitled
Page 159	Page 161
1 MR. ROSSE: This particular set, he 2 had yesterday, and you got them yesterday as 3 well in advance of the deposition. 4 MR. BRATT: But what time were they 5 produced to me yesterday? 6 MR. ROSSE: I don't have it on my 7 computer. You know when they came to you. 8 MR. BRATT: Was it after business 9 hours had closed? 10 MR. ROSSE: Was it before the 11 deposition started? 12 MR. BRATT: Okay. It's very clear 13 what your position is going to be, and I 14 appreciate to know it now rather than to fight 15 about it later because we'll definitely raise 16 it with the Court. 17 We'll also raise to the Court that 18 he's not prepared or been prepared adequately 19 under 30(b)(6) related to getting him ready and 20 providing him all the necessary documents. And 21 we'll be both seeking sanctions for that and 22 also seeking additional testimony, that is, 23 unless the Court deems him to have not 24 testified or have been prepared and actually 25 find you guys liable.	1 "Asbestos Exposure and Neoplasia" is attached 2 as Exhibit 10, page 172. Do you see reference 3 to that? 4 A. Line 11, yes. 5 Q. Were you provided this article? 6 A. I was not. 7 Q. Did you ask for it? 8 A. I did not. 9 Q. All right. Sir, we'll come back to 10 this deposition in a second, if you put it 11 aside. 12 I would now like to turn your 13 attention to the November 5, 1979 deposition of 14 Mr. Secor. You understand that Mr. Secor was 15 the chief of environmental controls for General 16 Dynamics as of at least 1971, correct? 17 A. I am aware that that is a title he 18 used through his career. 19 Q. Through his career. Actually, he was 20 previously a chemist, wasn't he? 21 A. That was also a title during his 22 career, yes. 23 Q. So he was a chemist first. He was 24 hired in the — when was he hired? You tell 25 me.

Page 162	Page 164
1 A. He was hired in 1958. 2 Q. Okay. And he was a chemist up 3 until -- well, he was titled a chemist up until 4 he became the chief of environmental controls 5 for General Dynamic, Electric Boat's division, 6 true? 7 A. You know, I don't recall all the 8 titles he referred himself to during his 9 deposition. 10 Q. Okay. But this is the guy that stored 11 the MSDS sheets in his lab, right? 12 A. As he previously testified, yes, he 13 was one of the individuals. 14 Q. And those are the MSDS sheets that you 15 and I were not given copies of, correct? 16 Correct? 17 A. They're not in this pile that's here 18 in front of me. 19 Q. Or the 10,000 documents that were 20 produced earlier this week to you and I? 21 A. I can't recall. 22 Q. Okay. Now, on page 43 of his -- let 23 me make sure I'm on the right deposition, I 24 apologize. Yes, on page 43 of the November 9, 25 1979 deposition, 43 and 44, do you see at the	1 Q. His answer was, "My book started in, I 2 believe, 1971 or '72." And then he continues 3 after the next question and he says, "The book 4 contains all tests that have been done for 5 asbestos work since that time." Did I read 6 that correctly? 7 A. Yes. 8 Q. And then he says, "It's a bound book." 9 Do you see that? 10 A. I do. 11 Q. Were you provided that book? 12 A. I was not, not that I recall. 13 Q. Say it again. 14 A. Not that I recall. 15 Q. And when you say "not that I recall," 16 I don't want to belabor the point, but you 17 can't identify it; you can't point to it; you 18 can't give me any sort of Bates-stamp range; is 19 that correct? 20 A. That's correct. 21 Q. From your perspective, it wasn't 22 provided to you, so that means either it was 23 deemed not relevant by the lawyers or it's not 24 in existence anymore, correct? 25 A. I don't know.
Page 163	Page 165
1 bottom he's asked a question, "Was there any 2 book as such that related just to sample taking 3 of employees in production who potentially were 4 exposed to asbestos fibers?" Do you see that 5 question? It goes on to page 44. 6 A. No, I do not. Tell me again. 7 Q. You don't see that? 8 A. Say that again. 9 Q. You don't see it? 10 A. Please repeat it. 11 Q. I asked, do you see the testimony that 12 he gave where he's -- the question that he's 13 asked related to a book of sampling taken of 14 employees in production who potentially were 15 exposed to asbestos fibers. It starts at the 16 last line of 43 and it goes into 44. Do you 17 see that question? 18 MR. ROSSE: For the record, we're not 19 waiving any objections as to lacking relevance 20 to this line here. I'm not going to instruct 21 him not to answer, but we're not waiving any 22 objections on relevance. 23 MR. BRATT: You don't need to object 24 to trial objections at this point. 25 A. I see the question.	1 Q. Okay. But, again, not to belabor the 2 point, everything that you've reviewed is 3 something that the lawyers have given you, 4 correct? 5 MR. ROSSE: You mean for this 6 deposition? 7 MR. BRATT: That's what we've been 8 talking about all day. 9 A. Yes. 10 Q. Okay. So you did not receive this 11 bound book of text that was done that started 12 in 1971 or '72, correct? 13 A. That is correct. 14 Q. And it's later described below on 44 15 as a monitoring logbook, correct? 16 A. Correct. 17 Q. All right. Now, on page 52, he talks 18 about various texts or books that he maintains. 19 Do you see those? 20 A. Yes. 21 Q. It's at the bottom, and he said he had 22 a text on the poisons, hazards, and solvents by 23 Jacobs. Do you see that? 24 A. Yes. 25 Q. Were you provided that text or book?

Page 166	Page 168
1 A. No. 2 Q. Did you ask for it? 3 A. No. 4 Q. There's a text "Industrial Hygiene and 5 Toxicology" by Patty. Do you see that? 6 A. Yes. 7 Q. Were you provided that? 8 A. No. 9 Q. Did you ask for it? 10 A. No. 11 Q. And we're going to get back to this 12 one, but you also see that there's Industrial 13 Hygiene Association journals from 1963 up until 14 the present date, which of course was November 15 5, 1979. Do you see that reference? 16 A. I do. 17 Q. Now, were you provided any of the 18 copies of those Industrial Hygiene Association 19 journals from '63 to '79? 20 A. Not that I'm aware of. 21 Q. Did you ask for them? 22 A. No. 23 Q. Did you do any sort of independent 24 research to determine if you could obtain any 25 of those journals?	1 here. 2 Nonetheless, you understand that he 3 discusses a conference that he attended that 4 was at the Mount Sinai Hospital in New York. 5 It's on page 58, the reference is. 6 A. Yes. 7 Q. And it was -- let's see, I guess it 8 was related to asbestos disease at the Mount 9 Sinai Hospital in New York in June of 1978; is 10 that correct? 11 A. That is how he testifies. 12 Q. Okay. Any documents related to his 13 attendance there that you were provided? 14 A. Not that I'm aware of. 15 Q. Did you ask for any? 16 A. I did not. 17 Q. Okay. Is Electric Boat disputing the 18 fact that he attended that conference? 19 MR. ROSSE: Objection. Calls for a 20 legal conclusion. 21 Q. Go ahead. 22 A. He testifies that he did attend. 23 Q. You have no evidence or nothing that 24 you could use to dispute his attendance, right? 25 A. Not that I'm aware of.
Page 167	Page 169
1 A. No, I did not. 2 Q. Did you do any sort of independent 3 research to see if you could obtain either the 4 book by Jacobs or the book by Patty? 5 A. No, I did not. 6 Q. Turn to page 57 and 58, sir. Now, 7 before I get to this, do you remember testimony 8 given by Mr. Secor that as of 1961 he was asked 9 to assist when requested by Dr. MacDougall on 10 industrial hygiene-related matters, correct? 11 A. As I recall, yes. 12 Q. Now, do you see at page 57 that right 13 in the middle there, he's asked the question, 14 and this is seven years after he was asked to 15 do this. The question is, "Did you have any 16 training in industrial hygiene in 1968?" And 17 what was his answer? 18 A. "No, sir." 19 Q. Okay. Now, in looking at both his 20 depositions, he never received formal training 21 in industrial hygiene; it was just on the job, 22 correct? 23 A. I don't recall. 24 Q. Okay. Then we'll have to -- well, 25 I'll get back to that one at a better time	1 Q. Do you take his testimony at face 2 value? 3 A. I do. 4 Q. Do you think Mr. Secor has any reason 5 to tell a lie? 6 A. I do not. 7 Q. How about Dr. MacDougall? 8 MR. ROSSE: Objection as to vague and 9 overbroad. Are you talking about something 10 specific or just as his life in total? 11 MR. BRATT: In general. 12 Q. The testimony that you reviewed, is 13 there anything that you know of that you think 14 Dr. MacDougall would lie about? 15 A. Not that I'm aware of. 16 Q. And how about Mr. Guillotte? 17 A. In general, again, not that I'm aware 18 of. 19 Q. Okay. Now, if you turn to 164 and 20 165. 21 A. Yes. 22 Q. At the bottom there, there's a 23 question, "This conference that you went to, 24 was it in '67 or '68?" Do you see that 25 question?

Page 170	Page 172
1 A. Yes. 2 Q. Okay. And we talked about this 3 conference before, the conference that he 4 attended where he learned that asbestos could 5 cause cancer, and you remember reading about 6 that, right? 7 A. I have not read all the pages in 8 between, so I'd have to refresh myself on all 9 the pages in between. Do you want me to do 10 that? 11 Q. If that's what you've got to do. 12 MR. BRATT: We'll mark the time right 13 now, madam, court reporter. 14 (3:49.) 15 Q. Are you aware, sir, while you're 16 looking, of any conference that he testified to 17 attending other than the conference where he 18 learned in 1968 that asbestos caused cancer? 19 MR. ROSSE: Objection. Compound. 20 Vague and ambiguous. 21 A. My recollection of the testimony is 22 they did not ask him for all the conferences he 23 attended, only particular ones that he cited. 24 He might have attended others. 25 Q. Okay. Let me ask you this, on page	1 "A. Yes, sir." 2 "Q. Then to whom was that report 3 submitted?" 4 "A. Probably to the chief chemist. 5 "Q. Do you have a copy of that trip 6 report or that summary?" 7 "A. I do not." 8 Did I read that all correctly? 9 A. You did. 10 Q. Did you receive a copy of this report? 11 A. Not that I'm aware of. 12 Q. Did you ask for one? 13 A. I did not. 14 Q. Okay. Turn to 214, sir. 15 A. Yes. 16 Q. There's a letter that's referenced on 17 this page dated February 23, 1972 from 18 Mr. Secor to Mr. Lavalette. Do you see that 19 reference? 20 A. I do. 21 Q. If you turn the page, this is the one 22 where -- if you turn to 216, where he suggested 23 that they take exception to some of the 24 proposed standards. Do you recall reading this 25 testimony?
Page 171	Page 173
1 164, it states, "This conference that you went 2 to in, was it '67 or '68?" 3 And he said, "That period of time." 4 "That was a trip that was paid for by 5 the company; was it not?" 6 "A. Yes, sir." 7 Did I read that correctly? 8 A. Yes. 9 Q. "That was a part of your job at 10 Electric Boat to attend conferences such as 11 that?" 12 "A. Not really." 13 Are you with me? 14 A. I am. 15 Q. "Was it in the scope of your 16 employment to go to conferences such as that?" 17 "A. No. That was the first that I 18 had ever been involved in that type of thing." 19 "Q. Did you have to make out a trip 20 report or summary of your activities at the 21 conference?" 22 "A. Yes, sir." 23 Did I read that right? 24 A. Yes. 25 Q. "I assume that was in document form?"	1 A. Yes. 2 Q. Okay. Now, this testimony, starting 3 with his answer on 216, he said, "My feelings 4 that we should take exception to it in writing 5 to the government is that there's only an 6 implied association of lung cancer and 7 asbestos. If we are going to tell the employee 8 that asbestos causes lung cancer, then the 9 evidence should be substantial unequivocal, not 10 we guess or we think or maybe or perhaps or if 11 or maybe, but if, in fact, it is the cause of 12 this agent." 13 Did I read that correctly? 14 A. Yes. 15 Q. And this is the person who's the chief 16 of environmental controls, correct, that's 17 stating this? 18 A. I don't know the capacity -- recall 19 the capacity at that time or his title at that 20 time. 21 Q. Well, in 1971 he gained the title 22 chief of environmental controls for General 23 Dynamics Electric Boat, correct? 24 A. Correct. 25 Q. And this letter that he's reading from

Page 174	Page 176
1 was dated February 23, 1972? 2 A. Yes. 3 Q. Correct? 4 A. Correct. 5 Q. Okay. And this is the same guy who 6 attended a conference in 1968 where he learned 7 that asbestos caused cancer, correct? 8 MR. ROSSE: Objection. Calls for 9 speculation. 10 Q. Am I correct or not? 11 A. I don't recall his testimony being as 12 specific as understanding the causation of the 13 cancer. 14 Q. Okay. Well, why don't we go to this. 15 We'll do it this route. Why don't you turn to 16 page 44 of the deposition of Robert Secor in 17 1976. 18 A. Page 34, you said? 19 Q. Let me find the page. I apologize. 20 Okay. 35. Now, before we jump right 21 to the juicy part, do you see on line 5, he's 22 asked, "When was the first time you did any 23 monitoring at Electric Boat for asbestos?" 24 And his answer was, "As far as I can 25 tell from the records that I have, about 1968."	1 awareness beginning. 2 Q. I'm not asking for your 3 interpretation. The testimony is what it is, 4 correct? And you have no reason to dispute 5 what he said? 6 A. You stated it correctly. 7 Q. Okay. Now, this '72 letter where he 8 suggests that asbestos and the association of 9 it to cancer should not be told to the 10 employees, did you receive a copy of that 11 letter? 12 A. Not that I'm aware of. 13 Q. Did you ask for a copy? 14 A. I did not. 15 Q. Okay. All right. Sir, I want to get 16 to a different area real quick. And I want to 17 ask you about a few things. 18 Number one, we've already talked about 19 the three ships that are, I guess, at issue or 20 relevant in this particular case, the one 21 matter, correct? 22 A. There are three submarines. 23 Q. If my phraseology is wrong, I 24 apologize. Is the correct phrase boats, not 25 ships?
Page 175	Page 177
1 Do you see that? 2 A. Yes. 3 Q. And then the question is asked on line 4 11, "Why did you happen to start monitoring?" 5 His answer was, "I was in Washington 6 working on the development of material safety 7 data sheets for the Department of Labor and 8 there was a discussion about a group which had 9 been put together in the Shipbuilders Council 10 of America to confer with Dr. Selikoff 11 regarding some kind of development or procedure 12 for handling asbestos." 13 He continues, "This is the first 14 indication, at least that I got, that there was 15 something new developing in the exposure to 16 asbestos, which is called mesothelioma, which 17 is associated with the inhalation of asbestos 18 dust." 19 Did I read that correctly? 20 A. Yes. 21 Q. And this was in 1968? 22 A. That is how he represents it, yes. 23 Q. And you have no reason to dispute his 24 testimony, correct? 25 A. At that point in time, there is an	1 A. Either one. 2 Q. All right. 3 A. Boats are submarines, please. 4 Q. You would agree, sir, that there was 5 asbestos insulation installed on all three of 6 those ships, correct? 7 A. Yes. 8 Q. Do you have, based on the review of 9 the documents that you've been provided by the 10 lawyers, do you know what types of asbestos was 11 installed on -- strike that. 12 Based on what the lawyers have sent 13 you, do you know the types of asbestos 14 insulation that was installed on those ships 15 that were designed and constructed back in the 16 '60s? 17 A. The Robert E. Lee was built by Newport 18 News, so I would not have knowledge of the 19 material used in the construction of the Robert 20 E. Lee. 21 Q. You would have knowledge, though, with 22 respect to the Robert E. Lee related to the 23 design components that Electric Boat was 24 involved in, true? 25 A. No, only the class design. The

Page 178	Page 180
1 individual shipyard would have selected their 2 own as appropriate for their own shipyard. 3 Q. Any reason to believe that asbestos 4 insulation wasn't used significantly on that 5 ship? 6 A. Consistent with the ships of the time 7 as being designed in accordance with the MIL 8 specs out at that time, then it would be 9 reasonable to believe. 10 Q. You've got no document or evidence or 11 anything that would dispute that position that 12 asbestos insulation was used predominantly 13 throughout the Robert E. Lee, correct? 14 A. Again, I have no way of knowing what 15 was used in the construction by Newport News of 16 the Robert E. Lee. 17 Q. Now, Electric Boat isn't taking the 18 position that asbestos was not on that ship, 19 correct? 20 A. The materials that Newport News would 21 use would be as defined in the MIL specs of 22 that time. 23 Q. My point is that based on the MIL 24 specs, based upon the design elements that 25 Electric Boat created for the class of the	1 evidence that it has, that asbestos was not the 2 type of insulation that was used throughout the 3 Robert E. Lee; is that true? 4 MR. ROSSE: Objection to the point 5 that it calls for a legal conclusion. You can 6 answer, to your knowledge. 7 A. To the best of my knowledge, it would 8 be included. 9 Q. Thank you. Now, focusing on the 10 Lafayette and the Gato, those are ships that 11 not only were designed by Electric Boat but 12 they were also built or manufactured by them, 13 correct? 14 MR. ROSSE: Objection. Misstates 15 testimony. 16 A. The Lafayette and the Gato were 17 submarines manufactured -- produced by Electric 18 Boat. 19 Q. Okay. And designed? 20 A. Excuse me? 21 Q. And designed? 22 A. A submarine design was not completely 23 done by Electric Boat. 24 Q. Electric Boat was involved in the 25 design of those two vessels, the Lafayette and
Page 179	Page 181
1 ships, it's reasonable to believe, as you said 2 before, that asbestos insulation was used 3 throughout that ship, correct? 4 MR. ROSSE: Objection. It misstates 5 testimony. 6 A. I would state, again, that the 7 materials selected would be those in accordance 8 with the MIL specs at the time. 9 Q. And the MIL specs at the time, which 10 were those that when Electric Boat created the 11 designs for the class of ships, incorporated 12 the use of asbestos insulation, true? 13 MR. ROSSE: Objection. It misstates 14 testimony that Electric Boat created the 15 designs for that class of ship. 16 Q. Go ahead, sir. 17 A. Electric Boat did the class design but 18 did not do the detail design for which the 19 Robert E. Lee was produced. 20 Q. I'm going to make it very simple so we 21 can move past the Robert E. Lee because I feel 22 like you're struggling with it and I want to 23 move past it. 24 Fair to say that Electric Boat is not 25 taking the position right now, based on any	1 the Gato, true? 2 A. Electric Boat was involved, yes. 3 Q. Okay. They were hired by the Navy to 4 do that, correct? 5 A. Hired to do portions of the design. 6 Q. And they got paid for that work, 7 correct? 8 A. Yes. 9 Q. And they have expertise in the things 10 that they were hired to do, correct? 11 A. Yes. 12 Q. And they also had expertise in the 13 construction or the manufacture of the vessels, 14 correct? 15 A. For those portions that Electric Boat 16 manufactured and produced. Again, there was a 17 portion that are produced by the government 18 itself, the Navy itself, and the Navy holds 19 direct contracts with a number of suppliers for 20 which it provides that content directly. 21 Q. All right. But with respect to the 22 Lafayette and the Gato, based upon all the 23 documents that you've been provided by the 24 lawyers for review, you would agree that 25 asbestos insulation was used throughout each of

Page 182	Page 184
1 those two vessels, correct? 2 A. "Throughout" is a broad term. Can you 3 focus that a little bit, please? 4 Q. Sure. On all hot systems, steam, hot 5 water, et cetera, you would agree 6 asbestos-containing pipe insulation was used on 7 those two vessels? 8 A. Over a particular temperature, that 9 would be true. 10 Q. And regardless of where it was on the 11 ship, correct? 12 A. Well, again, those definitions would 13 be defined by the specification or by specific 14 government instruction. 15 Q. What brands were used on those two 16 ships? 17 A. I don't know. Off the top of my head, 18 it would come from the qualified suppliers and 19 the parts list at the time. 20 Q. But you can't identify any documents 21 of the 10,000 documents that have been provided 22 to you that would identify the brands? 23 A. There were, in the documents provided 24 to you produced, purchase orders for insulation 25 material that was allocated to the Lafayette.	1 really at the end of 27, the last line of 27 it 2 says, "And let's talk about the steam-insulated 3 system or the boiler system. All right? Would 4 you describe what procedures would be used and 5 what materials would be used?" 6 His answer is, "Well, in the early 7 part of the '60s up until probably the late 8 '60s we used, on a pipe for pipecovering, we 9 used Unibestos mostly, and the block was either 10 Kaylo or Thermobestos." Did I read that 11 correctly? 12 A. You did. 13 Q. Any reason to believe that Unibestos 14 was not the brand that was used aboard either 15 of the two vessels, the Lafayette or the Gato, 16 for pipe insulation? 17 A. That's how it is represented by 18 Mr. Guillotte. 19 Q. And he was the superintendent of the 20 insulation department at Electric Boat, 21 correct? 22 A. That's true. 23 Q. All right. And so following from that 24 same answer that the other -- another type of 25 insulation, the block, would have been either
Page 183	Page 185
1 Q. All right. And you recall it 2 specified a brand, right? 3 A. I don't recall. 4 Q. But you do recall in Mr. Guillotte's 5 testimony that the primary brand of pipe 6 insulation that was used back in that time 7 frame in the '60s was Unibestos? 8 A. I don't recall. 9 Q. Do you want to go back to his 10 testimony? 11 A. We could. 12 Q. Okay. All right. Let's go to Volume 13 1, March 28, page 25. First off, do you see 14 the question making a distinction between 15 nuclear and nonnuclear subs; is that right? 16 A. Yes. 17 Q. Okay. And he's essentially, in making 18 that distinction, says, "A great deal of 19 insulation is applied to a nuclear submarine 20 over the amount of insulation installed on a 21 diesel." Do you see that? 22 A. I do. 23 Q. You agree with that, right? 24 A. Generally speaking. 25 Q. Okay. Now, if you turn to page 28,	1 Kaylo or Thermobestos, correct? 2 A. As he describes. 3 Q. All right. And you have no reason to 4 dispute his testimony, right? 5 A. I do not. 6 Q. As you sit here today, based on what 7 has been provided to you by the lawyers, are 8 you able to describe the percentage of asbestos 9 in the pipe insulation that was used on those 10 two ships? 11 A. That would -- that could be an ITAR 12 response. 13 Q. You're saying that the percentage of 14 asbestos that's actually in the pipe insulation 15 that was installed on those two vessels might 16 be an ITAR response? 17 A. Correct. 18 Q. Was any of that information ITAR- 19 protected in the depositions of Bernard 20 Guillotte? 21 A. The rules for management and control 22 of information have evolved over time. I am 23 not allowed to go back and erase those 24 obligations. 25 Q. Well, whether or not you're correct

Page 186

1 about that, I'm not going to question you or
2 fight with you about that.

3 My question is this: Do you know the
4 percentage?

5 A. I do.

6 MR. ROSSE: His identification of ITAR
7 is merely for the record. It's not going to
8 stop him from answering.

9 Q. That's fine. What's the percentage of
10 asbestos in the pipe insulation of Unibestos?

11 A. All the piping systems throughout the
12 submarine would be roughly 40 percent.

13 Q. When you say "40 percent," you're
14 saying 40 -- I think we're a little tongue-tied
15 here.

16 Are you saying of all the insulation,
17 the insulation on the vessel, 40 percent of it
18 would be asbestos, or are you suggesting that
19 the Unibestos-type insulation that did contain
20 asbestos that was installed on those vessels,
21 40 percent of it would be asbestos?

22 A. I'm saying that of the ships' piping
23 systems that make up a submarine, 40 percent
24 would be over the temperature threshold
25 requiring a different set of MIL specs.

Page 187

1 Q. I understand what you're saying.

2 A. You'd have to go and review the MIL
3 specs to see what kind of asbestos or what kind
4 of insulation was required.

5 Q. Okay. I'm with you now. I think we
6 got off-kilter.

7 My question to you is this: The
8 Unibestos pipe insulation that we just talked
9 about, of all the ingredients that it
10 contained, how much on a percentage basis
11 asbestos was in it?

12 A. I would not know without reviewing the
13 MIL spec.

14 Q. And you didn't come prepared with that
15 information, true?

16 A. I do not have it handy.

17 Q. Okay. And are you able to say the
18 type of asbestos that was in the Unibestos pipe
19 insulation?

20 A. Again, I would want to refer to the
21 MIL spec.

22 Q. You don't have that handy, right?

23 A. That's correct, yes.

24 Q. Are you able to say the linear feet or
25 the linear miles of Unibestos-type insulation

Page 188

1 that would be installed on those two vessels?

2 A. No, I'm not.

3 Q. **Are you able to say the temperature
4 range that would require the Unibestos?

5 A. That is classified.

6 Q. That's classified as in it's not even
7 ITAR-protected?

8 A. It's beyond ITAR.

9 MR. ROSSE: Mark, for the record, he's
10 not going to answer questions that are
11 classified.

12 MR. BRATT: All right. We'll mark
13 that one, and we'll talk about it with the
14 judge.

15 Q. I'm just merely trying to figure out
16 what the temperature range for these two
17 submarines were that required Unibestos
18 asbestos insulation. That's protected?

19 A. It is.

20 Q. Now, you weren't an insulator
21 yourself, right?

22 A. No, I was not.

23 Q. So you would defer to testimony of
24 people that actually were on the ships when
25 insulation was being installed or removed,

Page 189

1 correct?

2 A. For what?

3 MR. ROSSE: Vague and ambiguous.

4 A. For what reason?

5 Q. Well, you never did that work
6 yourself, right?

7 A. That's what I said, yes.

8 Q. You never installed asbestos
9 insulation on a ship?

10 A. As a design engineer, I did not.

11 Q. You would defer as to how it was done,
12 especially back in the 1960s, to those that
13 were eyewitnesses to that type of work,
14 correct?

15 A. For some applications, that would be
16 true. There are MIL specs out there that
17 define the installation and manufacturing
18 process of lagging, insert in applications.

19 Q. But as far as what happened on those
20 specific vessels, you would defer to the
21 testimony that's been provided to you and
22 you've reviewed in this case, correct?

23 A. Yes.

24 Q. Okay. Now, would the same answers you
25 give for the block insulation, the Kaylo or

Page 190	Page 192
1 Thermobestos that was installed? 2 A. Correct. 3 Q. And with respect to all the series of 4 questions for the linear feet, the type of 5 asbestos, the percentage of asbestos, all that 6 stuff, you're not prepared to give answers 7 today? 8 MR. ROSSE: I'd object that that's 9 compound and overbroad. 10 MR. BRATT: Do you really want me to 11 go through one by one? Okay. Fine. 12 Q. What is the percentage of asbestos 13 that's contained within the Kaylo insulation 14 that was installed on those two ships? Are you 15 prepared to answer that today? 16 A. I would need to refresh my memory by 17 looking at the MIL spec that was invoked at the 18 time. 19 Q. And that's not available to you, 20 right? 21 A. It is not. 22 Q. Same question with respect to 23 Thermobestos? 24 A. I would need to review the MIL spec 25 that was invoked at the time.	1 ambiguous. 2 MR. BRATT: I'll do this the hard way 3 and you can keep objecting, or you can let me 4 group it together because I know what the 5 answers are going to be, but it's your call, 6 Mr. Rosse. Let me ask the question 7 differently. 8 Q. As far as the methods that were used 9 to install or carry out block insulation aboard 10 vessels in the '60s, specifically the two at 11 issue that we're talking about, the Lafayette 12 and the Gato, you would defer to depositions 13 that you've been provided by the lawyers in 14 this case as to how it was done, correct? 15 A. That's correct. 16 Q. All right. Now, as far as the 17 asbestos blankets that were installed on those 18 ships, do you know the brands? 19 A. I do not recall. 20 Q. As you sit here today, do you know the 21 asbestos content in those blankets? 22 A. I would have to refer to the MIL specs 23 invoked at the time. 24 Q. And you don't have them at your ready, 25 correct?
Page 191	Page 193
1 Q. Would you give the same answer if I 2 asked you about both of those for the type of 3 asbestos that was contained in that block? 4 A. Yes, I would. 5 Q. The linear feet or miles that were 6 installed on either of those ships? 7 A. It would be different. 8 Q. What do you mean "it would be 9 different"? 10 A. The percent of material would be 11 different based on the temperatures in the 12 particular applications. 13 Q. Right. And you're not prepared, as 14 you sit here today, to say how much block via 15 Kaylo or Thermobestos was installed on either 16 of those two vessels, correct? 17 A. That's correct. 18 Q. All right. And then you're also not 19 going to talk about the temperature range 20 because you think that's classified, right? 21 A. It's more than I think. 22 Q. Okay. And then as far as the 23 installation or the tear out of block, you 24 defer to those that were on the ship? 25 MR. ROSSE: Objection. Vague and	1 A. That is correct. 2 Q. The amount of blankets, be it linear 3 feet, you don't have that information, correct? 4 A. I do not. 5 Q. The temperature range is classified, 6 correct? 7 A. Correct. 8 Q. And the methods on how it was 9 installed and/or removed or torn out, you would 10 defer to those depositions that you've been 11 provided by the lawyers, correct? 12 A. That is correct. 13 Q. All right. Would you give the same 14 answers that I just asked for the blankets with 15 respect to the asbestos insulating cement? 16 A. Yes. 17 Q. Would you give the same answers that 18 you just gave with respect to the asbestos 19 cloth that was used on those vessels? 20 A. Yes. 21 Q. Okay. You do not dispute the fact 22 that Mr. Lund, being assigned to those vessels, 23 would have an opportunity to be around the work 24 that he described in his deposition, correct? 25 MR. ROSSE: Object that it's overly

Page 194	Page 196
1 broad. 2 A. Could I ask you to restate that 3 question, please? 4 Q. Sure. Mr. Lund said he served on the 5 Lafayette and the Gato, correct? 6 A. Yes. 7 Q. And he was there when work was being 8 performed, correct? 9 A. Correct. 10 Q. And he saw certain work with various 11 types of asbestos insulation being done in his 12 presence, correct? 13 A. That's what he describes. 14 Q. And he described that that work, be it 15 insulation or removal, created visible dust, 16 correct? 17 A. As I recall. 18 Q. And he described breathing that dust, 19 correct? 20 A. I'd have to refresh my memory on that 21 part -- that detail of his testimony. 22 Q. All right. Well, the testimony is 23 what it is; you're not disputing his testimony, 24 fair? 25 A. No, I'm not.	1 that question? 2 A. Yes. 3 Q. And then he answers that, "I cut all 4 the fittings and manufactured all the valves 5 and portal pads that we worked on at the 6 particular time." Did I read that correctly? 7 A. Yes. 8 Q. All right. And if you go to page 26, 9 and rather than read all the way back to 25, 10 it's pretty long. Do you see the statement he 11 makes midway down where, "The bends, elbows, 12 and fittings are normally made up in the shop"? 13 A. I do. 14 Q. Okay. I think you did the same here. 15 Mr. Guillotte testified repeatedly that 16 Electric Boat lagging insulation employees 17 would manufacture various or prefabricate 18 various components that were installed in the 19 ship, insulation components; is that true? 20 A. He testifies pre-shaping the lagging 21 in a shop -- well, actually, I believe on the 22 barge prior to coming aboard for installation. 23 Q. Right. So there would be some type of 24 insulation that would be prefabricated, 25 premanufactured, or precut before it actually
Page 195	Page 197
1 Q. Okay. Good. So the last thing I'll 2 say is that he described Electric Boat 3 employees actually performing the insulation 4 work that he mentioned, correct? 5 A. That, he does say they are Electric 6 Boat employees. 7 Q. Okay. Now, as part of the 8 installation process, Mr. Guillotte described 9 that at Electric Boat there would be certain 10 types of insulation that would be 11 premanufactured by Electric Boat; do you 12 remember that testimony? 13 A. Can you point me to it? 14 Q. Sure. If you go to the March 28 15 volume of his deposition. Are you there? 16 A. We're working on it. 17 Q. March 28, are you there? 18 A. Yes. 19 Q. Page 13. 20 A. Yes. 21 Q. There's no lines there, but if you go 22 down kind of three-quarters of the way down, 23 there's a question, "When you joined the 24 insulation department, what was the nature of 25 the work you were assigned to do?" Do you see	1 went onto the ships, correct? 2 A. That's correct. 3 Q. And that work would be done by 4 Electric Boat employees, correct? 5 MR. ROSSE: I just object to the 6 extent you had manufacture in there. Vague and 7 ambiguous. Compound. 8 Q. Go ahead, sir. 9 A. So some work was done before going to 10 the ship, that is correct. 11 Q. Well, if you turn to page 34. 12 A. Yes. 13 Q. All right. 14 "Q. Would you describe for us the 15 type of work that was done in the shop during 16 that time period?" 17 Are you with me? 18 A. Yes. 19 Q. "All the prefabbing of fittings, the 20 cutting of mitered sections, adhering the 21 sections together to manufacture elbows that we 22 had to cover and also the pipe bends that we 23 had to manufacture, all the portable insulation 24 was constructed in the shop also." 25 Did I read that correctly?

Page 198	Page 200
1 A. You did. 2 Q. Okay. And then those manufactured 3 pieces of insulation that were adhered together 4 and connected and all that, they would then be 5 brought onto the ship and installed on the 6 ships, correct? 7 A. The insulation sections that were 8 shaped, preshaped would be brought onto the 9 ship. 10 Q. Okay. Preshaped or prefabbed or 11 manufactured by Electric Boat employees, 12 correct? 13 MR. ROSSE: I just object, compound. 14 Vague as to the definition of "manufactured." 15 A. That work would be performed by the 16 Electric Boat ladders. 17 Q. Okay. And the installation on board 18 the vessels of those prefabbed, precut, 19 premanufactured portions of insulation would be 20 installed by Electric Boat employees? 21 MR. ROSSE: Objection. It's compound. 22 A. Onto the piping systems that Bernie 23 describes. 24 Q. Okay. And you remember testimony from 25 Mr. Guillotte that on occasion there would have	1 Q. Sure. When Mr. Lund was working and 2 serving aboard the ships, were they undergoing 3 testing at various times? 4 A. Not both ships. 5 Q. Okay. The Lafayette? 6 A. As he described the time period that 7 he was there, testing would have been going on. 8 Q. And that's consistent also with the 9 records that you reviewed about what was going 10 on on the Lafayette as well, right; it wasn't 11 just his testimony? 12 A. Based on my years of experience of 13 understanding how submarines are constructed, 14 tested and delivered, that is correct. 15 Q. And also based upon the documents that 16 the lawyers provided you? 17 A. I don't understand that question. 18 Q. You have 10,000 documents, many of 19 which dealt with the construction process, the 20 scheduling, et cetera, of both those ships, the 21 Lafayette and the Gato, and some of those 22 documents indicated that testing was being done 23 during the time that Mr. Lund was aboard? 24 Either you saw that or you didn't. 25 And if you didn't, that's fine. I'm not trying
Page 199	Page 201
1 to be when tests were performed or if there 2 wasn't clearance for insulation that was 3 installed on a given line that there would have 4 to be some cutting of insulation on board the 5 vessels? 6 A. I do recall that conversation. 7 Q. And if a test didn't work out and they 8 had to tear off the insulation and then 9 reinstall it, that obviously would be performed 10 on the vessels as well, correct? 11 A. That is correct. 12 Q. All right. And you know that based on 13 the timing of things for the Lafayette and the 14 Gato that both of these ships were in the 15 process of being manufactured or completed in 16 construction and were at various times going 17 through testing, correct? 18 A. In general or when Mr. Lund was 19 present? 20 Q. When Mr. Lund was on the ship. 21 MR. ROSSE: Object. It's compound, 22 multiple ships, multiple questions here. 23 Q. I mean, do you understand the 24 question, or is it too confusing for you? 25 A. I'd like you to restate it, please.	1 to testify for you. Do you remember reviewing 2 those documents or information as to that 3 extent? 4 MR. ROSSE: I'd just object as 5 compound. 6 A. For the Lafayette, he described that. 7 I recall reading it from his description during 8 his deposition, and my understanding and 9 knowledge of the submarine construction 10 process. 11 Q. All right. We'll leave it at that, 12 then. I want to move on to another area. 13 Sir, when did Electric Boat first 14 learn that asbestos was a known toxin? 15 A. It's difficult to put an actual date 16 on that. I really don't know when Electric 17 Boat first became aware. I know through the 18 depositions of -- or my understanding through 19 the depositions of Dr. MacDougall when he came 20 back with that knowledge. 21 Q. When did he come back? 22 A. From attending that class at NYU that 23 we spoke about earlier. 24 Q. 1958? 25 A. That is true.

Page 202	Page 204
1 Q. So 1958 was when Electric Boat first 2 had learned through Dr. MacDougall that 3 asbestos was a known toxin, true? 4 MR. ROSSE: Objection. Misstates 5 testimony. 6 Q. Did I misquote you? 7 A. That is what I said. 8 Q. Okay. When did Electric Boat first 9 learn that asbestos could cause asbestosis? 10 A. Again, I'm not sure on the precise 11 date that that information came back other than 12 the testimony provided by Mr. Secor. 13 Q. And what did he say? 14 A. That he learned of that, the linkage 15 to asbestosis while attending a counsel meeting 16 in 1968. 17 MR. ROSSE: Mark, I'm not telling you 18 to stop now, but at some point, a good breaking 19 point. 20 MR. BRATT: Well, all right. Let me 21 go through the last -- I have one, two, three, 22 four, five questions. 23 MR. ROSSE: That's fine. 24 Q. When did Electric Boat first learn 25 that asbestos could cause cancer?	1 record at 4:37 p.m. 2 (Off the record, 4:37 p.m.) 3 (Back on the record, 4:49 p.m.) 4 THE VIDEOGRAPHER: We're back on the 5 record at 4:49 p.m. 6 Q. Sir, we're back from a break. You 7 understand you're still under oath? 8 A. I do. 9 Q. Did you speak with your counsel during 10 the break? 11 A. Yes. 12 Q. And what did you speak about? 13 MR. ROSSE: Objection. Calls for 14 attorney/client privilege. I'm going to 15 instruct him not to answer. 16 Q. Okay. Last question, and I'm sure 17 you'll get the same instruction. 18 Did you speak about any answers that 19 you've given or that you intend to give at the 20 remainder of this deposition? 21 MR. ROSSE: Objection. Calls for 22 attorney/client privilege. I'll instruct him 23 not to answer. 24 Q. Okay. Sir, right before we broke, we 25 talked about the dates when Electric Boat knew
Page 203	Page 205
1 A. What kind of cancer? 2 Q. Lung cancer? 3 A. I'd have to refresh my recollection. 4 Q. Okay. When did Electric Boat first 5 learn asbestos could cause mesothelioma? 6 A. Again, that was discussed earlier as 7 we were going through the depositions as 8 knowledge being brought back by Robert Secor. 9 Q. 1968? 10 A. I'd have to refresh my recollection. 11 Q. Okay. We'll do that. When did 12 Electric Boat first learn asbestos could cause 13 death in humans? 14 A. I don't know. 15 Q. I take it before you came, you were 16 prepared to answer these because you did an 17 investigation; is that true? 18 A. I read the prior testimonies. 19 Q. And you read documents that were 20 provided to you, too, as well, correct? 21 A. That is correct. 22 MR. BRATT: All right. We'll take a 23 break, and we'll go through those documents 24 when we get back. 25 THE VIDEOGRAPHER: We're going off the	1 of certain things when asbestos was toxic, when 2 it caused asbestosis, when it caused cancer, 3 when it caused mesothelioma, when it caused 4 death, and you gave your answers, and we're 5 going to go through some of that. 6 But first, I want to draw your 7 attention to a document that was produced 8 yesterday. I think it's in the stack of 9 documents that might be right next to you. The 10 Bates-stamp number is EB-LUND-011354. 11 A. Yes. 12 Q. All right. Now, you admitted that 13 mesothelioma, at least based on your initial 14 review of things, was first known in 1968. 15 This memo at the top that you see, it's dated 16 February 1, 1971, correct? 17 A. That is correct. 18 Q. It's from Mr. Secor who we know about 19 because you read his deposition, right? 20 A. Correct. 21 Q. To Mr. Gagnon, G-A-G-N-O-N. Do you 22 see that? 23 A. I do. 24 Q. Who is he? 25 A. I believe in Mr. Secor's testimony, he

Page 206	Page 208
1 describes Mr. Gagnon as Mr. Guillotte's general 2 superintendent. 3 Q. Okay. Now, this one, the subject of 4 this is insulation, shop ventilation, but what 5 I'm going to focus in on is the second 6 paragraph. It reads, "During the last three 7 years, a great deal of attention has been 8 brought to focus on the use of asbestos. The 9 concern for the use of this material has 10 resulted from an increased incidence of 11 mesothelioma, a form of lung cancer." Did I 12 read that correctly? 13 A. Yes, you did. 14 Q. "Very little is known about the 15 mechanism which initiates mesothelioma except 16 that the asbestos fibers migrate to the outer 17 periphery of the lung. Once lodged in the 18 mesothelium, the" -- it's unreadable to me -- 19 maybe the incubation period -- "may be as long 20 as 30 years before a mesothelioma develops." 21 Did I read that correctly except for my 22 hesitancy of that one word? 23 A. Yes. 24 Q. Does that say "incubation"? 25 A. I do not know either.	1 A. It did. 2 Q. I mean, it had at least -- well, I 3 know in 1962 at least, jumping ahead, it had an 4 industrial relations department, a safety 5 department, an education and training 6 department, research and development, a testing 7 division; it had all those, didn't it? 8 A. I'd have to double-check or refresh my 9 recollection, but I wouldn't be surprised. 10 Q. Okay. Well, I want to go ahead, and I 11 was produced a June 1962 telephone directory, 12 EB-LUND-002914. I have no idea if that was 13 brought by counsel or not, but I mean, would it 14 surprise you that in this directory that 15 there's a machine shop, a shipyard with 16 probably 25 different trades, research and 17 development, nuclear propulsion plant projects, 18 design and engineering, service departments, 19 general administration departments, industrial 20 relations, security, public relations; those 21 are all large categories with various divisions 22 and departments underneath them; would that 23 surprise you? 24 A. They may be singular in departments, 25 but those categories do not surprise me.
Page 207	Page 209
1 Q. Okay. Regardless, the period may be 2 as long as 30 years before a mesothelioma 3 develops. Okay. And this is a memo that's 4 been marked private, correct? 5 A. There are private markings on it. 6 Q. Now, do you know as a result of either 7 the 1968 conference that Mr. Secor attended or 8 even this memo as to whether or not Electric 9 Boat instituted any sort of research with 10 respect to asbestos and mesothelioma? 11 A. I don't know. 12 Q. You've not seen any documents that 13 would suggest that after acquiring that 14 knowledge, Electric Boat instituted a study to 15 determine the mechanism of causing mesothelioma 16 as it relates to asbestos, correct? 17 A. Studies instigated by Electric Boat, 18 not that I'm aware of. 19 Q. Now, Electric Boat was a large 20 company, wasn't it? 21 A. The Electric Boat as a submarine 22 designer manufacturer is a reasonably good 23 size. 24 Q. Back in the '50s, it had a number of 25 different departments, didn't it?	1 Q. And then when you talked -- not 2 talked, I'm sorry, but when you read the 3 deposition of Mr. Secor, both of them, he 4 talked about when he got hired as a chemist 5 that there were 40 or so individuals working in 6 that same department doing research; do you 7 remember that testimony? 8 A. As I recall, his testimony was those 9 40 or so people were supporting the shipyard. 10 I don't recall them describing -- him 11 describing them as doing research. 12 Q. Well, they were chemists, right? 13 A. By title. 14 Q. Okay. But back in the '50s, this 15 company had a medical director, correct? 16 A. It did by title. 17 Q. What do you mean "by title"? 18 A. Well, his job function was medical 19 director for the shipyard for occupational 20 injuries. 21 Q. They also hired in the '50s and '60s 22 and definitely in the '70s industrial 23 hygienists on staff? 24 A. Yes, they did. 25 Q. And your testimony is that of all the

Page 210	Page 212
1 documents that the lawyers for Electric Boat 2 provided to you, over 10,000 documents, there 3 was not a single document that you could find 4 that indicated that as of at least 1968 or even 5 1971 that research was not instituted by 6 Electric Boat to do any sort of study with 7 respect to asbestos and mesothelioma? 8 A. I'm going to ask you to clarify the 9 question as to "research." 10 Q. Did Electric Boat pay anyone that was 11 outside the company to do any research on its 12 behalf to determine the relationship or 13 mechanism between asbestos and mesothelioma? 14 Did you see any document to that regard? 15 A. There is -- yes, there is discussion 16 of Dr. MacDougall engaging colleagues, but as 17 you represented, was it a paid service? I 18 don't recall seeing that information available. 19 Q. When you talk about engaging 20 colleagues, you were talking about the times 21 that he sought out advice from other doctors 22 with respect to x-rays and lung function tests, 23 correct? 24 A. That's correct. 25 Q. You did not see any testimony from	1 And the other one is dated 1/1/74. It's three 2 pages, and the Bates-stamp range is EB-LUND- 3 011316 through 11320. Let me know when you 4 have those in front of you. 5 A. Yes. 6 Q. Okay. Now, focusing first on the one 7 dated 9/4/73 with the number at the top, C-23. 8 Do you see that? 9 A. I do. 10 Q. And then at the top left, it says 11 "General Dynamics, Electric Boat Division 12 Safety Manual," correct? 13 A. Yes. 14 Q. And then approved by, I think, the 15 last name is Slep, S-L-E-P? 16 A. Correct. 17 Q. The manager of safety and 18 environmental control, correct? 19 A. Correct. 20 Q. And the title of this is "Safety Rules 21 For Asbestos," right? 22 A. Correct. 23 Q. Now, I want to first focus on the 24 first paragraph under "General." It reads, 25 "The single most important factor to consider
Page 211	Page 213
1 Dr. MacDougall or anyone for that matter with 2 respect to instituting or initiating studies 3 focused on the relationship between asbestos 4 exposure and mesothelioma, correct? 5 A. Not that I recall. 6 Q. And there's no documents that the 7 lawyers have provided to you in that regard 8 either, correct? 9 A. Not that I recall. 10 Q. And I used '68 as the anchoring 11 deadline and also '71, but at no time in the 12 history of the company has there been any 13 initiative to do any sort of research in-house 14 or out of house with respect to the 15 relationship between asbestos and mesothelioma, 16 correct? 17 MR. ROSSE: Objection. It's 18 overbroad. Vague and ambiguous. 19 A. Not that I'm aware of. 20 Q. Now, we'll go ahead and mark the 21 February 1, 1971 memo from Secor to Gagnon as 22 Exhibit 3. 23 Sir, I want to turn your attention to 24 the two safety manuals that we discussed 25 earlier. One is dated 9/4/73. It's two pages.	1 when working with asbestos materials is the 2 elimination or reduction of asbestos dust to 3 permissible limits through engineering controls 4 or the use of personal protective equipment." 5 Did I read that correctly? 6 A. Yes. 7 Q. Do you agree with that? 8 A. I agree that that's what it says. 9 Q. Do you agree with the statement? 10 MR. ROSSE: Objection. Calls for an 11 expert opinion. 12 Q. You can answer. 13 A. I would agree. 14 Q. Okay. It continues. "The exposure to 15 high concentrations of asbestos dust over long 16 periods of time can cause a serious respiratory 17 condition known as 'asbestosis'." Did I read 18 that correctly? 19 A. Yes. 20 Q. This is what the manager of safety and 21 environmental controls is telling all of the 22 Electric Boat employees, correct? 23 A. Yes. 24 Q. No mention of cancer, correct? 25 A. Correct.

Page 214	Page 216
1 Q. No mention of mesothelioma, correct? 2 A. Correct. 3 Q. In fact, you had no memory in all the 4 times that you saw warnings or received 5 information that they warned you about cancer 6 or mesothelioma, correct? 7 A. Not that I recall. 8 Q. Now, I'm not going to go through the 9 whole document here, but it talks about local 10 exhaust ventilation, wetting down materials, 11 wearing protective equipment, wearing 12 coveralls, using good housekeeping measures 13 amongst other things, correct? 14 A. It does. 15 Q. It also says, "Caution signs shall be 16 placed in each location where asbestos 17 materials are being removed or demolished and 18 in all shops in which asbestos materials are 19 being worked, and the signs bear the following 20 legend, Caution, asbestos dust hazard, avoid 21 breathing dust, wear assigned protective 22 equipment. Do not remain in area unless your 23 work requires it. Breathing asbestos dust may 24 be hazardous to your health." Did I read that 25 correctly?	1 Q. Did you know Dr. MacDougall? 2 A. No, not that I know of. 3 Q. Did you know Mr. Secor? 4 A. Not that I'm aware of. 5 Q. Do you know if any of those guys are 6 still around, alive? 7 A. I do not know. 8 Q. Okay. We'll go ahead and attach the 9 9/4/73 memo as Exhibit 4. 10 I'm not going to read the whole thing, 11 but if you go to the 1/1/74 memo, so this is 12 several months later, no mention of cancer or 13 mesothelioma on this one either, right? Am I 14 correct? 15 A. I don't see it stated. 16 Q. Okay. I want to refer very briefly 17 before we continue on documents to 18 Dr. MacDougall's November 19 testimony. Why 19 don't you grab both November 19 and 20. 38 and 20 39, please. 21 A. Yes. 22 Q. On 38 it starts on, I think, line 7, 23 but that's his answer, but really he's asked 24 questions about his membership in various 25 medical-related organizations. Do you see
Page 215	Page 217
1 A. You did. 2 Q. No mention of cancer, true? 3 A. True. 4 Q. No mention of mesothelioma, true? 5 A. True. 6 Q. These rules were not in place back in 7 the mid '60s when Mr. Lund was aboard the 8 Lafayette or the Gato, true? 9 A. The safety manual was not in existence 10 at that time, this safety manual section. 11 Q. I'm sorry, I didn't mean to interrupt. 12 A. That's okay. 13 Q. Are you done? 14 A. I am. 15 Q. And the precautions that it describes 16 were not in place back at that time either, 17 true? 18 A. The practices, work practices of that 19 time were described by Bernie in his testimony. 20 Q. By who? 21 A. By Bernie Guillotte, Mr. Guillotte. 22 Q. Did you know him personally? 23 A. I did not. 24 Q. Did you know Mr. Slep? 25 A. Not that I know of.	1 that? 2 A. I do. 3 Q. One of them he mentions is the 4 American Medical Association, right? 5 A. Yes. 6 Q. And if we go to 39, line 12 through 7 14, he clarifies that he's been a member of the 8 American Medical Association from when he 9 started practice in 1945? 10 A. That's correct. 11 Q. Another one he mentioned back on 38 is 12 the Industrial Medical Association as well as 13 the American Academy of Occupational Medicine. 14 Do you see those two? 15 A. I do. 16 Q. Okay. And if you go to a little lower 17 down with respect to the Industrial Medical 18 Association, if you go, I believe, that I was a 19 member in about 1954. Do you see that? 20 A. Yes. 21 Q. Now, if you turn to page 57, he talked 22 about receiving -- starting on line 12, he 23 talked about receiving the publication from the 24 American Academy of Occupational Medicine. Do 25 you see that?

Page 218	Page 220
1 A. I do. 2 Q. Line 14. And at line 20, he states, 3 "I made a practice of reviewing certain 4 sections of it, but I did not read each one 5 each month." Did I read that correctly? 6 A. Yes. 7 Q. "Q. Would you review the journal with 8 your scope of employment as medical director of 9 Electric Boat in mind?" 10 "A. With those topics that would 11 interest me, yes." 12 Did I read that correctly? 13 A. Yes. 14 Q. On to page 60, starting at line 4, 15 "Since 1945 when you joined the American 16 Medical Association, did you receive various 17 publications of that association? 18 "A. Yes, sir." 19 Did I read that right? 20 A. Yes. 21 Q. "Would you make it a practice to 22 review those publications?" 23 "I would scan the publications. I 24 still do." 25 Are you with me?	1 general practice or in your employment as 2 medical director of Electric Boat?" 3 "Those are the main two, the Journal 4 of the American Medical Association and the 5 Journal of Occupational Medicine right now." 6 Did I read that right? 7 A. That is the complete sentence. 8 Q. Okay. And jumping quickly to November 9 20 of the next deposition, going to 164. 10 Actually, I'm sorry, 167 line 7 through 14, 11 "You also receive the Journal of American 12 Medical Association; is that correct?" 13 "That is correct, I still receive 14 that." 15 "Q. Have you received that during the 16 entire time that you've been —" 17 "A. Yes, sir." 18 "Q. -- a member of the American 19 Medical Association." 20 "A. Yes, sir." 21 Did I read that right? 22 A. Correct. 23 Q. Do you have any understanding that the 24 acronym or the short description for the 25 Journal of the American Medical Association is
Page 219	Page 221
1 A. I am. 2 Q. And you can continue down the page, 3 but basically, you read them both for general 4 practice reasons but also in regard to his 5 employment as medical director of Electric 6 Boat. And he said, "Yes, to certain articles." 7 It's on 19. Did I read that right? 8 A. Yes. 9 Q. And then, "If you saw an article which 10 relates to your employment as medical director, 11 you would make it your practice to attempt to 12 read the article; would you not?" 13 "A. I would try." 14 Did I read that right? 15 A. Yes. 16 Q. And then continuing on to page 61, he 17 basically states that, "The two main journals, 18 the Journal of the American Medical Association 19 and the Journal of Occupational Medicine would 20 be the two main ones you read?" 21 Did I read that correct? 22 A. He cites those as the two as of that 23 time period. 24 Q. Question is, "Doctor, do other 25 journals or publications come to you in your	1 JAMA, J-A-M-A? 2 A. Me personally? 3 Q. Yes. 4 A. I am not aware. 5 Q. Nonetheless, you've reviewed the 6 testimony given by Dr. MacDougall about the 7 various publications that he was regularly 8 receiving and had the opportunity to review in 9 his role as the medical director of Electric 10 Boat; is that true? 11 A. Yes. 12 Q. Okay. And beyond that, I believe 13 Mr. Secor also testified that — bear with me, 14 I apologize. 15 On page 89 of his testimony in 1979 -- 16 A. Excuse me, Mr. Secor? 17 Q. In the November 5, 1979 testimony. 18 A. Mr. Secor? 19 Q. Yes. 20 A. And the page again, please? 21 Q. 89. Question — I think it's the 22 second full question. "As of that time, have 23 you read anything in the textbooks that have 24 been mentioned here earlier as to the possible 25 relationship between asbestos and various forms

Page 222	Page 224
1 of cancer?" 2 "A. I can only recall one specific 3 article which appeared in the American 4 Industrial Hygiene Association Journal." 5 Did I read that right? 6 A. Yes. 7 Q. Would you go down through the next two 8 questions and answers. He clarifies that it 9 had to be post '63, obviously. So he read that 10 at some point after '63, correct? 11 A. As he indicates. 12 Q. Okay. And did you do any personal 13 research on the Journal of the American Medical 14 Association to determine what articles would 15 have been available to Dr. MacDougall and/or 16 Mr. Secor or anyone else in the safety 17 department or medical department of Electric 18 Boat? 19 A. I did not. 20 Q. Were you provided any articles from 21 that journal from any point from 1950 up until 22 1975, so 25 years, that related to asbestos 23 from the lawyers of Electric Boat? 24 A. Not that I recall. 25 Q. Would you agree, sir, that there was	1 American Medical Association, correct? 2 A. I believe he indicates that he's on 3 the distribution list. 4 Q. And my question is, anything that was 5 published in 1964 in the Journal of the 6 American Medical Association would have been 7 available to Dr. MacDougall based on that 8 membership and the receipt of that journal, 9 true? 10 A. If the journal was received. 11 Q. Do you have any evidence or indication 12 based on anything you reviewed to suggest that 13 it was not received? 14 A. Not that I'm aware of. 15 Q. Did any testimony that Dr. MacDougall 16 give suggest that he didn't receive that 17 journal at any period of time from when he 18 joined the American Medical Association in 1945 19 up until the date he gave his depositions in 20 1979? 21 MR. ROSSE: Objection. Assumes facts. 22 Calls for speculation. 23 Q. You can answer. 24 A. I don't recall him being asked 25 specifically for each month's receipt, nor him
Page 223	Page 225
1 information that was available to 2 Dr. MacDougall as the medical director related 3 to asbestos causing cancer as early as 1964? 4 MR. ROSSE: Objection. Calls for 5 speculation. 6 A. I do not know. 7 Q. Are you aware of an article that was 8 published in the Journal of the American 9 Medical Association in 1964 by Irving Selikoff 10 and a few other individuals entitled "Asbestos 11 Exposure and Neoplasia"? 12 A. Not that I recall. 13 Q. You would agree that that would be 14 right during the period of time that 15 Dr. MacDougall, as the medical director of 16 Electric Boat, was receiving that publication? 17 MR. ROSSE: Objection. Calls for 18 speculation. 19 A. I do not know. 20 Q. In 1964, was Dr. MacDougall a member 21 of the American Medical Association? 22 A. As he indicates, his membership was 23 intact. 24 Q. As he indicates, he also was receiving 25 the publications from the Journal of the	1 answering. 2 MR. BRATT: Move to strike 3 nonresponsive portions. 4 Q. 167 in the November 20 deposition - 5 MR. ROSSE: Of who? 6 MR. BRATT: Of Dr. MacDougall. 7 MR. ROSSE: Okay. 8 A. Yes. 9 Q. Line 7 through 14, he states that he 10 received the Journal of the American Medical 11 Association the entire time he was a member of 12 the American Medical Association, correct? 13 A. Yes. 14 Q. Anything that was published in 1964 15 would have been available for him to review if 16 he so chose, correct? 17 A. It would be available for his review. 18 Q. Same would be true about anything 19 published in 1949, correct? 20 A. I'm unsure. 21 Q. Do you want to be refreshed as to when 22 he joined the American Medical Association; 23 would that help you answer the question? 24 A. Yes. 25 Q. Okay. We'll go then to page 39 in the

Page 226	Page 228
1 November 19 deposition. 2 A. Yes. 3 Q. Line -- well, you can just read his 4 answer on line 13 and 14. "The American 5 Medical Association right when I started in 6 practice, 1945." That's when he joined it; did 7 I read that correctly? 8 A. Yes. 9 Q. Anything that was in the Journal of 10 the American Medical Association as of 1949 11 would have been available for Dr. MacDougall to 12 review, true? 13 A. Yes. 14 Q. And are you aware, based on any 15 documents that have been provided by the 16 lawyers for Electric Boat, that there was an 17 article published in the Journal of the 18 American Medical Association in 1949 entitled 19 "Asbestosis and Cancer of the Lung"? 20 A. Not that I recall. 21 Q. When Dr. MacDougall took the job as 22 the medical director in 1950, did he implement 23 any sort of study related to asbestos and its 24 connection to cancer? 25 A. In 1950?	1 published asbestosis and cancer -- I'm sorry, 2 strike that. 3 As of 1964, the same year that 4 Dr. Selikoff in the Journal of the American 5 Medical Association published "Asbestos 6 Exposure and Neoplasia," did Dr. MacDougall, 7 the medical director of Electric Boat, 8 institute any sort of studies, be it in-house 9 or out of house, as to the effects of asbestos 10 and cancer or the connection thereto? 11 A. Not that I'm aware of. 12 Q. As of 1950 when he started, did 13 Dr. MacDougall institute any sort of protocol 14 to warn workers that asbestos may cause 15 asbestosis or cancer? 16 A. Not that I'm aware of. 17 Q. And in fact, all the way through the 18 '50s and all the way until 1968, there were no 19 oral or written warnings by Dr. MacDougall or 20 Electric Boat or the safety department with 21 respect to the connection between asbestos and 22 cancer, correct? 23 A. So Dr. MacDougall's testimony 24 describes upon starting the chest x-rays of the 25 ladders that if there is an abnormality found,
Page 227	Page 229
1 Q. Yes. 2 A. Not that I'm aware of. 3 Q. How about any dates thereafter? 4 A. He discusses about instituting annual 5 chest x-rays. 6 Q. And he did that for the insulation and 7 ladders starting in 1958, correct? 8 A. That's correct. 9 Q. Other than that, did he do anything to 10 investigate the potential connection between 11 asbestos and cancer starting in 1950 when he 12 took the job? 13 A. Not that I'm aware of. 14 Q. In 1949 -- I'm sorry, in 1964, did he 15 institute any investigation, whether it be 16 hiring outside of Electric Boat or doing work 17 inside with all the professionals that they had 18 hired in safety and health and industrial 19 hygiene and chemistry, to perform any analysis 20 about the connection between asbestos and 21 cancer? 22 A. So I'm going to ask you to clarify 23 that question for me, please. 24 Q. As of 1964, the same year that the 25 Journal of the American Medical Association	1 that the information was provided to the worker 2 to go to his professional -- his personal 3 physician. 4 MR. BRATT: Move to strike 5 nonresponsive portions. 6 Q. My question wasn't with respect to 7 that. My question was very focused. At any 8 point between 1950 and 1968, did, at 9 Dr. MacDougall's direction, Electric Boat 10 institute any sort of warning system whereby 11 they told employees either orally or written 12 that asbestos exposure could cause cancer? 13 MR. ROSSE: Objection as vague and 14 ambiguous and compound. 15 A. I will go back to in Dr. MacDougall's 16 testimony, he instructed the ladders that the 17 chest x-rays were an opportunity to learn their 18 condition, and if appropriate that they would 19 see their professional physician. 20 MR. BRATT: Move to strike 21 nonresponsive portions. 22 Q. Sir, just so you feel good about this, 23 at some point after 1958, Dr. MacDougall 24 instituted chest x-rays, right? 25 MR. ROSSE: Move to strike the

Page 230	Page 232
1 colloquy at the beginning. 2 A. That is true. 3 Q. Okay. And he claims that occurred 4 after that NYU course where he learned about 5 asbestosis, correct? 6 A. True. 7 Q. And if they found abnormalities, they 8 would notify the worker and tell them to go 9 talk to their personal physician, correct? 10 A. That's true. 11 Q. At no point did he warn them about 12 cancer, correct? 13 A. Not that I'm aware of. 14 Q. At no point did Electric Boat or 15 Dr. MacDougall post any warnings on board ships 16 that asbestos exposure could cause cancer 17 between 1950 and 1968, correct? 18 A. Not that I'm aware of. 19 Q. At no point orally did they provide 20 warnings to workers on board ships that 21 asbestos exposure could cause cancer between 22 1950 and 1968, correct? 23 A. Not that I know of. 24 Q. And 1968 or 1969 is the first known 25 dust study that Electric Boat actually	1 Q. And it was, I guess, written by a 2 Joseph J. Staphor -- I'm sorry, strike that. 3 If you look at the signatory, it was 4 written by an Allen L. Coleman, the chief 5 industrial hygienist. Did I read that 6 correctly? 7 A. Yes. 8 Q. And if you go to the second paragraph, 9 it talks about in the middle there that the 10 industrial hygiene threshold limit for asbestos 11 dust is 5 million particles per cubic foot of 12 air. Did I read that right? 13 A. Yes. 14 Q. And then it says, "The limit for Kaylo 15 or calcium silicate dust is 59 particles per 16 cubic foot of air. Dust concentrations found 17 during the band saw cutting operation on the 18 insulation barge on the wet docks were very 19 high and should be controlled. Did I read that 20 correctly? 21 MR. ROSSE: I would object it's 22 hearsay. I understand you're just reading it, 23 but I have an objection to it being hearsay. 24 A. That is what the letter states. 25 Q. And then if you go down to the next
Page 231	Page 233
1 performed itself on board ships or in its 2 shops, correct? 3 A. That's my recollection. 4 Q. At any point between 1950 and 1968, 5 did Electric Boat institute any sort of 6 asbestos industrial hygiene studies that would 7 actually count the number of asbestos fibers 8 that it was potentially exposing workers to? 9 A. Not that I'm aware of. 10 Q. In fact, the only dust study that 11 occurred in that time frame was one that was 12 instituted by the Connecticut Department of 13 Health, correct? 14 A. I'd have to refresh my recollection. 15 Q. Sure. Why don't you turn to page 16 EB-LUND-011344, and it's a two-page document. 17 A. The numbers again, please? 18 Q. Sure. 011344. 19 A. Thank you. 20 Q. We'll premark this as Exhibit 6, and 21 I'll describe it for the record. This is a 22 two-page document from the Connecticut State 23 Department of Health dated November 17, 1965, 24 correct? 25 A. That is correct.	1 paragraph, it talks about concentrations of 288 2 million particles of dust per cubic foot of air 3 found in a sample of cutting Kaylo blocks. Do 4 you see that? 5 A. Yes. 6 Q. Would you agree that that's more than 7 57 times the legal limit at that time for 8 exposure to asbestos? 9 MR. ROSSE: Objection. Calls for 10 speculation. Outside of his area of expertise. 11 He's not called as an expert. 12 Q. Well, this document, sir, you see that 13 it says the industrial hygiene threshold for 14 limit for asbestos dust is 5 million particles 15 per cubic foot of air. Using simple math, 16 that's more than 57 times the exposure limit 17 when cutting Kaylo? 18 MR. BOSSE: I object to the document 19 being hearsay, and you haven't read the entire 20 thing either. 21 Q. That's what the third paragraph says, 22 right, sir? 23 A. That is how the sentence is written. 24 Q. Electric Boat was sent this document 25 with these results November 17, 1965, correct?

Page 234	Page 236
1 A. Yes. 2 Q. That's when Mr. Lund was aboard the 3 Lafayette, correct? 4 A. It is in that time period when the 5 letter was issued. 6 Q. We'll attach this two-page letter as 7 Exhibit 6. 8 Now, other than that study, from 1950 9 when Dr. MacDougall started as the medical 10 director up until 1968, it is the only study 11 that occurred counting asbestos fiber dust 12 during any sort of insulation work at Electric 13 Boat either on board ships or in the shops, 14 correct? 15 A. I don't know. 16 Q. Well, you've not seen any other ones, 17 correct? 18 A. Not that I recall. 19 Q. The lawyers for Electric Boat didn't 20 provide you with any other dust studies other 21 than this one? 22 A. Not that I recall in this time period. 23 Q. Now, what's interesting, though, is 24 that if you turn to EB-LUND-011426 and also 25 011427, let me know when you've got those.	1 would include lead, mercury, solvents, as well 2 as the new application of known toxic 3 materials." 4 Q. "The new application of known toxic 5 materials," correct? 6 A. That is the complete sentence. 7 Q. Asbestos wasn't listed, right? 8 A. No. 9 Q. But this is the same year that he 10 testified that he first learned that asbestos 11 was harmful, correct? 12 A. That's the year that he testified as 13 becoming aware. 14 Q. Right. Did you see any documents from 15 this point forward indicating that an 16 industrial hygienist under the guidance of 17 Dr. MacDougall performed research into the 18 toxicity of asbestos? 19 A. Not that I'm aware of. 20 Q. Did you see any documents that 21 indicate that it had been outsourced to any 22 industrial hygiene firms? 23 A. Not that I'm aware of. 24 Q. And there's no question that in 1958 25 that Dr. MacDougall knew that a tremendous
Page 235	Page 237
1 A. 426 and 427? 2 Q. Yes. 3 A. Yes. 4 Q. The 011426 is a document that's dated 5 November 17, 1958, right? 6 A. Correct. 7 Q. This is the same year that 8 Dr. MacDougall took that NYU course, correct? 9 A. Same year. 10 Q. And it's a requisition for an 11 industrial hygienist, right? 12 A. That is the title. 13 Q. Can you read that first paragraph, or 14 I'm sorry, the first sentence. 15 A. "Because of the increased use of toxic 16 materials, the services of an industrial 17 hygienist are needed in the industrial 18 relations department to survey these materials, 19 to designate methods of handling in a safe 20 manner, and perform research in the toxicity of 21 new materials." 22 Q. And if you look at the — 23 A. If I may, I'm going to complete that 24 sentence. I'm going to complete that 25 paragraph. It goes on to say, "These materials	1 amount of asbestos was being used and installed 2 on board vessels that were being constructed 3 and designed by Electric Boat? 4 MR. ROSSE: I just object as vague and 5 ambiguous and specifically the term of 6 "tremendous amount." 7 MR. BRATT: Okay. I'll rephrase. 8 Q. There's no question in your mind, sir, 9 that Dr. MacDougall was aware that insulators 10 and ladders were being exposed to a lot of 11 asbestos that was being installed on board 12 vessels that Electric Boat was constructing? 13 MR. ROSSE: Object. It calls for 14 speculation as to what Dr. MacDougall knew or 15 did not know. 16 Q. Go ahead. 17 A. Dr. MacDougall states he was aware 18 that asbestos was being used in the shipyard in 19 the construction of submarines. 20 Q. Right. And in that same year, 1958, 21 Electric Boat was actually paying dirty money 22 for pipe ladders that were doing work with 23 asbestos; they were getting extra money, 24 correct? 25 A. In 1958 there was an agreement reached

Page 238	Page 240
1 with the union for an additional stipend for 2 laundry, yes. 3 Q. It was called "dirty money," right? 4 A. That was the name given to it, yes. 5 Q. And that was for piping ladders 6 working on amosite, and amosite is a type of 7 asbestos, right? 8 A. That's how the memo reads, yes. 9 Q. And that memo is 011266. And just to 10 keep things in order here because I got a 11 little out of turn, we'll attach the 011426, 12 the 11/17/58 requisition for an industrial 13 hygienist as Exhibit 7. 14 MR. BRATT: The 1/1/74 safety manual 15 Bates-stamped 011318 through 320 as Exhibit 5. 16 And just so we're clear on the record, Exhibit 17 6 is that Connecticut State Department of 18 Health document, and Exhibit 7 is 011426, the 19 requisition for an industrial hygienist. And 20 No. 8 will be the September 3, 1958 memo 21 related to dirty money, 011266. 22 Q. Sir, I want to also refer you to 23 011427. And I guess two and a half years or so 24 later, there's a memo that comes out on March 25 22, 1961 announcing that Mr. J.L. Flynn, an	1 in the work spaces about asbestos hazards, 2 true? 3 MR. ROSSE: Objection. Overly broad. 4 Calls for speculation. 5 Q. Prior to 1966, that's what all these 6 questions are going to be about. 7 A. Not that I'm aware of. 8 Q. And, you know, just to make sure it's 9 clear because there's been two objections. 10 When I say "asbestos hazards," I'm talking 11 about cancer, mesothelioma, or asbestosis. Are 12 you with me? 13 A. Yes. 14 Q. Okay. And prior to 1966, Electric 15 Boat placed no warnings on any of the products 16 that it was using or that it manufactured about 17 asbestos hazards? 18 MR. ROSSE: Objection. Overly broad. 19 Calls for speculation. 20 A. Not that I'm aware of. 21 Q. Prior to 1966, no wet-down methods 22 were being employed to keep dust down during 23 the installation of insulation aboard vessels, 24 true? 25 MR. ROSSE: Objection. Calls for
Page 239	Page 241
1 industrial hygienist, is assigned the 2 responsibility for control of environmental 3 health throughout the division. Do you see 4 that document? 5 A. I do. 6 Q. And it says, "He'll be concerned with 7 potential personal hazards arising from the 8 following categories of industrial exposure," 9 and one of them includes dust, correct? 10 A. Yes. 11 Q. We'll mark this as Exhibit 9. We'll 12 mark this as Exhibit 9, and you saw absolutely 13 zero documents indicating that Mr. J.L. Flynn 14 ever performed any industrial hygiene work ever 15 related to asbestos dust? 16 A. Not that I'm aware of. 17 Q. Prior to 1966, correct me if I'm wrong 18 on any of these, sir, Electric Boat, under the 19 guidance of Dr. MacDougall, provided absolutely 20 no warnings about asbestos hazards on the ships 21 it was building, true? 22 MR. ROSSE: Objection. Vague. 23 Overbroad. Calls for speculation. 24 A. Not that I'm aware of. 25 Q. Absolutely no warnings were provided	1 speculation. 2 A. I believe that Mr. Guillotte discussed 3 wet-down procedures even during the 4 installation of insulation on the submarines. 5 Q. Prior to 1966 he does? 6 A. I believe he does. 7 Q. Please, point me to that. We'll take 8 as much time as you need. We'll go off the 9 record. You can find that designation. 10 MR. ROSSE: We're not going off the 11 record for him to do work. If you want him to 12 do it, we're on the record. 13 Q. All right. What are you going to 14 support that with? Please find it. 15 MR. BRATT: And if you're not going to 16 let me go off the record, I'll mark the time. 17 We'll just sit here and wait. Madam, court 18 reporter, please mark the time. 19 (5:51.) 20 Q. And, sir, just so we're clear, when I 21 use the phrase "wet-down methods," I want to 22 make sure we're on the same page. You 23 understand that wet-down methods from an 24 industrial hygiene standpoint deal with the use 25 of water to keep dust levels down?

Page 242	Page 244
1 MR. ROSSE: Objection. Calls for 2 speculation. 3 Q. That's your understanding, right? 4 MR. ROSSE: Objection. Calls for 5 speculation. Assumes facts. Lacks foundation. 6 Q. Do you understand that, sir? 7 MR. ROSSE: Do you want him to answer 8 questions or do the review? 9 (5:52-5:55.) 10 A. Are we ready? 11 MR. ROSSE: Have you found -- 12 A. No, I have misstated my recollection. 13 The recollection I have is of Bernie describing 14 using wet-down techniques in the shop or in the 15 barge, not on board the ship. 16 Q. And that was also not prior to 1966; 17 that was a later date, correct? 18 A. I'm going to keep looking for that. 19 (5:55-6:14.) 20 MR. ROSSE: Mark, do you have an 21 objection to me showing him what I think he's 22 looking for? 23 MR. BRATT: Yes. 24 (6:14-6:31.) 25 MR. ROSSE: Mark, this is Greg, are	1 yesterday, just like they were provided to me, 2 and he hasn't had an adequate opportunity to 3 prepare, or they weren't provided at all. 4 And the amount of time that's been 5 wasted because of that lack of preparation has 6 caused this deposition to go into the seventh 7 hour, which also means that I'm being 8 prejudiced in my ability to finish this 9 deposition and ask questions. 10 That's my position. If you choose to 11 suspend the deposition, that's your call. 12 MR. ROSSE: I'm not suspending the 13 deposition. I think it's terminated by 14 statute. 15 MR. BRATT: Mr. Lund was deposed for 16 13 days. So, obviously, that went over seven 17 hours. 18 MR. ROSSE: Does Mr. Lund set some 19 kind of federal precedent that I'm unaware of? 20 MR. BRATT: What's that? 21 MR. ROSSE: I don't think that sets a 22 federal precedent. You have a one-day 23 deposition, seven hours, and you've had your 24 time. 25 MR. BRATT: How many days did you take
Page 243	Page 245
1 you still there? 2 MR. BRATT: Oh, yeah. 3 MR. ROSSE: By my calculations, we've 4 hit seven hours. 5 MR. BRATT: Okay. What does that 6 mean? 7 MR. ROSSE: We're done. 8 MR. BRATT: You're saying that it's 9 over? 10 MR. ROSSE: He's done a full day 11 deposition. We've been seven hours on the 12 record. I think that meets the code. 13 MR. BRATT: I'm not done asking 14 questions. I have -- actually, a question is 15 pending right now. He's been looking for a 16 particular answer to that question for, my 17 calculations, at least a half an hour. I don't 18 think he's going to find an answer to that 19 question that he's looking for. 20 MR. ROSSE: Well, you asked him to 21 look. 22 MR. BRATT: That said, there's been 23 countless times throughout this deposition 24 where the witness has looked through documents 25 that were either provided to him at a late hour	1 for Mr. Lund's deposition? 2 MR. ROSSE: What does that have to do 3 with this? 4 MR. BRATT: Because he's a witness in 5 this case, too. 6 MR. ROSSE: So? I don't get your 7 point. Are you saying that that changes the 8 code? 9 MR. BRATT: I'm not done. I'm going 10 to keep asking questions. Do what you need to 11 do. 12 MR. ROSSE: The deposition is done. 13 We're not going to stay here all night. We've 14 already been here for, not counting breaks, 15 nine and a half hours. He's been on the record 16 now for over eight hours. 17 MR. BRATT: I'm not done asking 18 questions. 19 MR. ROSSE: The code allows you a 20 one-day deposition. 21 MR. BRATT: I'm not done asking 22 questions. I'm here and I'm going to keep 23 asking questions, but if your position is that 24 the deposition is done, that's a position you 25 take, and you guys can pick up and leave.

Page 246	Page 248
1 At that point, obviously, we'll raise 2 that with the judge because I've been severely 3 prejudiced in the manner in which both of the 4 depositions that have occurred today have 5 occurred, the manner in which the documents 6 that were finally produced after months and 7 months of requesting them were produced at such 8 a late hour, including during this deposition, 9 and this prejudice is going to result in me 10 asking for an additional time, additional 11 deposition, sanctions, et cetera. 12 But if you have a position that the 13 deposition is done the second it hits seven 14 hours, I suggest that you do whatever you feel 15 like you need to do legally, and we'll talk to 16 the judge about it, but I'm going to continue 17 asking questions until the witness is no longer 18 here. 19 MR. ROSSE: First of all, I do not 20 agree with your statements about what's 21 happened, what's occurred, but I understand 22 that's your position. I do not agree with it. 23 We have produced this witness now for -- it's 24 been nine and a half -- over nine and a half 25 hours since this started.	1 deposition transcript that he's reviewed. 2 There's no way he's been able to memorize that. 3 You asked him to review it to try to find 4 something that he thinks he's seen. 5 MR. BRATT: Absolutely not. I asked 6 for something that I know 100 percent is 7 supported by the record. He made a statement 8 that clearly is not supported by the record, 9 and what am I left to do but ask him to prove 10 it, which I've done, which he can't do and he 11 hasn't done. And he's wasting my time, your 12 time, and his own time. 13 MR. ROSSE: I disagree with that. You 14 asked him if he could find where he saw that. 15 He thinks he seen it. I disagree with your 16 representation that it doesn't exist, but it is 17 what it is, and you wanted him to review it and 18 find it. That's what he's been trying to do. 19 You could have left it alone and said 20 it's not in there and had the disagreement and 21 tried to move it in court. You chose to have 22 him do this review, so that was your choice on 23 how this time was spent. 24 MR. BRATT: Explain that to the judge. 25 MR. ROSSE: And I'll expect you to
Page 247	Page 249
1 Per the code, you get a one-day 2 deposition. We extended that well beyond what 3 would be a normal day. I think we have met our 4 burden here. 5 You have chose to do the deposition in 6 the manner that you felt was necessary, but I 7 disagree with how you've done it, but it's your 8 choice on how you do it. I don't think we have 9 an obligation to go 24 hours just because you 10 want that long. 11 So if you want to wrap this thing up 12 with some questioning on him, I'll give you a 13 couple minutes, but otherwise, we're done. 14 MR. BRATT: I have more than just a 15 few questions, so I'll keep asking questions 16 until you and him walk out the door. 17 MR. ROSSE: How much longer do you 18 think you have? 19 MR. BRATT: Well, frankly, I don't 20 know how much longer he's going to keep looking 21 at depositions for an answer that isn't 22 contained there. He's been doing this for 30 23 minutes. 24 MR. ROSSE: You asked him to review 25 that. You know, there are seven days of	1 explain your position, thank you very much. Do 2 you have any estimate for how much time you 3 need aside from this review? 4 MR. BRATT: I'm not giving you an 5 estimate because I cannot guarantee how much 6 time the witness is going to waste and spend 7 looking through things that he's looking 8 through. This has been a half an hour. 9 MR. ROSSE: You asked him to do 10 something. He's doing it. 11 MR. BRATT: If he answers things the 12 right way, I might have an hour or so. I don't 13 know. 14 MR. ROSSE: I disagree. I think if 15 you ask the questions the right way, it would 16 have been done, so we have our disagreement. I 17 think the day is over. We're done. 18 MR. BRATT: So a question pending, 19 you're going to just walk out? 20 MR. ROSSE: I'm not going to allow him 21 to spend the next four hours reviewing seven 22 days of transcript. I don't think it's 23 necessary that he sits here and reviews seven 24 days worth of deposition transcript to try to 25 answer one question.

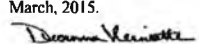
Page 250	Page 252
1 I don't know whether it's in there or 2 not. I've reviewed them, and I don't have a 3 specific recall of that exact question. My 4 memory is that it's there, but I'll admit I 5 don't know, and I'm not going to spend seven 6 days looking through this either. 7 So if that's your position, you want 8 him to continue until he finds it, he's not 9 going to do it. It's nine and a half hours. 10 MR. BRATT: There's a question 11 pending. I'm not going to defer anymore, 12 especially while there's a question pending. 13 You can do whatever you need to do to protect 14 your client's rights. 15 MR. ROSSE: How much longer do you 16 need to review these? 17 THE WITNESS: I don't know. 18 MR. ROSSE: I will close with I 19 offered to you to try to point him in the 20 direction that I think maybe he's thinking, and 21 you declined my offer. I was attempting to 22 short-cut this review. You declined my offer. 23 I understand that, that's fair, but it was my 24 attempt to short-cut this, and you declined to 25 take that.	1 It's not a suspension. We've met our code 2 requirements. We produced a deposition per the 3 code, and it's our position that it's over. 4 I do understand your position. If you 5 want to call it suspension, fine, but it's our 6 position that it's over. 7 MR. BRATT: I'm not agreeing to go off 8 the record, so you have to do what you have to 9 do. 10 MR. ROSSE: You're going to make the 11 court reporter sit here while we leave? Do you 12 really expect him to sit here and review three 13 more transcripts to try to give you an answer 14 to that? Will you let him answer the question 15 the best he can on what he's reviewed? 16 MR. BRATT: He can answer it however 17 he wants to answer it. The point is, there's a 18 question pending. 19 MR. ROSSE: Answer the question the 20 best you can. 21 A. To the best of my recollection, wet- 22 down procedures started in the mid '50s. 23 Q. In the mid '50s? And you're not able 24 to identify where in documentation or 25 deposition that that's supported, true?
Page 251	Page 253
1 So he's not going to sit there and 2 review. He's got, it looks like, three more 3 deposition transcripts to review, and he's not 4 going to do it. 5 MR. BRATT: There's a question 6 pending. If you want to talk, we can talk off 7 the record, but there's a question pending, so 8 that's the last I'm going to say. Handle it 9 however you need to. 10 MR. ROSSE: Well, if the question 11 pending requires him to review the transcript, 12 then we're done. 13 MR. BRATT: Not my call. 14 MR. ROSSE: All right. We're done. 15 THE VIDEOGRAPHER: Do you want me to 16 do the read off? 17 MR. ROSSE: Yes, please. 18 MR. BRATT: Actually, we need to stay 19 on the record. There's no read off because the 20 deposition is not concluded, however, if you're 21 saying we're done for the day, then I will 22 allow for it to be concluded, but I'm not going 23 off the record. 24 MR. ROSSE: Well, first of all, it's 25 our position that the deposition is concluded.	1 A. It is in the depositions. 2 Q. Where? 3 MR. ROSSE: Will you agree that you 4 cannot find it at this time? 5 A. I cannot find it at this time. 6 Q. When will you be able to find it? 7 MR. ROSSE: Well, we're not going to 8 give him homework, so he can't find it at this 9 time, he's not coming back for a deposition 10 absent a court order. 11 MR. BRATT: Are you instructing him 12 not to answer? 13 MR. ROSSE: What was the question 14 again? 15 Q. Where? 16 MR. ROSSE: He's not going to sit here 17 and read this. You mean where in the 18 transcript? We've been through this. He's 19 admitted he doesn't know where in the 20 transcript. He's testified that it's his 21 belief that it's in there, but he can't find it 22 at this moment. There are seven transcripts of 23 Mr. Guillotte, three of Secor, and a couple of 24 MacDougall. 25 You're talking 12 transcripts you want

Page 254	Page 256
1 him to sit there and read to try to refresh his 2 recollection to this one question, when he's 3 admitted that he can't find it at this moment. 4 MR. BRATT: Are you instructing him 5 not to answer? 6 MR. ROSSE: What's the question? 7 Q. Where? 8 A. I do not recall. 9 MR. ROSSE: All right. He's answered. 10 We're done. 11 Q. Prior to 1966, sir, -- 12 MR. ROSSE: It's 6:44. We've been 13 here for over seven hours for this deposition, 14 not counting what you considered to be a first 15 deposition, despite what we told you. He has 16 now been here for this deposition for 9 hours 17 and 44 minutes at this point and we're done for 18 the day, if not -- it's our position this 19 deposition is done. If you want to meet and 20 confer regarding that, I'm willing to do so. 21 MR. BRATT: I have more questions. 22 MR. ROSSE: We're done for the day for 23 sure, and it's our position it's over. If you 24 want to meet and confer, we can do so. 25 MR. BRATT: Before I get to my	1 asbestos? 2 MR. ROSSE: The witness has left the 3 room. 4 MR. BRATT: The record will reflect 5 the witness and the lawyers have left the room. 6 MR. ROSSE: The lawyers have not left 7 the room, so you're wrong. 8 MR. BRATT: Oh, are you instructing 9 him not to answer? 10 MR. ROSSE: I've told you, Mark. Do 11 you not hear what I say? 12 MR. BRATT: Are you suspending the 13 deposition? 14 MR. ROSSE: It is our position that we 15 have produced this witness. We have completed 16 a full day of deposition testimony per the 17 code. I have even offered so much as to meet 18 and confer about possibly doing extra time. 19 You have refused to give us any estimate as to 20 how much time you would need, if more was 21 given, so -- 22 MR. BRATT: That's inaccurate. You 23 asked me how much more time I had. You never 24 once ever mentioned that you would be open to 25 an additional deposition or additional time at
Page 255	Page 257
1 remaining questions, I will attach as next in 2 line the exhibit, I think it's 11. 10, the 3 1964 Selikoff article entitled "Asbestos 4 Exposure and Neoplasia" from the Journal of the 5 American Medical Association. 6 As 11, I'll attach the 1949 article 7 from the Journal of American Medical 8 Association entitled "Asbestos and Cancer of 9 the Lung." 10 I have additional questions, and I 11 will continue asking them. 12 Q. Sir, at any time -- 13 MR. ROSSE: Off the record. We're 14 done. 15 MR. BRATT: I'm not agreeing to go off 16 the record. I'm not done. 17 MR. ROSSE: Then you can tell the 18 court reporter to stay there and the 19 videographer to stay here, but it's our 20 position that the deposition is over. 21 Q. Sir, at no point prior to 1966 were 22 there any requirements or rules or regulations 23 by Electric Boat and required people in the 24 vicinity of insulation work to wear asbestos 25 masks -- or masks to protect them against	1 a later date. 2 You've taken the position very firmly 3 that once I reach seven hours, the deposition 4 is over. 5 MR. ROSSE: Why would I ask about more 6 time if I wasn't trying to meet and confer? 7 MR. BRATT: I'm not done. If you 8 would like to meet and confer on that, okay. 9 We can do that off the record. It's my 10 position the deposition is not over. I have 11 several more areas of inquiry that I have. 12 It's your position, I think you've 13 made it very clear, that it is over. We've 14 agreed to meet and confer. The witness has 15 left the room. I'm not going to waste anyone 16 else's more time, so do you want to go off the 17 record at this point? 18 MR. ROSSE: Yes. 19 MR. BRATT: Okay. 20 THE VIDEOGRAPHER: This concludes 21 volume one of the deposition of Electric Boat 22 Corporation person most qualified by Bradford 23 Heil -- 24 MR. ROSSE: I would just say this 25 completes the deposition of this day.

Page 258	Page 260
1 MR. BRATT: Let him do his job. 2 MR. ROSSE: His job is to conclude a 3 deposition of this date. 4 MR. BRATT: It's concluded when all 5 parties have asked questions, and that has not 6 happened. 7 THE VIDEOGRAPHER: -- on Friday, March 8 27, 2015, which consists of two video files. 9 The original recordings will be retained by 10 Southwest Legal Videographers, 73844 Two Mile 11 Road, 29 Palms, California 92277. We are off 12 the record at 6:49 p.m. 13 (Off the record, 6:49 p.m.) 14 (Exhibit 1, Amended Notice of 15 Taking Deposition, to be marked.) 16 (Exhibit 2, Court Order, to be 17 marked.) 18 (Exhibit 3, Memorandum dated 19 February 1, 1971, to be marked.) 20 (Exhibit 4, Memorandum dated 21 September 4, 1973, to be marked.) 22 (Exhibit 5, Safety Manual pages 23 dated January 1, 1974, to be 24 marked.) 25 (Exhibit 6, Connecticut State	1 SIGNATURE - ERRATA SHEET 2 PAGE LINE CORRECTIONS, ADDITION OR DELETION 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 1, BRADFORD HEIL, have read the foregoing 14 transcript of my deposition taken on March 27, 15 2015. Except for any corrections or changes 16 noted above, I hereby subscribe to the 17 transcript as an accurate record of the 18 statements made by me. 19 Signed under the penalties of perjury, 20 DATE _____ 21 Deponent, BRADFORD HEIL 22 On this, the _____ day of _____, 2015, 23 before me, the undersigned notary public, 24 personally appeared, _____ Deponent, 25 proved to me through satisfactory evidence of identification, which was, _____ to be the person whose name is signed on the preceding document in my presence. _____ (Signature and seal of notary) My Commission expires: _____
Page 259	Page 261
1 Department of Health document 2 dated November 17, 1965, to be 3 marked.) 4 (Exhibit 7, Requisition for 5 Industrial Hygienist dated 6 November 17, 1958, to be marked.) 7 (Exhibit 8, Memorandum dated 8 September 3, 1958, to be marked.) 9 (Exhibit 9, Memorandum dated 10 March 22, 1961, to be marked.) 11 (Exhibit 10, Article entitled 12 Asbestos Exposure and Neoplasia, 13 to be marked.) 14 (Exhibit 11, Article entitled 15 Asbestos and Cancer of the Lung, 16 to be marked.) 17 18 19 20 21 22 23 24 25	1 REPORTER'S CERTIFICATION 2 DEPOSITION OF BRADFORD HEIL 3 FRIDAY, MARCH 27, 2015 4 I, Deanna Veinotte, a Registered 5 Professional Reporter and Notary Public in and 6 for the State of Connecticut, hereby certify to 7 the following: 8 That the witness, BRADFORD HEIL, was 9 duly sworn by the officer and that the 10 transcript of the oral deposition is a true 11 record of the testimony given by the witness; 12 That the deposition was submitted on _____ 13 to the witness or the attorney 14 for the witness for examination, signature, and 15 returned to HG LITIGATION SERVICES, L.P. by _____ 16 17 That pursuant to information given to 18 the deposition officer at the time said 19 testimony was taken, the following includes 20 counsel for all parties of record: 21 Representing (By Telephone) the Plaintiffs: 22 WEITZ & LUXENBERG P.C. 23 1880 Century Park East 24 Los Angeles, CA 90067 25 BY: MARK D. BRATT, ESQ. (310) 247-0921 (310) 786-9927 (Fax) mbratt@weitzlux.com Representing General Dynamics Corporation and Electric Boat Corporation: HUGO PARKER, LLP 135 Main Street, 20th Floor San Francisco, CA 94105 BY: GREGORY S. ROSSE, ESQ. (415) 808-0300 (415) 808-0333 grosse@hugoparker.com and WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER 150 East 42nd Street New York, NY 10017 BY: ERIK C. DIMARCO, ESQ. (212) 490-3000 (212) 490-3038 (Fax) erik.dimarco@wilsonelser.com

BRADFORD HEIL - ELECTRIC BOAT CORPORATION PMQ
3/27/2015

67 (Pages 262 to 264)

Page 262	Page 264
1 Representing (By Telephone) Crane Co.: K&L Gates LLP 2 10100 Santa Monica Blvd., Suite 700 Los Angeles, CA 90067 3 BY: DANIEL S. HURWITZ, ESQ. (310) 552-5057 (310) 552-5001 (Fax) 4 daniel.hurwitz@klgates.com 5 Representing (By Telephone) William Powell: FOLEY & MANSFIELD 6 300 Lakeside Drive, Suite 1900 Oakland, CA 94612 7 BY: ARTURO E. SANDOVAL, ESQ. (510) 590-9500 (510) 590-9595 (Fax) 8 asandoval@folcymansfield.com 9 I further certify that I am neither counsel for, related to, nor employed by any of 10 the parties or attorneys in the action in which this proceeding was taken, and further, that I 11 am not financially or otherwise interested in the outcome of the action. 12 Certified to by me this 31st day of March, 2015. 13  14 DEANNA VEINOTTE, RPR, CRR, CCP HG LITIGATION SERVICES, L.P. 15 2777 N. Stemmons Freeway, Suite 1025 Dallas, TX 75207 16 Firm No. Dallas: 69 (888) 656-3376 (888) 656-3275 (Fax) 17 1-888-656-DEPO 18 19 20 21 22 23 24 25	1 7 Requisition for Industrial Hygienist dated November 17, 2 1958 259 3 4 8 Memorandum dated September 3, 1958 259 5 6 9 Memorandum dated March 22, 1961 259 7 8 10 Article entitled Asbestos Exposure and Neoplasia 259 9 10 11 Article entitled Asbestos and Cancer of the Lung 259 11 12 (Exhibits to be provided by Attorney Bratt to HG Litigation Services for marking.) 13 14 **Marked Question: Page 188, Line 3 15 16 17 18 19 20 21 22 23 24 25
Page 263	
1 INDEX 2 3 WITNESS PAGE 4 5 BRADFORD HEIL 6 7 Examination by Mr. Bratt 14 8 9 10 11 12 13 EXHIBITS 14 15 NO. DESCRIPTION PAGE 16 1 Amended Notice of Taking Deposition 258 17 18 2 Court Order 258 19 20 3 Memorandum dated February 1, 1971 258 21 22 4 Memorandum dated September 4, 1973 258 23 24 5 Safety Manual pages dated January 1, 1974 258 25 26 6 Connecticut State Department of Health document dated November 17, 1965 258 27 28 29 30	

A	accomplished	244:2	150:11 168:21	224:18 225:10
abatement 44:8	108:5	adequately	179:16 197:8	225:12,22
abc 110:14	accurate 89:6	159:18	208:3,10	226:4,10,18
abcde 110:13	260:15	adhered 198:3	211:20 216:8	227:25 228:4
ability 15:14	accurately 69:1	adhering 197:20	237:16	255:5,7
53:14 62:23	acl 150:8,10,15	administer 4:25	air 1:12 4:1 93:5	amosite 238:6,6
244:8	acquiring	administration	232:12,16	amount 62:21
able 10:3,13	207:13	40:1 208:19	233:2,15	157:17 183:20
19:5 60:18	acquisition	admit 250:4	aircraft 38:17	193:2 237:1,6
75:8 108:6,16	142:22 143:2	admitted 205:12	al 1:13 3:25 4:1	244:4
110:17 114:24	acronym 220:24	253:19 254:3	alive 68:4 216:6	analysis 60:14
115:14 120:7	act 40:17 41:2	advance 51:7	allegations	227:19
124:13,14	152:7	159:3	77:20	analyzed 60:13
125:4 133:24	acting 19:7	advice 133:2,8	alleging 78:19	analyzing 39:3
134:2 142:6	action 68:18	210:21	allen 156:23	anchoring
185:8 187:17	262:10,11	advocate 33:13	232:4	211:10
187:24 188:3	actions 152:6	33:16	allocated 182:25	angeles 2:4,17
248:2 252:23	active 43:17	agent 173:12	allow 29:6 57:16	3:14 4:5
253:6	actively 89:13	ago 21:5 32:8	100:22 131:22	261:13 262:2
abnormalities	activities 63:22	135:23	148:7 249:20	announcing
230:7	63:23 171:20	agree 6:25 7:19	251:22	238:25
abnormality	actual 43:21	11:5,9,22	allowed 8:19	annual 50:8
228:25	76:8 92:3	12:19 32:22	185:23	136:7 227:4
aboard 25:10	93:19 106:24	53:1 57:25	allowing 100:24	answer 16:5
26:1,22 43:16	114:10,12	69:1 78:9,23	allows 245:19	20:8 29:6 31:3
45:24 46:3,17	201:15	101:4 119:12	ambiguous 25:6	32:25 33:7
47:16 48:1,10	addition 134:9	137:8 142:3	27:7 34:3,15	59:22 66:2
49:12 51:25	260:2	160:4,4 177:4	35:16 64:21	79:13 80:11,17
94:5 108:9,19	additional 8:21	181:24 182:5	66:1 67:4	80:19 99:13,15
184:14 192:9	54:12 72:5,24	183:23 213:7,8	78:15 84:3	99:18 101:11
196:22 200:2	73:15 102:21	213:9,13	109:8 122:25	102:12 105:21
200:23 215:7	102:22 116:5	222:25 223:13	151:6 170:20	117:16 143:1,4
234:2 240:23	159:22 238:1	233:6 246:20	189:3 192:1	144:18 147:18
absent 253:10	246:10,10	246:22 253:3	197:7 211:18	148:7 154:9
absolutely 90:24	255:10 256:25	agreeable 5:9	229:14 237:5	158:21 163:21
158:10,12	256:25	agreed 6:5 13:4	amended 13:14	164:1 167:17
239:12,19,25	additionally	86:5 257:14	258:14 263:16	173:3 174:24
248:5	100:15	agreeing 8:4	america 175:10	175:5 180:6
academy 217:13	additions	252:7 255:15	american	184:6,24
217:24	134:18	agreement 5:20	112:12 217:4,8	188:10 190:15
accept 9:1,7	address 7:23	5:21 6:4 11:12	217:13,24	191:1 203:16
acceptable	addressed 7:7	157:22 237:25	218:15 219:18	204:15,23
105:20	11:25	ahead 25:7 33:7	220:4,11,18,25	213:12 216:23
accident 112:19	addresses 55:3	40:6 53:8 58:6	222:3,13 223:8	224:23 225:23
113:2 114:25	adequate 8:15	59:22 77:5	223:21 224:1,6	226:4 242:7

243:16,18	apportion 64:23	117:24 118:7	147:25 148:3	240:10,17
247:21 249:25	appreciate	119:4,14 219:6	148:14,21	255:3,8,24
252:13,14,16	159:14	222:14,20	149:2,15 150:2	256:1 259:12
252:17,19	appropriate	arturo 2:22	150:16 152:21	259:15 264:5,7
253:12 254:5	12:1 51:17	262:7	155:16 161:1	asbestoscontai...
256:9	60:3 67:10	asandoval 2:23	163:4,15 164:5	24:8 83:17
answered 254:9	101:12 126:23	262:8	168:8 170:4,18	88:6,13 90:7
answering 186:8	127:7,9 178:2	asbestos 24:8	173:7,8 174:7	91:25 92:2,14
225:1	229:18	42:14,18 43:4	174:23 175:12	124:2 182:6
answers 17:12	approval 58:23	43:10 44:1,2,5	175:16,17	asbestosis 53:20
158:16 189:24	60:23	44:8,18 45:25	176:8 177:5,10	129:13 130:16
190:6 192:5	approve 61:8	46:3,6,12,16	177:13 178:3	130:20 131:2
193:14,17	approved 58:21	46:20 47:16	178:12,18	202:9,15 205:2
196:3 204:18	94:7 212:14	48:1,10,22	179:2,12 180:1	213:17 226:19
205:4 222:8	approximately	49:3,3,25 50:7	181:25 185:8	228:1,15 230:5
249:11	38:2 39:12,14	50:10,12 52:24	185:14 186:10	240:11
anticipated	40:18,20 41:5	53:19,19 55:4	186:18,20,21	asbestosrelated
102:4	41:6 42:2 82:9	55:16 56:16	187:3,11,18	77:24 78:25
anymore 164:24	82:10 153:16	57:1 68:17	188:18 189:8	79:4
250:11	153:25	71:3 72:1	190:5,5,12	aside 154:24
anyones 125:25	april 68:23,23	77:20 78:7,19	191:3 192:17	161:11 249:3
anyway 98:11	125:11	79:18 81:16	192:21 193:15	asked 8:23,25
apart 58:12	archibald 70:13	86:18 91:17	193:18 194:11	9:20 12:2
apologize 29:23	archives 140:5	92:4,10,23	201:14 202:3,9	17:22 55:21
72:10 117:10	140:21	93:22 94:5,12	202:25 203:5	64:5 73:3,15
144:21 162:24	area 28:22 41:11	94:16,23 95:14	203:12 205:1	74:24 90:25
174:19 176:24	49:15 54:21,22	95:20,25 96:13	206:8,16	91:20 103:9
221:14	79:8,10 109:24	96:19 112:12	207:10,16	111:8 130:13
appearances 4:7	147:17 148:5	116:9,15,25	210:7,13 211:3	134:11 136:3
appeared	148:25 150:20	117:18 118:3	211:15 212:21	137:12 139:22
116:24 222:3	176:16 201:12	119:4 124:6	213:1,2,15	144:13 163:1
260:19	214:22 233:10	125:16,22	214:16,18,20	163:11,13
appearing 4:9	areas 20:9 21:24	126:15,19	214:23 221:25	167:8,13,14
4:18	257:11	127:13 129:8	222:22 223:3	174:22 175:3
appears 107:15	arent 85:25	129:17,22	223:10 226:23	191:2 193:14
113:18,19	97:16 122:19	130:4,15	227:11,20	216:23 224:24
114:19 142:4	argue 13:10	131:21,22	228:5,9,14,21	243:20 247:24
142:16	arising 239:7	133:3 139:1,23	229:12 230:16	248:3,5,14
application	article 160:25	142:23 143:3,8	230:21 231:6,7	249:9 256:23
236:2,4	161:5 219:9,12	143:12,16,20	232:10 233:8	258:5
applications	222:3 223:7	143:25 144:5	233:14 234:11	asking 27:25
189:15,18	226:17 255:3,6	144:10,17	236:7,10,18	34:4,7 53:5
191:12	259:11,14	145:11,24	237:1,11,18,23	79:22,23
applied 183:19	264:5,7	146:2,15,17	238:7 239:15	102:21 103:10
apply 61:7	articles 116:17	147:3,4,8,22	239:20 240:1	113:18 121:8

122:5 135:11	atlantic 139:14	154:8,14,19	221:4 223:7	barge 196:22
148:3 158:1,20	attach 13:13,18	204:14,22	224:14 226:14	232:18 242:15
176:2 243:13	216:8 234:6	261:7 264:10	227:2,13	based 10:24
245:10,17,21	238:11 255:1,6	attorneys 32:20	228:11,16	17:12 29:18
245:23 246:10	attached 74:12	32:24 102:15	230:13,18	34:21,23 53:3
246:17 247:15	75:23 103:1,13	262:10	231:9 236:13	54:7,18,19,21
255:11	106:11 110:9	august 71:20	236:19,23	55:5,6,19,25
aspect 65:4	114:5 125:3	81:4,13	237:9,17	78:1 80:4
aspects 53:11	132:11 139:18	australia 41:24	239:16,24	87:20 97:15
58:15 64:7,9	140:23 141:6	authentic 6:11	240:7,20	120:8 147:4
92:9	161:1	authenticity 8:5	awareness 176:1	177:8,12
assemble 61:7	attachments	authority		178:23,24
assert 100:21	124:20	100:11	B	179:25 181:22
asserting 100:25	attempt 57:15	automatically	b 13:17,21	185:6 191:11
assigned 193:22	58:3 103:23	5:23	138:16 159:19	199:12 200:12
195:25 214:21	104:1 127:11	available 12:11	263:13	200:15 205:13
239:1	219:11 250:24	24:3 28:6 75:4	bachelors 36:19	224:7,12
assist 167:9	attempted 10:23	77:7 110:9	back 8:17 17:14	226:14
assistance 62:12	114:15	138:18,21	19:5 20:19,20	basically 219:3
62:13	attempting	190:19 210:18	20:22 28:22	219:17
associate 150:15	250:21	222:15 223:1	29:11,16 30:24	basis 18:14
associated 11:6	attend 36:14	224:7 225:15	36:9 39:8	34:10 40:12
24:9 55:13	168:22 171:10	225:17 226:11	40:25 52:13,14	50:9 187:10
64:18 130:15	attendance	avoid 46:16,20	52:16 53:15	bates 69:12
175:17	168:13,24	46:24 47:3	70:1 71:20	156:12,14
association	attended 128:14	48:6 214:20	77:17 81:11	batesstamp 70:3
135:22 148:1	128:19 129:7	aware 23:15	82:2 98:21,22	83:20 107:16
166:13,18	129:21 151:3	24:21 25:1,13	98:24 108:24	113:20 115:11
173:6 176:8	152:20 153:7	25:24 26:3	109:24 132:17	120:12 122:12
217:4,8,12,18	168:3,18 170:4	55:2 64:15	153:19,24	141:9 142:2
218:16,17	170:23,24	77:17 78:1,12	154:1,24 161:9	156:2,10
219:18 220:4	174:6 207:7	78:24 96:8	166:11 167:25	164:18 205:10
220:12,19,25	attending 4:6	134:5 135:12	177:15 183:6,9	212:2
222:4,14 223:9	170:17 201:22	136:13 142:14	185:23 189:12	batesstamped
223:21 224:1,6	202:15	143:11 144:15	196:9 201:20	6:10 28:10
224:18 225:11	attention 102:25	147:6,7,12	201:21 202:11	115:24 116:2
225:12,22	121:16 161:13	149:12,13	203:8,24 204:3	122:3 238:15
226:5,10,18	205:7 206:7	150:12 151:16	204:4,6 207:24	bath 139:15
227:25 228:5	211:23	160:19 161:17	209:14 215:6	bear 56:23
255:5,8	attorney 29:3,4	166:20 168:14	215:16 217:11	117:9 121:19
assume 9:2 16:4	29:6 32:12,21	168:25 169:15	229:15 253:9	142:19 214:19
44:17 97:16	33:6 79:8,21	169:17 170:15	background	221:13
120:8 171:25	80:14,25 90:23	172:11 176:12	27:18	becoming
assumes 224:21	99:13 100:22	201:17 207:18	bad 66:7	236:13
242:5	101:1,7 102:11	211:19 216:4	band 232:17	began 122:2

beginning 155:3 176:1 230:1	111:3 114:15 180:7 252:15	16:10,14,22 17:3,7,23 20:2	155:15 168:17 171:10 173:23	163:2,13 164:1 164:3,8,11
begins 3:18 153:20 155:4	252:20,21 better 167:25	22:23 25:15,20 26:4,7,12,22	174:23 177:23 178:17,25	165:11,25 167:4,4
behalf 3:9 4:3 4:10,11,13,21	beyond 93:9,17 123:1,2 188:8	27:10 29:1 30:23 33:10,13	179:10,14,17 179:24 180:11	booklet 112:19 112:20 113:2,3
4:23 9:1,7,24 12:8 15:3	221:12 247:2 biggest 63:2,8	33:14 34:1,11 34:18 35:2,8	180:18,23,24 181:2,15	114:4,25 140:20
16:13,21 17:2 32:1,18 40:13	63:11 binding 16:16	35:12,20 36:3 36:6 37:9,11	184:20 195:2,6 195:9,11	books 110:7 138:20 165:18
90:15 99:3,20 210:12	birth 14:7 bit 132:18	37:17 40:2,14 43:18 44:17	196:16 197:4 198:11,16,20	bookshelf 126:7 born 29:21,23
belabor 164:16 165:1	154:25 182:3 blanket 112:4	46:9,15 49:1 49:24 50:6,9	201:13,17 202:1,8,24	bosse 233:18 boston 36:17
belief 253:21 believe 29:18	blankets 93:20 123:19 192:17	53:25 56:7 61:5,11,24	203:4,12 204:25 207:9	132:20 bottom 34:24
65:9 66:6 75:6 83:6 97:21	192:21 193:2 193:14	62:4 63:16,18 63:20,24 64:11	207:14,17,19 207:21 210:1,6	64:8,13 69:13 86:20 121:24
105:24 106:19 106:21 113:14	block 93:20 94:4 94:16,21	64:17 65:2,5,9 65:14,18,19,22	210:10 212:11 213:22 218:9	131:6 142:20 163:1 165:21
116:19 117:8 118:18 129:10	123:18 184:9 184:25 189:25	67:1 68:11 70:21 72:18,22	219:6 220:2 221:10 222:18	169:22 boulevard 3:13
129:15 144:18 164:2 178:3,9	191:3,14,23 192:9	73:5,21 77:12 77:18,23 78:3	222:23 223:16 226:16 227:16	bound 164:8 165:11
179:1 184:13 196:21 205:25	blocks 233:3 blvd 2:17 262:2	78:5,20,24 79:16 80:22	228:7,20 229:9 230:14,25	bradford 1:17 3:21 5:2 14:3
217:18 221:12 224:2 241:2,6	board 49:2 92:16 93:15,25	82:6 84:13 87:2 88:14	231:5 233:24 234:13,19	153:15,23 257:22 260:13
believed 125:18 bends 196:11	108:1 116:16 116:24,25	90:9 91:3,6 99:4,21,24	237:3,12,21 239:18 240:15	260:17 261:1,5 263:5
197:22 benefits 36:1,2	118:4 124:2 198:17 199:4	101:20 102:9 113:15 114:5	255:23 257:21 261:16	brand 183:2,5 184:14
bernard 13:6 67:22 70:9	230:15,20 231:1 234:13	114:20 116:14 118:8 119:15	boats 13:21 24:15 26:10	brands 182:15 182:22 192:18
74:19 75:24 103:2 121:17	237:2,11 242:15	120:17 125:25 127:24 128:10	27:15 28:3 38:16 46:17	bratt 2:5 4:20,21 5:6,17 6:6 7:5
185:19 bernie 19:13	boards 116:21 117:19	132:25 133:10 133:16 134:13	57:11 63:2 64:19 162:5	7:20 8:7 9:6,9 10:11 11:5,11
198:22 215:19 215:21 242:13	boat 1:17 2:8 3:20 4:10,11	136:22 137:4 137:10 138:23	176:24 177:3 bob 19:14	12:2,14,20,24 13:5,12,25
best 11:2 15:14 28:24 63:2,8	4:14,15 6:16 6:22,23 7:2,15	144:3 145:11 146:21,22	boiler 184:3 bonus 34:20,21	18:16 20:13 22:11 27:21
63:14,16 65:15 65:20,22 66:6	7:17,18 9:25 13:16 14:12,17	147:24 148:8,9 151:1,13 152:5	book 115:1 137:19 138:5	29:7,15 34:5 51:1,18 52:8
77:4,6 104:10	14:20 15:4	153:14,22	138:25 139:5	60:2,24 62:24

64:3,10 69:19 70:5 79:9,12 79:22 80:18 81:2 84:5 90:24 98:3,10 98:15 99:14,17 100:2,13,24 101:9 102:13 102:17 103:22 104:4,11,21 105:2,15,21 110:1 111:8 113:6 114:3,11 117:13 122:8 122:14 145:2 145:21 146:14 153:11 157:3 158:6,11,13,23 159:4,8,12 160:9,14 163:23 165:7 169:11 170:12 188:12 190:10 192:2 202:20 203:22 225:2,6 229:4,20 237:7 238:14 241:15 242:23 243:2,5 243:8,13,22 244:15,20,25 245:4,9,17,21 247:14,19 248:5,24 249:4 249:11,18 250:10 251:5 251:13,18 252:7,16 253:11 254:4 254:21,25 255:15 256:4,8 256:12,22 257:7,19 258:1 258:4 261:14 263:7 264:10 break 20:22	52:9,16 98:4 98:24 99:5 101:15 152:18 153:11 154:1,5 203:23 204:6 204:10 breaking 98:8 202:18 breaks 99:5,9,22 100:20 101:7 101:14,14,16 101:23 102:23 245:14 breathing 194:18 214:21 214:23 breech 101:6 brief 15:15 briefly 36:8 216:16 bring 9:14 51:21 brings 40:20 41:6 broad 84:4 91:14 100:23 100:25 182:2 194:1 240:3,18 broke 95:8 204:24 brought 118:24 198:5,8 203:8 206:8 208:13 build 57:22 58:10 61:18 building 239:21 built 25:14 38:15 57:12,12 65:17 66:21 177:17 180:12 bulletin 116:16 116:21,23,25 118:4 bunch 24:12 burden 247:4 burns 19:20	72:8 business 6:14,16 7:10 8:6,11 14:15,19 31:8 31:9,12,24 33:20 36:25 41:13 65:5 66:14 104:14 124:21 157:15 159:8 C c 2:1,3,13 3:2 13:17 100:2,3 100:16,16 138:16 156:24 261:12,22 c23 115:16 116:1 212:7 ca 2:4,9,17,22 261:13,18 262:2,6 cake 9:15 calcium 232:15 calculations 243:3,17 california 1:4 3:11,14,25 4:5 6:12,17 258:11 call 192:5 244:11 251:13 252:5 called 14:21 46:13 68:16 125:16 126:7 143:11 147:3,9 147:25 175:16 233:11 238:3 calls 16:24 18:3 29:3 32:12 33:6 61:25 62:5 66:17 77:13 79:7,20 79:24 80:9,13 80:24 87:4	88:17,25 89:7 89:15 90:22 99:12 102:10 107:7,10 109:8 145:13 146:19 148:16,24 149:11,22 154:7 168:19 174:8 180:5 204:13,21 213:10 223:4 223:17 224:22 233:9 237:13 239:23 240:4 240:19,25 242:1,4 canada 144:17 145:12 146:18 147:5,14,20 cancer 46:7 49:20,25 50:15 52:6 53:20 152:21 153:1 170:5,18 173:6 173:8 174:7,13 176:9 202:25 203:1,2 205:2 206:11 213:24 214:5 215:2 216:12 222:1 223:3 226:19 226:24 227:11 227:21 228:1 228:10,15,22 229:12 230:12 230:16,21 240:11 255:8 259:15 264:7 cant 11:1 13:6 45:12 56:6 88:20 114:22 117:9 156:1,9 156:14 162:21 164:17,17,18 182:20 248:10	253:8,21 254:3 capability 61:10 capacity 17:2 40:8 146:25 173:18,19 cards 124:21,21 125:3 care 128:9 career 82:7 161:18,19,22 careful 73:12 carrier 155:6 carry 192:9 case 1:9 3:22 6:8 9:17 14:25 19:21,24 20:1 21:2 24:16 25:1 28:10 32:2 33:3 68:16 71:3,4 72:1,15 73:1,3 73:14 77:2 78:21 80:5 87:24 90:18 96:12,18 97:12 100:1 101:5 109:11 123:20 144:24 151:12 160:13 176:20 189:22 192:14 245:5 cases 68:17 71:19 72:1 78:25 79:4 81:16 101:3,3 102:19 131:18 catalog 121:21 catalogs 121:20 121:25 122:19 123:7 categories 25:2 51:14 83:2,3 146:1 147:1 208:21,25 239:8
--	---	--	--	--

category 22:1,5 22:17,19 24:4 24:6,7 42:9 53:16 54:17 55:1,12 56:14 56:25	certified 3:8 128:20 262:12 certify 261:4 262:9 cetera 12:17 54:13 94:22 116:18 127:5 129:4 182:5 200:20 246:11 chance 75:5 change 41:15 changed 41:17 128:4 changes 245:7 260:14 charge 68:10 chase 24:14 check 30:24 chemical 83:4 chemist 82:11 161:20,23 162:2,3 172:4 209:4 chemistry 227:19 chemists 209:12 chest 227:5 228:24 229:17 229:24 chief 9:17 82:5 161:15 162:4 172:4 173:15 173:22 232:4 choice 247:8 248:22 choose 244:10 chose 225:16 247:5 248:21 chosen 157:9 cite 100:12 cited 69:1 170:23 cites 219:22 city 131:21 civil 9:4 68:18	100:6 claim 78:18 131:1 claiming 78:6 claims 78:4 230:3 clarification 73:8 139:25 clarified 5:10 clarifies 141:2 155:10 217:7 222:8 clarify 12:21 18:5 19:24 25:8 38:6 42:21 46:22 58:7 67:5 69:20 75:14,15 123:17 210:8 227:22 clarity 45:3 116:21 117:7 class 26:16 30:22 39:19 41:22 92:6 177:25 178:25 179:11,15,17 201:22 classes 42:21 43:12 91:21 95:6,10,15,19 classified 188:5 188:6,11 191:20 193:5 clear 16:1 34:5 42:25 94:2 106:17 141:17 157:24,25 159:12 238:16 240:9 241:20 257:13 clearance 199:2 clearly 73:9 114:23 157:6 248:8	client 29:3 32:12 32:21 33:6 79:8,21 80:25 90:23 99:13 100:22 101:1,7 102:11 154:8 154:19 204:14 204:22 clients 250:14 clifton 100:13 clippings 116:17 118:7 clock 108:2 close 250:18 closed 159:9 cloth 93:20 94:4 94:21 123:18 193:19 cluttering 109:24 cml 81:17 code 243:12 245:8,19 247:1 252:1,3 256:17 cold 62:20 121:25 coleman 156:24 232:4 colleagues 210:16,20 collect 84:17 collected 60:19 96:12 collecting 147:19 collection 77:2 collectively 67:19 college 36:14 132:21 colloquial 57:17 colloquy 230:1 com 1:25 2:6,11 2:14,19,23 261:15,19,23	262:4,8 combination 53:10 come 9:17 29:5 33:25 34:10 157:22 161:9 182:18 187:14 201:21 219:25 comes 87:12 145:21,25 238:24 coming 8:24 15:25 196:22 253:9 commenced 15:16 99:2,22 104:16 commencement 101:17 commission 260:24 commissioned 30:9,16 committed 158:4 communicatio... 147:8 155:14 companies 61:23 92:5 company 14:21 16:17 21:15 25:15 31:16 32:1,18 33:22 34:23 35:5 36:2 50:9 56:8 57:13,21 58:9 58:13 61:3,16 65:15 66:13 67:7 69:9 143:11 146:17 147:9,10 148:21 151:2 171:5 207:20 209:15 210:11 211:12
---	--	--	--	---

comparison 65:24	concluded 251:20,22,25	263:23	187:10 190:13	controlled 59:14
compensation 78:4,18 155:11	258:4	connection 16:1	191:3 247:22	232:19
155:17	concludes 257:20	24:11 226:24	containing 110:8	controls 82:5
compiled 88:15	conclusion 16:24 79:21,25	227:10,20	contains 119:1,4	161:15 162:4
complaints 78:21	80:10,13 81:1	228:10,21	164:4	173:16,22
complete 8:12	168:20 180:5	consider 33:9,12	contemporaries 19:15 65:24	213:3,21
9:21 10:3 64:8	condition 11:13	63:1 212:25	content 41:17	conversation 33:1 199:6
220:7 235:23	213:17 229:18	considered 254:14	55:23,24 56:5	conversations 32:15
235:24 236:6	conditions 55:3	27:19 42:7	56:11 57:1	cool 60:17
completed 6:1	55:5 129:17	124:23 178:6	79:23 91:1	coordinated 77:3 91:3
30:8 199:15	conducted 13:24	200:8	95:20 99:19	126:22
256:15	91:11	consistently 37:20 135:6	119:14 181:20	copies 6:11 10:4
completely 180:22	confer 9:19	consisting 82:15	192:21	10:8 124:21
completes 257:25	51:20 100:8	consists 258:8	context 49:5	125:3,22 126:2
components 24:9 177:23	102:20 157:21	construct 65:2	50:2 56:1	126:9 129:3
196:18,19	175:10 254:20	constructed 25:14 27:11	61:12 62:8	135:1 162:15
composition 83:5	254:24 256:18	30:15 38:16	continually 14:18	166:18
compound 25:18 26:25	257:6,8,14	177:15 197:24	continue 52:17	copy 9:21 50:17
63:10 64:1,3	conference 152:20 153:6	200:13 237:2	56:22 141:1	103:12 111:23
67:4 170:19	168:3,18	constructing 57:24 65:10,15	216:17 219:2	121:6 130:23
190:9 197:7	169:23 170:3,3	237:12	246:16 250:8	137:18,24
198:13,21	170:16,17	construction 18:13 25:21	255:11	138:5,10 139:5
199:21 201:5	171:1,21 174:6	26:5,6,13,14	continued 86:6	139:17 141:8
229:14	207:7	26:23 27:1,3	122:3	141:23 156:20
computer 86:9	conferences 170:22 171:10	27:14 28:2	continues 131:12,20	160:25 172:5
86:13 88:3,15	171:16	30:2,8 39:19	135:25 164:2	172:10 176:10
89:12 90:11	confidentiality 6:4	59:6,10 65:12	175:13 213:14	176:13
159:7	configuration 60:10	66:5 177:19	continuing 219:16	corning 122:16
concentrations 213:15 232:16	confirm 69:24	178:15 181:13	contract 23:18	corp 148:3
233:1	confused 75:12	199:16 200:19	39:21,24	149:2
concern 43:12	confusing 199:24	201:9 237:19	contracted 64:11	corporate 11:20
206:9	connected 198:4	consumers 84:1	contracts 40:2	12:13 13:10
concerned 35:4	connecticut 1:19	contain 43:17	63:21 65:1	17:7
35:7,13,18	3:17 14:10	186:19	181:19	corporation 1:13,17 2:7,8
239:6	81:15 231:12	contained 6:24	contractual 23:16 40:12	3:20 4:1,12,12
conclude 258:2	231:22 238:17	20:9 47:16	control 79:3	4:15,16 6:15
	258:25 261:4	82:25 86:18	185:21 212:18	6:16 11:13
		92:4 93:22	239:2	12:9 13:16
		94:5,22 138:11		14:12,17,20,22
				15:4 16:8,10
				16:11,14,22

17:3,13,23	75:21 76:10,11	180:13 181:4,7	124:13	81:19 247:13
18:20 19:7	77:20 78:11	181:10,14	corrections	253:23
22:24 25:15,20	81:21 82:17,18	182:1,11	260:2,14	course 6:14 45:5
26:4 33:10,13	84:17,20 85:2	184:21 185:1	correctly 53:21	45:15 68:15
33:15 34:1	85:6 86:1,3,4,6	185:17,25	117:1 119:6	77:11 123:24
35:2 53:24,25	86:9,14,19	187:23 189:1	130:19 131:10	128:19 129:1,5
78:3 99:4	87:21,25 88:1	189:14,22	131:25 134:24	129:7 134:15
101:19,20	88:6,16 89:3,6	190:2 191:16	136:1,5 144:19	166:14 230:4
102:9 142:22	89:14,21,22,23	191:17 192:14	145:5 164:6	235:8
142:23 143:3,9	89:24 91:17,25	192:15,25	171:7 172:8	courses 37:1,6
143:12,16,20	93:7,10 95:17	193:1,3,6,7,11	173:13 175:19	42:18,22 43:1
143:25 144:6	96:6,7,9,21	193:12,24	176:6 184:11	43:3,8,9,21,23
144:10,16,17	97:2,7,13,14	194:5,8,9,12	196:6 197:25	43:25 44:11
145:11 146:16	97:17,24 98:25	194:16,19	206:12,21	45:10,10,10,14
147:4,8,23	105:11 107:3	195:4 197:1,2	213:5,18	47:5,6,10
148:9,14,22	107:14 109:6	197:4,10 198:6	214:25 218:5	91:21,23 95:12
149:15 150:2	111:3 117:5	198:12 199:10	218:12 226:7	128:13
152:8 153:14	120:9,10 121:3	199:11,17	232:6,20	court 1:4 3:11
153:22 257:22	124:3,4 125:16	200:14 203:20	correspondence	3:24 4:25 5:20
261:16,16	125:20 126:3,4	203:21 205:16	10:1	8:21 10:20
corporations	127:2,5,16,25	205:17,20	couldnt 55:22	11:25 13:18
17:7	128:5,10,11,16	207:4,16	122:20	81:15 100:6
correct 6:10	129:9,13,18,19	209:15 210:23	council 135:18	146:6,9 157:21
13:8,9 15:4,5,8	130:18 131:5	210:24 211:4,8	135:23,24	158:13 159:16
15:9,13 16:8,9	131:12,17	211:16 212:12	136:12,18,24	159:17,23
16:14,15 17:18	132:5,12	212:16,18,19	136:25 139:14	160:2,5,5,9,13
18:9 19:2,3,8	133:17 136:9	212:22 213:22	175:9	170:13 241:17
21:16,17,24	137:10,11	213:24,25	counsel 4:3,6	248:21 252:11
23:2,3,6 24:18	141:11,12,24	214:1,2,6,13	61:23 69:10	253:10 255:18
24:19 25:11,12	141:25 142:13	216:14 217:10	99:9,20,24,25	258:16 263:17
26:1,2,19,24	145:20 152:9	219:21 220:12	100:18 101:18	cover 110:13
28:12 31:4	152:10,14,15	220:13,22	101:22 145:22	114:23 197:22
35:9,14 45:19	156:4,13,17,18	222:10 224:1	149:23 154:5	coverage 155:18
46:25 47:1	160:21 161:16	225:12,16,19	157:3 158:23	coveralls 214:12
54:1,8,9,15	162:15,16	227:7,8 228:22	202:15 204:9	coworker 72:11
55:8 56:3,13	164:19,20,24	230:5,9,12,17	208:13 261:11	crane 2:16 4:23
58:10,16,18,21	165:4,12,13,15	230:22 231:2	262:9	262:1
59:1 61:11	165:16 167:10	231:13,24,25	count 231:7	created 6:13 7:1
65:2,7 67:15	167:22 168:10	233:25 234:3	counted 113:12	7:17 178:25
68:7,12,13,19	173:16,23,24	234:14,17	114:22	179:10,14
68:20,24 70:10	174:3,4,7,10	235:6,8 236:5	counting 104:16	194:15
70:11,15,17,22	175:24 176:4	236:11 237:24	234:11 245:14	creating 48:6
71:1,7,8,13,17	176:21,24	239:9,17	254:14	crew 48:12
72:12 73:17,22	177:6 178:13	242:17	countless 243:23	criteria 60:11
74:2,3,7,8	178:19 179:3	corrected	couple 21:4	err 1:22 262:14

cubic 139:24 232:11,16 233:2,15 current 23:9 41:21 currently 42:4 custodian 7:25 8:3 22:22 custody 79:3 customer 63:2,9 63:12,14,16 cut 24:14 69:20 113:17 196:3 cutting 197:20 199:4 232:17 233:3,17 cycles 60:15	115:4,10,16,17 115:23 116:1 120:5 124:20 141:2,3,15,16 142:3 156:24 172:17 174:1 205:15 211:25 212:1,7 231:23 235:4 258:18 258:20,23 259:2,5,7,9 263:18,20,21 263:23 264:1,3 264:4 dates 44:21 45:20 69:1 110:25 204:25 227:3 dating 8:17 david 1:8 day 165:8 243:10 247:3 249:17 251:21 254:18,22 256:16 257:25 260:18 262:12 days 5:25 13:19 244:16,25 247:25 249:22 249:24 250:6 daytoday 41:16 deadline 211:11 deal 5:24 43:1 44:12 59:18 110:7 123:13 146:5,8 183:18 206:7 241:24 dealing 19:15 43:9 deals 21:23 22:1 dealt 42:18,22 43:3,25 96:19 133:14 200:19 deanna 1:22 3:12 261:3	262:14 death 203:13 205:4 deceased 1:8,10 december 120:5 150:4,4 decide 9:12,14 102:18 decides 60:6 deciding 39:4 decisions 160:2 160:6 decline 9:2 declined 9:2 250:21,22,24 deemed 12:5 164:23 deems 159:23 defendant 4:23 13:15,20,21 15:4 22:23 35:9 77:19,23 78:5,25 101:19 101:20 defendants 1:13 defer 188:23 189:11,20 191:24 192:12 193:10 250:11 define 27:16 28:4 189:17 defined 92:21 128:3 129:11 178:21 182:13 defining 108:4 definitely 159:15 209:22 definition 57:15 58:3,4 198:14 definitions 182:12 degree 36:18 37:3 deletion 260:2 delivered 200:14	demolished 214:17 department 38:5,8 47:7 69:8 72:18,20 73:15,25 77:4 77:9 80:21 91:2,6 106:11 107:12 126:22 133:17,21 138:22 141:3 175:7 184:20 195:24 208:4,5 208:6 209:6 222:17,17 228:20 231:12 231:23 235:18 238:17 259:1 263:23 departments 207:25 208:18 208:19,22,24 deponent 5:2 260:17,19 depose 8:21 deposed 15:19 244:15 deposes 5:4 deposition 1:17 3:15,19 4:2 5:9 5:19 10:24 13:8,14,15 15:16 20:10 24:24 26:11 51:8 70:4,9 74:2,19,23 75:3,25 76:5,9 81:13,17,25 83:13 85:14 97:11 99:2,22 100:3,9,19 101:17 103:1,8 103:12,14 104:16 106:1 106:14 109:17	111:7,20 114:8 115:23 125:12 127:15 128:12 132:12,18 140:24 144:9 144:11 145:22 147:1 152:17 153:13,21 154:17 156:8 157:18 158:1 159:3,11 160:20 161:10 161:13 162:9 162:23,25 165:6 174:16 193:24 195:15 201:8 204:20 205:19 209:3 220:9 225:4 226:1 243:11 243:23 244:6,9 244:11,13,23 245:1,12,20,24 246:8,11,13 247:2,5 248:1 249:24 251:3 251:20,25 252:2,25 253:9 254:13,15,16 254:19 255:20 256:13,16,25 257:3,10,21,25 258:3,15 260:13 261:1,6 261:7,10 263:16 depositions 9:21 9:23 10:4,6,13 10:19 11:7 12:5 19:13,19 54:11 67:15 68:6,21 69:3,5 69:17 70:13,20 70:25 71:14 72:5,8,14,24
---	--	---	--	---

73:4,16,19	61:16,21 62:4	108:7 110:17	208:16	156:20 168:3
74:5,12 75:11	63:24 64:6,7,8	118:6 136:17	differently	227:4
81:3 103:18	64:9,13,17	138:11 144:2	192:7	discussion 86:16
104:22 152:9	66:3 92:8	145:17 151:18	difficult 201:15	117:22 175:8
157:8 167:20	177:23,25	166:24 207:15	dimarco 2:13,14	210:15
185:19 192:12	178:24 179:17	210:12 222:14	4:13,13 261:22	discussions 29:5
193:10 201:18	179:18 180:22	determined 8:25	261:23	99:19 102:22
201:19 203:7	180:25 181:5	34:25	direct 156:14	106:10
224:19 246:4	189:10 208:18	developing	181:19	disease 46:13
247:21 253:1	designate	175:15	direction 229:9	168:8
describe 83:4	235:19	development	250:20	diseases 42:19
184:4 185:8	designated 6:3	14:15 31:7,8,9	directly 40:9,11	53:11 130:14
197:14 231:21	15:3 138:17	31:13,25 33:20	130:13 181:20	137:15 138:3
described 9:10	designating	41:14 175:6,11	director 70:18	139:1
26:11 64:24	59:17	208:6,17	127:24 128:4	dispute 87:5
75:2 96:25	designation	develops 206:20	209:15,19	89:21 168:24
109:4 126:21	241:9	207:3	218:8 219:5,10	175:23 176:4
128:8 129:15	designations	diagram 103:3	220:2 221:9	178:11 185:4
137:14 165:14	12:16	105:5,25 106:6	223:2,15	193:21
193:24 194:14	designed 25:14	dicker 2:12	226:22 228:7	disputes 31:15
194:18 195:2,8	27:10 30:23	261:20	234:10	disputing
200:6 201:6	57:12 177:15	didnt 7:23 21:19	directory 208:11	168:17 194:23
215:19	178:7 180:11	51:21 73:24	208:14	dissolved 150:17
describes 107:24	180:19,21	79:12 85:18	dirty 237:21	distance 9:13
108:2 110:6,7	237:3	87:3 90:25	238:3,21	distinction
132:13 185:2	designee 1:17	97:1 122:11	disagree 10:15	109:2 183:14
194:13 198:23	designer 207:22	187:14 199:7	247:7 248:13	183:18
206:1 215:15	designing 59:12	200:24,25	248:15 249:14	distributed 51:4
228:24	63:19 65:23	207:25 208:7	disagreement	113:7 120:18
describing	66:9,15 67:1	215:11 224:16	248:20 249:16	distribution
130:10 209:10	67:11	234:19	discarded 11:7	224:3
209:11 242:13	designs 59:1	died 149:16	discounting	district 1:4,4
description	67:7 179:11,15	diesel 183:21	27:23	3:24,24 81:15
120:8 201:7	despite 131:1	difference	discovery 11:18	81:15 100:15
220:24 263:14	254:15	141:14	discuss 31:14	disturbed 48:19
design 25:21	destroyed 11:8	different 10:8	53:14 55:9	disturbing
26:5,13,15,16	76:19 79:19	21:24 42:4	120:13 142:22	46:16,20,24
26:17,24 27:4	80:7 97:24	58:11 61:15	discussed 11:3	47:3
27:5,14,18	119:19	66:4 70:3	32:5 46:5	dive 29:8 126:24
28:2 30:2	detail 5:16 23:15	73:20 74:6	80:23 106:5	division 4:10,14
38:10 40:10,25	179:18 194:21	86:17 91:21	117:18 130:14	6:23 7:2,18
44:22,24 45:1	detailed 56:10	120:23 121:20	131:2 203:6	26:8,8 38:3,5,8
45:2 57:23	56:11,12 127:5	146:1 176:16	211:24 241:2	82:6 127:25
58:10,14 59:7	details 28:1 33:8	186:25 191:7,9	discusses 119:3	146:22 148:8
59:10 61:4,8	determine 85:10	191:11 207:25	132:24 155:5	162:5 208:7

212:11 239:3 divisions 208:21 docks 232:18 doctor 53:12,13 128:21 142:21 219:24 doctors 210:21 document 6:24 22:2,4 23:8,9 23:12,20,25 91:3 105:10 107:21,24 108:25 111:24 112:9,22 113:21 114:9 114:14,19 115:5,25 124:14,19 134:12 139:18 140:7,10,15,19 140:25 141:23 142:1,4,10 153:6 157:2 160:7,17,23 171:25 178:10 205:7 210:3,14 214:9 231:16 231:22 233:12 233:18,24 235:4 238:18 239:4 259:1 260:21 263:23 documentation 19:20 97:21 112:25 150:1 150:25 155:14 252:24 documents 6:8 6:21 8:9,19 10:25 11:2,3 11:14,19 28:9 28:14,19 51:15 54:11 77:1,2 79:4,6,17 80:6 87:25 89:20	90:17 91:12 97:10 105:13 105:19,23 106:19 108:7 108:15,16 109:19 110:11 110:16,24 113:5,10 115:19 116:5 122:16 123:1,7 123:7,8,15 124:22,24 133:7,25 136:10 143:7 143:19,24 144:4 148:19 149:14,19 150:13 151:9 151:11 152:9 155:25 156:6,9 156:11,15 157:5,7,14 158:3,15,22,24 158:25 159:20 162:19 168:12 177:9 181:23 182:20,21,23 200:15,18,22 201:2 203:19 203:23 205:9 207:12 210:1,2 211:6 216:17 226:15 236:14 236:20 239:13 243:24 246:5 doesnt 29:5 61:9 79:9 81:2 248:16 253:19 doing 19:7 61:10 67:9 89:13 152:11 157:19 158:10 209:6 209:11 227:16 237:22 247:22 249:10 256:18	dont 5:15 10:7 10:17,19,20 11:9 12:7,9,10 12:11 15:21 23:1 29:7,12 33:8 34:3 35:10 44:4,7 44:21 45:12 46:4,11,14 47:4,11,14 48:21,24 50:14 50:16 51:15 52:8 54:4 56:12 62:9 63:3 64:21 66:24 68:5 69:14 70:2 74:10 76:20,22 76:24 77:25 78:8,16,21 80:2,12 81:18 81:22 83:16,19 83:22 84:21 85:5,7,21 87:22 88:20 89:4,10,25 91:18 94:11,18 94:20 96:15,24 97:3,6 98:1,13 103:4,17,17 104:5,6,12,12 104:13 105:16 111:16,20 112:6,10,17 113:8 114:7,10 114:13 115:2 119:20 120:25 122:10 123:4 123:10 124:22 139:20 140:14 156:16 159:6 162:7 163:7,9 163:23 164:16 164:25 167:23 173:18 174:11	174:14,15 182:17 183:3,8 187:22 192:24 193:3 200:17 201:16 203:14 207:11 209:10 210:18 216:15 216:19 224:24 231:15 234:15 243:17 244:21 245:6 247:8,19 249:12,22 250:1,2,5,17 door 247:16 doublecheck 208:8 doubt 88:23 89:2,6 145:7 dr 19:14 70:16 71:5 103:20 117:23 118:13 127:23 132:19 132:25 133:2,9 134:8 135:4,21 136:19 140:24 145:8 148:12 152:17 154:23 167:9 169:7,14 175:10 201:19 202:2 210:16 211:1 216:1,18 221:6 222:15 223:2,15,20 224:7,15 225:6 226:11,21 228:4,6,13,19 228:23 229:9 229:15,23 230:15 234:9 235:8 236:17 236:25 237:9 237:14,17 239:19 drafted 50:21 134:9,18	draw 58:14,19 58:25,25 59:4 59:5 205:6 drawings 60:20 61:8 drawn 106:6 dreessen 149:7 drive 2:21 262:6 duly 5:3 261:5 duncan 70:14 dunn 115:8,9 dust 48:6 57:1 147:12,19 175:18 194:15 194:18 213:2 213:15 214:20 214:21,23 230:25 231:10 232:11,15,16 233:2,14 234:11,20 239:9,15 240:22 241:25 dusting 120:3,4 duties 23:1 39:20,21 40:17 128:8 duty 33:21 138:13 151:22 dynamic 162:5 dynamics 2:7 4:11,12,15 6:15,23 7:3,8 7:15,18 9:24 13:20 14:21 26:8,9 68:17 70:21 71:3,19 71:25 72:21 78:20 81:16 82:6 99:21,25 101:19 127:24 136:23 138:23 142:22 144:3 144:16 145:10 146:23 147:24
---	---	--	--	---

148:4,9 149:3 150:10 151:1 151:13 155:16 161:16 173:23 212:11 261:16	eblund011331 141:10 eblund011344 231:16 eblund011354 205:10 eblund011426 234:24 edelman 2:12 261:20 edition 124:7 educated 62:15 education 54:21 54:22 208:5 edward 132:19 133:2 effects 228:9 efficiency 121:23 effort 138:19 140:9 eight 245:16 either 6:13,14 11:7 12:16 26:23 43:1,22 44:10 47:14 108:19 110:23 111:2 125:23 126:15,19 138:20 145:10 145:18 147:22 151:2,19 155:15 164:22 167:3 177:1 184:9,14,25 191:6,15 200:24 206:25 207:6 211:8 215:16 216:13 229:11 233:20 234:13 243:25 250:6 elbows 196:11 197:21 electric 1:17 2:8	3:20 4:10,11 4:14,15 6:15 6:22,23 7:2,15 7:17,18 9:25 13:15,21 14:12 14:17,20 15:4 16:10,13,21 17:3,7,23 20:2 22:23 25:15,20 26:4,7,12,22 27:10 29:1 30:23 33:10,13 33:14 34:1,11 34:18 35:1,8 35:12,19 36:3 36:6 37:9,11 37:17 40:2,14 43:18 44:17 46:8,15 49:1 49:24 50:6,9 53:25 56:7 61:5,11,24 62:4 63:1,16 63:18,20,24 64:11,16 65:1 65:5,9,14,18 65:19,22 67:1 68:11 70:21 72:18,22 73:5 73:21 77:12,18 77:23 78:3,5 78:20,24 79:16 80:22 82:6 84:13 87:2 88:14 90:8 91:3,6 99:4,21 99:24 101:20 102:9 113:15 114:5,20 116:14 118:8 119:15 120:17 125:25 127:24 128:9 132:25 133:10,16 134:13 136:22	137:4,10 138:23 144:3 145:11 146:21 146:22 147:24 148:8,9 151:1 151:13 152:5 153:14,22 155:15 162:5 168:17 171:10 173:23 174:23 177:23 178:17 178:25 179:10 179:14,17,24 180:11,17,23 180:24 181:2 181:15 184:20 195:2,5,9,11 196:16 197:4 198:11,16,20 201:13,16 202:1,8,24 203:4,12 204:25 207:8 207:14,17,19 207:21 210:1,6 210:10 212:11 213:22 218:9 219:5 220:2 221:9 222:17 222:23 223:16 226:16 227:16 228:7,20 229:9 230:14,25 231:5 233:24 234:12,19 237:3,12,21 239:18 240:14 255:23 257:21 261:16 elements 178:24 elimination 213:2 elser 2:12 261:20 elses 257:16	emergency 120:18 121:7 employed 14:16 27:9,20,20 91:7,8 151:2 151:12,19 240:22 262:9 employee 33:10 33:14 35:8 173:7 employees 51:4 78:19 112:20 113:2 115:1 128:9 147:23 163:3,14 176:10 195:3,6 196:16 197:4 198:11,20 213:22 229:11 employment 17:22 21:19 23:13,21 24:1 34:11 42:15 50:5 171:16 218:8 219:5,10 220:1 encompasses 123:11 ends 153:12 engage 11:17 engaging 210:16 210:19 engineer 37:24 38:1,4 44:23 44:24 45:2,6,8 92:8 189:10 engineering 36:19,20 38:10 40:10 41:1,1 41:20 60:14 208:18 213:3 engineers 58:24 england 131:19 entail 38:24 39:1 entailed 39:2
--	---	---	--	---

entire 5:19 140:8 220:16 225:11 233:19 entirely 53:6 61:21 entities 151:19 entitled 3:25 107:2 109:1,5 109:6 112:19 114:4,20,25 116:1 124:6 140:20 142:7 160:25 223:10 226:18 255:3,8 259:11,14 264:5,7 environmental 82:5 140:6,22 161:15 162:4 173:16,22 212:18 213:21 239:2 equipment 60:12,17 213:4 214:11,22 erase 185:23 erik 2:13,14 4:13 261:22,23 errata 260:1 especially 189:12 250:12 esq 2:5,10,13,18 2:22 261:14,18 261:22 262:3,7 essentially 183:17 estimate 249:2,5 256:19 et 1:13 3:25 4:1 12:16 54:13 94:22 116:17 127:5 129:4 182:5 200:20 246:11 eventually 58:20	evidence 89:20 168:23 173:9 178:10 180:1 224:11 260:20 evolved 185:22 exact 44:21 49:18 81:25 250:3 exactly 11:1 69:24 103:11 examination 13:24 261:8 263:7 examine 51:10 example 22:1 24:6,7 exceeded 62:22 exception 6:18 7:4,11,19 12:22 172:23 173:4 excuse 38:25 93:13 180:20 221:16 exhaust 214:10 exhibit 13:13,18 103:2 105:25 106:4,7,14,24 107:4,10,16 108:24 109:3,3 110:12,13 113:18,25 114:1,2,6,8,10 115:22,25 119:25 120:1 121:8,21 122:22 123:12 124:5,16 132:11 139:13 140:23 141:21 161:2 211:22 216:9 231:20 234:7 238:13 238:15,16,18 239:11,12	255:2 258:14 258:16,18,20 258:22,25 259:4,7,9,11 259:14 exhibits 1:2 10:12,18 11:6 74:7,9,11,20 75:1,10,22,22 75:23 76:4,8 102:25 103:13 104:1 106:18 106:20 110:10 111:19 114:12 115:14 122:9 122:22 157:7 264:10 exist 10:22 88:10 248:16 existence 97:4,7 97:16 132:15 134:11 164:24 215:9 existing 38:22 expand 117:15 expanded 20:4 134:14 expect 248:25 252:12 expected 60:12 experience 17:8 18:14 27:23 29:19 152:3 200:12 experienced 92:9 expert 213:11 233:11 expertise 181:9 181:12 233:10 expires 260:24 explain 39:25 41:19 62:16 248:24 249:1 expose 45:24	exposed 163:4 163:15 237:10 exposing 231:8 exposure 43:10 78:7 130:16 161:1 175:15 211:4 213:14 223:11 228:6 229:12 230:16 230:21 233:8 233:16 239:8 255:4 259:12 264:6 extended 247:2 extent 10:9 16:23 29:4 32:12,19,23 33:6 59:23 138:13 197:6 201:3 extra 237:23 256:18 eyewitnesses 189:13 F f 13:17 100:2,14 100:16 138:16 face 89:23 169:1 facility 49:1 fact 8:13 17:20 30:7 52:22 86:8 90:17 97:9 101:22,25 117:21 128:2 144:16 145:18 149:24 150:15 168:18 173:11 193:21 214:3 228:17 231:10 factor 212:25 facts 54:18,20 152:6 224:21 242:5 factual 18:20	failed 10:11,16 17:14 failure 55:25 failures 152:7 fair 16:4 27:3 30:1 70:5 72:9 94:23,24 114:24 179:24 194:24 250:23 fairly 124:7 fall 6:3 7:3,10,19 falls 146:3 familiar 23:14 101:5 families 131:15 131:23 family 36:3 far 43:21 144:14 146:7 148:3 152:6 174:24 189:19 191:22 192:8,16 fahrenheit 121:24 faulk 85:4,5 fault 75:20 fax 1:24 2:5,14 2:18,23 261:14 261:22 262:3,7 262:16 february 13:19 172:17 174:1 205:16 211:21 258:19 263:18 federal 6:11,17 9:3 100:5 244:19,22 feel 33:19 125:1 179:21 229:22 246:14 feelings 173:3 feels 59:24 feet 187:24 190:4 191:5 193:3 fell 30:22
--	---	--	--	--

felt 247:6	findings 133:14	239:13	150:3,21,24	126:5 134:18
female 85:5	finds 250:8	focus 108:11	151:4,14 242:5	134:23 146:10
females 131:18	fine 31:2 59:18	182:3 206:5,8	four 70:8 87:11	262:9,10
fiber 234:11	110:1 140:16	212:23	87:12,21	future 35:24
fibers 163:4,15	186:9 190:11	focused 211:3	106:21 107:1	
206:16 231:7	200:25 202:23	229:7	109:14 121:20	
field 137:13	252:5	focusing 180:9	202:22 249:21	G
fight 159:14	finish 244:8	212:6	fourpage 111:24	g 3:2
186:2	finished 57:24	foley 2:21 262:5	112:8	gaensler 132:19
figure 19:6	58:1	foleymansfield	frame 21:21	132:20 133:2,9
138:20 188:15	firm 262:16	2:23 262:8	31:17 119:16	gagnon 205:21
file 84:19 88:3	firmlly 257:2	follow 9:3	183:7 231:11	205:21 206:1
117:23 118:11	firms 236:22	102:14 154:10	francis 85:4	211:21
118:24,25	first 5:2 9:18	following 24:11	francisco 2:9	gained 31:19
119:3,8,10,13	11:15 17:1	184:23 214:19	261:18	42:3 129:14
144:3	22:6,17 31:22	239:8 261:4,10	frankly 247:19	173:21
filed 78:4,19	32:4 33:3 40:4	follows 5:4	fraud 11:17	gaskets 93:1
files 96:13 118:8	40:7,13 68:17	followup 102:21	free 125:1	gates 2:16 262:1
119:18 125:23	71:4,18 77:22	followups 116:4	freeway 1:23	gato 24:18 25:4
125:24,24,25	101:13 104:24	foot 139:24	262:15	26:1,5,6,19
258:8	110:12 114:16	232:11,16	friday 1:18 3:6	27:4 30:3,15
final 120:4	116:9 128:2	233:2,15	121:16 153:15	108:10,11,19
finally 94:9	137:14 161:23	foregoing	153:23 258:7	180:10,16
246:6	171:17 174:22	260:13	261:2	181:1,22
financial 11:13	175:13 183:13	foreseeable 57:2	front 82:2	184:15 192:12
33:21 35:5,11	201:13,17	forgive 38:7	109:19 113:14	194:5 199:14
financially	202:1,8,24	forgot 72:9	134:1 162:18	200:21 215:8
262:11	203:4,12 205:6	form 28:17	212:4	gee 28:20
find 10:24 11:3	205:14 212:6	171:25 206:11	fulfill 67:11	general 2:7 4:11
64:6 74:1	212:23,24	formal 167:20	fulfilled 60:8	4:12,14 6:15
106:20 110:4	230:24 235:13	former 4:10,14	fulfillment	6:23 7:2,8,14
113:9 114:25	235:14 236:10	7:2 13:7,10	60:10	7:18 9:24
117:9 118:17	246:19 251:24	26:8 146:22	full 8:12 132:24	13:20 14:21
122:6,7,20	254:14	148:8	221:22 243:10	19:25 20:3
124:14 125:4	fittings 196:4,12	forms 221:25	256:16	23:20 26:8,9
136:17 137:24	197:19	forth 59:16	function 40:23	33:2 39:20,22
140:11 141:12	five 5:25 40:18	forward 236:15	41:9,11 48:3,7	47:19,20 49:15
142:19 159:25	70:9 101:15	found 48:11,12	84:24 133:15	68:16 70:20
160:7,8 174:19	202:22	131:9 158:2	209:18 210:22	71:3,19,25
210:3 241:9,14	fiveminute 52:9	228:25 230:7	functions 39:23	72:21 78:20
243:18 248:3	fix 39:4	232:16 233:3	58:11	81:16 82:5
248:14,18	fleet 38:23,23	242:11	further 9:19	84:11 92:12
253:4,5,6,8,21	39:3 43:17	foundation	11:19 39:25	99:21,24,25
254:3	floor 2:9 261:17	148:16,24	41:19 42:20	101:19 121:8
finding 11:16	flynn 238:25	149:11,22,23	51:9 120:13	127:24 136:23
				138:23 142:21

144:3,16	gives 158:15	79:14 80:16	grab 216:19	118:5 119:22
145:10 146:22	giving 135:9	85:25 86:8	graduate 29:24	120:16 123:24
147:24 148:4,8	144:24 249:4	88:19,22 89:10	36:11,21 37:12	124:12 125:24
149:3 150:9	go 5:7,12,16	89:13 98:5,17	37:14 43:8	183:4 206:1
151:1,13	11:12 19:10	100:21 102:11	44:10 91:22	guy 68:10
155:16 161:15	20:13 24:7	102:14 103:23	graduated 30:5	162:10 174:5
162:5 169:11	25:7 30:24	105:19 108:23	gray 68:18 71:4	guys 60:2 66:15
169:17 173:22	33:7 40:6	109:22 111:15	72:1	66:20 98:4
199:18 206:1	43:16 51:15	132:2,17	great 183:18	159:25 216:5
208:19 212:11	53:8 58:6	140:17 145:2	206:7	245:25
212:24 219:3	59:22 60:15	146:7,10 151:7	greg 4:9 64:4	
220:1 261:16	77:5 109:24	154:10 157:12	242:25	H
generally 47:21	122:17 132:17	157:16 158:6	gregory 2:10	h 71:15 81:18
183:24	134:17 137:23	158:11 159:13	261:18	263:13
generated 57:2	144:14 150:11	160:12,14,15	grosse 2:11	h75327 68:19
gentleman 71:15	152:18,24,25	163:20 166:11	261:19	half 73:11 98:16
85:4	157:9 158:6	173:7 179:20	groton 1:19 3:16	238:23 243:17
gentlemen 19:14	168:21 171:16	186:1,7 188:10	group 82:14	245:15 246:24
getting 60:4	174:14 179:16	191:19 192:5	88:16 109:14	246:24 249:8
131:16,24	183:9,12	197:9 199:16	175:8 192:4	250:9
159:19 237:23	185:23 187:2	200:7,9 203:7	grouping 58:11	hall 100:13
give 4:7 14:2	190:11 195:14	203:25 204:14	122:20	hand 19:16
17:11 53:2	195:21 196:8	205:5 206:5	guarantee 11:1	81:12
85:19 112:2	197:8 202:21	210:8 214:8	249:5	handbook 124:6
114:17 118:15	203:23 205:5	216:10 220:9	guess 38:15	124:6
120:11 154:16	208:10 211:20	227:22 235:23	57:16 61:23	handle 60:2,18
154:19 158:24	214:8 216:8,11	235:24 240:6	84:1 168:7	62:14 251:8
158:25 164:18	217:6,16,18	241:10,13,15	173:10 176:19	handling 175:12
189:25 190:6	222:7 225:25	242:18 243:18	232:1 238:23	235:19
191:1 193:13	229:2,15 230:8	245:9,13,22	guidance 236:16	handwritten
193:17 204:19	232:8,25	246:9,16	239:19	114:5
224:16 247:12	237:16 241:8	247:20 249:6	guillotte 13:6,7	handy 187:16,22
252:13 253:8	241:16 244:6	249:19,20	19:13 67:22,23	happen 22:8
256:19	247:9 252:7	250:5,9,11	68:1 70:10	175:4
given 8:13 10:8	255:15 257:16	251:1,4,8,22	103:2,19 105:1	happened 10:19
47:13 50:12	goes 163:5,16	252:10 253:7	116:8 121:17	87:22 189:19
51:3 52:22	235:25	253:16 257:15	125:12,14	246:21 258:6
56:7 102:1	going 9:6 12:17	good 3:5 4:20,22	144:8,12 145:8	happy 35:19
106:18 135:7	13:5,9 17:21	14:1,3 66:7	169:16 184:18	hard 192:2
151:25 154:6	20:5,16 24:17	98:8,10 195:1	185:20 195:8	harmful 236:11
154:15 162:15	42:20 43:20	202:18 207:22	196:15 198:25	hasnt 158:4
165:3 167:8	45:23 52:10	214:12 229:22	215:21,21	244:2 248:11
199:3 204:19	56:22 58:7	government	241:2 253:23	hate 118:12
221:6 238:4	59:25 60:24	173:5 181:17	guillottes 74:19	havent 8:14
256:21 261:6,9	62:7 67:5	182:14	75:24 117:6	114:11 233:19

hazard 48:18,20 52:24 116:15 118:3 214:20	59:24 68:7 69:22 79:11 80:14,15 86:2 86:12 87:9,16 88:19,22 89:13 105:23 111:17 123:1,2 135:5 143:2 144:13 147:17 148:25 150:7,20 157:5 158:2,3,9,20 158:21 159:18 163:1,12,12 167:13 173:25 174:21 183:17 188:9 216:23 217:7 224:2 233:11 242:21 243:10,15,18 243:19 245:4 245:15 247:20 247:22 248:1,2 248:4,11,18 249:7,10 250:8 250:20 251:1,2 251:3 252:15 253:9,16,18,20 254:2,9	227:18 hires 61:10 hiring 227:16 historical 54:22 historically 23:4 92:4 history 17:15 211:12 hit 243:4 hits 246:13 holds 63:20 181:18 homework 253:8 hospital 168:4,9 hot 93:6,12 95:1 95:15 96:14,20 182:4,4 hotel 1:18 3:16 hour 15:17 98:12,16 243:17,25 244:7 246:8 249:8,12 hours 8:11 28:18 104:14 104:15 108:3 157:15 159:9 243:4,11 244:17,23 245:15,16 246:14,25 247:9 249:21 250:9 254:13 254:16 257:3 house 211:14 228:9 housekeeping 214:12 hugo 2:8 261:17 hugoparker 2:11 261:19 humans 42:19 43:5 203:13 hundreds 66:23	hunter 137:15 hurwitz 2:18,19 4:22,23 262:3 262:4 hygiene 44:12 150:3,23 151:4 151:14 166:4 166:13,18 167:16,21 222:4 227:19 231:6 232:10 233:13 236:22 239:14 241:24 hygienerelated 167:10 hygienist 52:25 232:5 235:11 235:17 236:16 238:13,19 239:1 259:5 264:1 hygienists 82:15 209:23	identify 4:19 48:12,17 59:24 95:20,23,25 108:16 156:1,9 164:17 182:20 182:22 252:24 identifying 21:11 ill 29:10,11,12 34:6 51:6 57:16 62:10 64:10 84:5 98:11 100:22 120:11 121:16 123:13 145:3 148:7 150:5 154:19 158:16 158:23 160:16 167:25 192:2 195:1 204:22 231:21 237:7 241:16 247:12 247:15 248:25 250:4 255:6 im 11:18 13:22 15:25 17:18 21:13 22:25 23:14,15 27:23 27:24 28:20 32:14 35:17 40:5 42:20 45:4,12,19 47:11 53:12 57:14 58:7 60:3,24 62:7 62:15 64:15 67:5 69:21,21 70:21 75:13 76:6 77:5 79:14,22,23 80:16 81:24 86:8 87:8 92:8 94:2 95:8 98:3 98:5 100:21 101:5 102:11
--	---	---	--	--

103:9,12,23	244:7,12,19	152:12 166:23	influence 113:8	inquired 146:10
105:19 107:9,9	245:9,9,17,21	167:2	inform 83:25	inquiry 20:9
109:15,22	245:22,22	independently	115:13 119:13	257:11
111:15,22	246:16 249:4	54:13 137:23	137:25	insert 189:18
112:5 113:16	249:20 250:5	138:9,21	information	inside 131:21
117:13,14	250:11 251:8	139:10	11:20 21:12	227:17
121:8,14 124:7	251:22 252:7	indicate 236:21	22:2,4 23:7,17	inspections
124:9,13,15	254:20 255:15	indicated 200:22	24:2 27:17	57:25
131:8 132:2,17	255:16 257:7	210:4	28:5,7 60:13	install 192:9
133:4 134:5	257:15	indicates 222:11	60:19 62:23	installation 57:3
135:11,12	immediately	223:22,24	75:3,4 77:7	189:17 191:23
136:13 140:17	37:16	224:2	80:5 82:25	195:8 196:22
141:5,14	implement	indicating	86:13 89:20	198:17 240:23
142:14,19	226:22	236:15 239:13	90:4,6 95:3	241:4
144:25 145:2	implied 173:6	indication	96:5 116:15,20	installed 46:17
146:7,12 147:6	implies 138:13	175:14 224:11	118:3 127:7,10	177:5,11,14
149:12 150:12	151:22	individual 1:9,9	138:11,17	183:20 185:15
151:7,16 152:4	important 48:16	16:8,20 47:9	143:15,18	186:20 188:1
156:19 160:14	79:3 212:25	47:12 70:13	145:25 146:4	188:25 189:8
160:19 162:23	in 188 121:21	108:2 156:12	147:2,3,22	190:1,14 191:6
163:20 166:20	inaccurate	178:1	185:18,22	191:15 192:17
168:14,25	256:22	individually 1:7	187:15 193:3	193:9 196:18
169:15,17	incidence	individuals 12:4	201:2 202:11	198:5,20 199:3
172:11 176:2	206:10	47:9 73:4	210:18 214:5	237:1,11
176:12 179:20	include 55:15	107:25 108:7	223:1 229:1	instigated
186:1,22 187:5	88:5 236:1	108:18 129:18	261:9	207:17
188:2,15	included 23:16	151:2 162:13	informed 85:16	institute 147:25
194:25 200:25	53:9 180:8	209:5 223:10	128:15	150:16 227:15
202:10,17	includes 239:9	industrial 44:12	informing 49:24	228:8,13
204:14,16	261:10	82:15 150:3,23	ingredients	229:10 231:5
206:5 207:18	including 22:3	151:3,14 166:4	187:9	instituted 207:9
209:2 210:8	82:16 124:19	166:12,18	inhalation 55:4	207:14 210:5
211:19 214:8	246:8	167:10,16,21	175:17	229:24 231:12
215:11 216:4	income 34:8	208:4,19	inhouse 69:9,11	instituting 211:2
216:10 220:10	incorporated	209:22 217:12	211:13 228:8	227:4
224:14 225:20	179:11	217:17 222:4	initial 205:13	instruct 80:16
227:2,13,14,22	incorrect 145:19	227:18 231:6	initially 5:17	101:10 102:12
228:1,11,16	increased	232:5,10	37:22 50:21	154:8 163:20
230:13,18	206:10 235:15	233:13 235:11	initiates 206:15	204:15,22
231:9 232:2	incubation	235:16,17	initiating 211:2	instructed
235:14,23,24	206:19,24	236:16,22	initiative 211:13	229:16
236:19,23	independent	238:12,19	injured 128:9	instructing
239:16,17,24	136:16 143:14	239:1,8,14	injuries 209:20	80:18 99:14,17
240:7,10,20	145:16 150:14	241:24 259:5	injury 78:6,19	253:11 254:4
242:18 243:13	151:17,23	264:1	inquire 144:25	256:8

instruction 48:11 154:11 182:14 204:17	insurance 147:10	177:24 180:24 181:2	114:4,20 128:8 167:21 171:9	kaylo 184:10 185:1 189:25
instructions 102:15 154:14	intact 223:23	involvement 18:8 26:4,13	209:18 226:21 227:12 258:1,2	190:13 191:15 232:14 233:3
insulating 93:21 94:17 123:18 193:15	intend 204:19	26:23 40:8 91:13	john 156:21	233:17
insulation 24:9 46:16,21 48:1 48:6 49:3	interest 1:7 143:8,20,25 145:10 146:2 218:11	irving 223:9 isnt 141:17 178:17 247:21	johnsmanville 111:25 121:22 122:19 123:6 123:13,14 124:1	keep 87:8 98:5 109:18 158:16 192:3 238:10 240:22 241:25 242:18 245:10 245:22 247:15 247:20
68:10 92:24 94:4,12,22 95:1,14 96:1 96:13,20 108:8 108:18 110:8 120:4,5 121:23 123:6 124:2 126:7,10,15,19 127:14 177:5 177:14 178:4 178:12 179:2 179:12 180:2 181:25 182:6 182:24 183:6 183:19,20 184:16,20,25 185:9,14 186:10,16,17 186:19 187:4,8 187:19,25 188:18,25 189:9,25 190:13 192:9 194:11,15 195:3,10,24 196:16,19,24 197:23 198:3,7 198:19 199:2,4 199:8 206:4 227:6 232:18 234:12 240:23 241:4 255:24	interested 262:11	isolated 62:19 issue 12:10,12 24:16 157:20 176:19 192:11 issued 8:7 141:23 234:5 issues 7:21 128:15 133:3 144:24 itar 59:13,18 185:11,16,18 186:6 188:8 itarprotected 188:7 itarrelated 5:24 items 116:24 ive 10:2,5 49:11 53:12 59:14 68:25 72:6 91:20 97:13 134:13 135:22 246:2 248:10 250:2 256:10	johnstone 138:3 joined 50:6 195:23 218:15 224:18 225:22 226:6 joseph 232:2 journal 218:7 219:18,19 220:3,5,11,25 222:4,13,21 223:8,25 224:5 224:8,10,17 225:10 226:9 226:17 227:25 228:4 255:4,7 journals 166:13 166:19,25 219:17,25 jr 156:24 judge 51:20 102:18 188:14 246:2,16 248:24 juicy 174:21 july 156:24 jump 28:21 98:11 118:12 174:20 jumping 208:3 220:8 june 8:17 150:17 168:9 208:11	kind 87:9 149:24 175:11 187:3,3 195:22 203:1 244:19 klgates 2:19 262:4 knew 17:14 53:19 129:16 204:25 236:25 237:14 know 10:19,20 12:9,10 16:2 20:13 21:19 28:23 30:7,11 30:21 32:15 34:25 47:21 50:20 64:21,23 66:22,24 68:5 69:21 76:17,20 76:22,24,25 77:15,16,22,25 78:8,16,21 79:5,16,25 80:2,2,12 84:21 85:5 87:18,19,22,23 88:20 89:4,5 89:10 92:22 94:11,19,20 97:3,6 98:1,4 103:4 104:4,6 104:12 105:15
insulator 188:20 insulators 237:9	invoices 110:8 invoked 190:17 190:25 192:23 involved 18:1,22 31:16 127:1 144:15 171:18	job 32:6 39:9 40:23,24 41:8 41:9 84:16,22 84:23 113:15	K k 2:16 262:1	

109:25 112:6 113:1 114:2,7 114:10,13 115:5 119:18 119:20 122:9 122:14,18 126:14,18 132:14,16 139:20 140:9 140:14 141:8 144:8 151:25 159:7,14 162:7 164:25 169:13 173:18 177:10 177:13 182:17 186:3 187:12 192:4,18,20 199:12 201:16 201:17 203:14 205:18 206:25 207:6,11 208:3 212:3 215:22 215:24,25 216:1,2,3,5,7 223:6,19 230:23 234:15 234:25 237:15 240:8 247:20 247:25 248:6 249:13 250:1,5 250:17 253:19 knowing 178:14 knowledge 8:4 17:7,9 18:8 19:2 23:9 47:19,20 53:10 53:18 54:5 55:7 56:25 62:10 77:6 91:2 111:4 127:3 129:14 143:15 145:23 146:21 147:19 148:10 177:18 177:21 180:6,7	201:9,20 203:8 207:14 knowledgeable 16:21 known 138:17 201:14 202:3 205:14 206:14 213:17 230:24 236:2,4 L 12:16 68:18 71:4 72:1 232:4 238:25 239:13 261:8 262:1,14 lab 82:20 162:11 labor 175:7 laboratories 148:20 lack 244:5 lacking 163:19 lacks 97:19 148:16,24 149:10,21 150:21 242:5 lafayette 24:18 25:3,10,13,22 26:7,18 27:4 30:3,8 108:10 108:11,19 180:10,16,25 181:22 182:25 184:15 192:11 194:5 199:13 200:5,10,21 201:6 215:8 234:3 ladders 198:16 227:7 228:25 229:16 237:10 237:22 238:5 lagging 47:21,22 48:1 49:11,13 49:14,16 68:11 86:22 87:10,16	92:25 93:2 94:4,21 123:19 133:16 189:18 196:16,20 lakeside 2:21 262:6 language 10:16 lanza 148:12 large 158:3 207:19 208:21 lasted 15:17 lasting 121:23 late 8:10,14 30:17 113:10 115:20 184:7 243:25 246:8 latitude 144:25 154:20 laundry 238:2 lavalette 172:18 law 6:17 101:5 lawsuit 29:1 77:19 lawsuits 31:15 35:9,13 78:3 lawyer 100:7 lawyers 85:16 96:17 152:1,13 164:23 165:3 177:10,12 181:24 185:7 192:13 193:11 200:16 210:1 211:7 222:23 226:16 234:19 256:5,6 lead 236:1 learn 17:13 21:20 22:18 23:22 27:14 95:4 96:4 147:2 201:14 202:9,24 203:5 203:12 229:17 learned 68:9	70:24 116:9 129:8,12 149:18 152:21 170:4,18 174:6 202:2,14 230:4 236:10 leave 102:17 201:11 245:25 252:11 led 47:5,6,9 lee 26:17,19 27:2 27:5 30:4,21 30:22 177:17 177:20,22 178:13,16 179:19,21 180:3 left 41:21 212:10 248:9,19 256:2 256:5,6 257:15 legal 1:9 3:8,9 16:24 57:15 58:3,4 69:8,9 72:18,20 73:15 73:25 77:4,9 79:21,25 80:10 80:13,14,21,25 91:2,6 126:22 138:22 168:20 180:5 233:7 258:10 legally 246:15 legend 214:20 length 114:21 letter 7:5,6,13 124:20 125:2 141:2 156:21 156:23 172:16 173:25 176:7 176:11 232:24 234:5,6 level 57:1 60:7 61:6 levels 241:25 liability 155:6	155:17 liable 159:25 liar 89:25 liberty 155:6,15 library 137:4,9 137:14 lie 169:5,14 life 38:13 147:9 147:13 148:13 149:8 169:10 limit 139:23 140:4,20 141:13 142:7 232:10,14 233:7,14,16 limited 18:2 53:6 142:23 143:3,9,12,16 143:21,25 144:6,10,17 145:11 146:16 147:4,9,23 148:4,14,22 149:2,15 limiteds 150:2 limits 213:3 line 34:24 85:22 86:22 118:23 120:25 130:17 137:6 152:23 155:3 161:4 163:16,20 174:21 175:3 184:1 199:3 216:22 217:6 217:22 218:2,2 218:14 220:10 225:9 226:3,4 255:2 260:2 264:13 linear 187:24,25 190:4 191:5 193:2 lines 93:12 131:4 144:14
---	--	---	--	--

195:21	longer 246:17	14:25 19:19	228:6,13,19	management
linkage 202:14	247:17,20	24:22,23 25:9	229:23 230:15	39:21,24
liquid 1:12 4:1	250:15	26:11,21	234:9 235:8	185:21
list 5:7 24:20	look 19:5 75:5,8	193:22 194:4	236:17,25	manager 14:14
51:6 112:8	85:19 90:11	199:18,20	237:9,14,17	31:6,11,24
182:19 224:3	101:2 102:19	200:1,23 215:7	239:19 253:24	33:19 41:1
listed 25:3 236:7	105:13 106:12	234:2 244:15	macdougalls	42:9 45:2,6
listen 75:19	110:23 111:19	244:18	118:13 136:19	212:17 213:20
111:15 122:8	111:20 113:4	lunds 25:25 72:8	140:24 216:18	managers 41:20
lists 24:12 60:22	119:10 125:1	72:10 245:1	228:23 229:9	manner 10:6
141:23	134:10 135:13	lung 53:20	229:15	69:25 235:20
literally 155:2	140:9,15 232:3	129:17 173:6,8	machine 208:15	246:3,5 247:6
literature 55:2	235:22 243:21	203:2 206:11	madam 158:13	mansfield 2:21
litigation 1:23	looked 19:20	206:17 210:22	160:9 170:13	262:5
3:12 77:24	124:21 243:24	226:19 255:9	241:17	manual 50:6,11
80:8 86:6	looking 28:18	259:15 264:7	magazine	51:2,3,22
261:8 262:14	32:14 69:22,22	luxenberg 2:3	125:15,16,23	115:16 116:1
264:10	83:11 107:9	4:4 261:12	126:10,15,16	133:20,25
little 39:25	110:16 113:13	M	126:19,20	134:9,19 135:6
126:24 132:17	113:16 122:6	m 3:3,7 20:17,18	127:13,14	155:5 212:12
134:17 154:20	123:2,2 140:13	20:19,21 52:11	main 2:9 219:17	215:9,10
154:25 182:3	157:5 167:19	52:12,13,15	219:20 220:3	238:14 258:22
186:14 206:14	170:16 190:17	81:10,11 98:18	261:17	263:21
217:16 238:11	242:18,22	98:19,21,23	maine 139:15	manuals 115:19
live 8:24 9:14	243:15,19	153:17,18,19	maintain 6:18	134:2,3,12
14:9,10	247:20 249:7,7	153:25 204:1,2	51:6	135:2,3 211:24
llp 2:8,16 261:17	250:6	204:3,5 258:12	maintained 6:14	manufacture
262:1	looks 87:20	258:13	7:1,8 23:2,5	181:13 196:17
local 214:9	251:2	macdougall	79:19 80:7	197:6,21,23
locally 4:6	los 2:4,17 3:14	19:14 70:14,16	84:19 117:24	manufactured
locate 10:3,13	4:5 261:13	71:5 103:20	118:7 137:9	92:5 180:12,17
108:25 110:17	262:2	117:23 127:22	maintaining	181:16 196:4
115:14 120:7	losing 98:3	127:23 132:25	77:10 118:11	198:2,11,14
133:24 134:2	lost 11:7 76:21	134:8 135:4,21	maintains 137:5	199:15 240:16
142:7	97:24	145:8 152:17	165:18	manufacturer
located 9:20	lot 73:20 74:6	154:23 167:9	maintenance	83:14 207:22
location 214:16	91:20 123:1	169:7,14	57:3 79:2	manufacturers
lodged 206:17	237:10	201:19 202:2	majority 34:9	83:25 84:7
logbook 165:15	lower 217:16	210:16 211:1	64:17,22,24	90:7 95:23
londons 131:23	loyal 33:10	216:1 221:6	making 79:5,17	96:19
long 14:16 86:5	lsr 1:22	222:15 223:2	146:12 183:14	manufacturing
98:14 134:11	lunch 98:9,12,20	223:15,20	183:17	189:17
196:10 206:19	99:5 101:15	224:7,15 225:6	male 131:9	march 1:18 3:6
207:2 213:15	lund 1:6,8,8,9	226:11,21	malice 11:16	13:7 68:21,22
247:10	1:10 3:25		managed 82:14	68:22,22 103:1

104:24 109:18	191:10 206:9	153:13,21	151:3	131:8,16,24
119:22 120:16	materials 5:24	medical 42:21	membership	149:17 175:16
121:17 144:9	50:10 88:13	42:22 53:11	150:3 216:24	203:5 205:3,13
144:12 153:15	90:8 91:25	55:1,3 70:18	223:22 224:8	206:11,15,20
153:23 183:13	92:14,18,20	127:23 128:4	memo 115:7,9	207:2,10,15
195:14,17	110:8 123:18	132:21 133:20	125:4 205:15	210:7,13 211:4
238:24 258:7	178:20 179:7	133:21 134:2,3	207:3,8 211:21	211:15 214:1,6
259:10 260:13	184:5 213:1	134:9,12,19	216:9,11 238:8	215:4 216:13
261:2 262:12	214:10,17,18	135:2,5 137:4	238:9,20,24	240:11
264:4	235:16,18,21	137:9 155:5	memoranda	mesothelium
mark 2:5 4:21	235:25 236:3,5	209:15,18	129:4 130:2	206:18
22:10 34:4	math 233:15	217:4,8,12,17	memorandum	met 68:2 148:12
59:23 69:23	matter 11:21	218:8,16 219:5	115:4 153:5	247:3 252:1
105:12 109:22	19:16 176:21	219:10,18	258:18,20	methods 192:8
141:21 170:12	211:1	220:2,4,12,19	259:7,9 263:18	193:8 235:19
188:9,12	matters 5:11	220:25 221:9	263:20 264:3,4	240:21 241:21
202:17 211:20	19:2 53:3	222:13,17	memorandums	241:23
239:11,12	100:19 102:7	223:2,9,15,21	128:25	metropolitan
241:16,18	167:10	224:1,6,18	memorize 248:2	147:9,13 149:8
242:20,25	mbratt 2:6	225:10,12,22	memory 83:1	mid 30:10 215:7
256:10 261:14	261:15	226:5,10,18,22	118:10 124:24	252:22,23
marked 5:25	mcbreen 125:18	227:25 228:5,7	158:5 190:16	middle 144:13
10:18 74:21	mcbreens	234:9 255:5,7	194:20 214:3	167:13 232:9
75:23 76:4,8	125:24	medicalrelated	250:4	midway 121:1
106:18 207:4	mccann 156:21	216:25	mention 50:15	196:11
258:15,17,19	mean 35:17 38:5	medicine 128:21	213:24 214:1	migrate 206:16
258:21,24	43:14 54:10,19	129:1 217:13	215:2,4 216:12	mil 61:7 66:4
259:3,6,8,10	57:20 62:17	217:24 219:19	mentioned 50:8	92:21 94:1,7
259:13,16	64:21 93:2	220:5	50:12 52:5	178:7,21,23
264:12	99:24 165:5	meet 9:18 51:20	53:12 67:14	179:8,9 186:25
marking 264:10	191:8 199:23	62:21 102:19	71:10 72:6,7	187:2,13,21
markings 207:5	208:2,13	142:21 157:21	73:22 87:25	189:16 190:17
marriott 1:18	209:17 215:11	254:19,24	116:13 144:9	190:24 192:22
3:16	243:6 253:17	256:17 257:6,8	195:4 217:11	mile 3:10 258:10
masks 255:25,25	meaning 41:12	257:14	221:24 256:24	miles 187:25
masters 37:4	means 17:11	meeting 136:7	mentioning	191:5
match 104:2	164:22 244:7	139:14 202:15	82:21	million 139:24
105:14	measures 48:5	meets 243:12	mentions 217:3	232:11 233:2
material 28:7	214:12	member 136:23	mercury 236:1	233:14
43:17 47:13	mechanical	150:8,16	merely 18:18	mind 17:5 218:9
49:23 60:16,20	36:19,20	151:14,20	186:7 188:15	237:8
60:22 82:17,23	mechanism	217:7,19	mesothelioma	mine 146:2,17
83:23 92:2	206:15 207:15	220:18 223:20	46:13 49:20	147:3
94:6 175:6	210:13	225:11	50:1,15 52:6	mines 147:13,20
177:19 182:25	media 3:18	members 147:24	53:21 131:4,7	148:14 149:9

minimum 88:15	motions 160:3	136:12,18,23	never 73:14 86:2	20:10 21:5,8
mining 148:1	mount 168:4,8	136:24	95:2 167:20	21:10,23 22:8
mink 112:4	move 7:22 18:16	nature 195:24	189:5,8 256:23	22:16 25:3
minus 121:24	24:4 27:21	naval 65:10	new 2:13 128:21	32:2 53:15
minute 101:15	60:24 62:24	navy 40:3,9,11	131:22 168:4,9	97:12 118:23
157:13	109:23 111:16	40:14 48:12	175:15 235:21	145:22 146:12
minutes 247:13	119:21 123:13	57:22 58:17,19	236:2,4 261:21	147:1 258:14
247:23 254:17	179:21,23	58:22 59:11	newport 177:17	263:16
misplaced 11:8	201:12 225:2	60:6,22 61:1,2	178:15,20	noticed 74:4
misquote 202:6	229:4,20,25	61:8,9,18,21	news 177:18	notify 230:8
missing 9:25	248:21	62:3,12 63:1,6	178:15,20	noting 158:14
10:9 42:11	moved 41:11,23	63:8,11,14,17	newspaper	nottingham
misstated	moving 102:24	63:18,21,25	116:17 118:6	131:18
242:12	109:18 127:21	64:12,16,25	119:5	november 71:5
misstates 179:4	154:22 155:1	65:6,24 66:10	night 113:11	71:6,24 118:14
179:13 180:14	msds 82:16,20	66:15,21 67:8	115:20 120:9	127:21 130:9
202:4	82:22 83:9	67:12 131:22	124:25 134:1	141:3,24
mistake 75:17	84:6 85:9,16	141:3 181:3,18	157:16 245:13	154:23 155:1
mitered 197:20	85:24 86:17	181:18	nine 114:21	161:13 162:24
moment 85:19	88:2,5,7,11,13	navys 62:22	245:15 246:24	166:14 216:18
112:2 118:15	90:8 96:9,11	necessarily 64:7	246:24 250:9	216:19 220:8
119:23 253:22	96:18,24	necessary	ninepage 114:4	221:17 225:4
254:3	162:11,14	159:20 247:6	non 7:14	226:1 231:23
money 33:24	muddies 157:10	249:23	nonnuclear	233:25 235:5
34:9 63:5,15	muddy 157:4	need 5:15 51:15	183:15	259:2,6 263:23
63:17 64:12,16	multiple 8:18	80:6 81:22	nonresponsive	264:1
64:25 237:21	44:20 45:14,16	98:4,13 101:2	18:17 27:22	nuclear 58:15
237:23 238:3	47:9 199:22,22	109:24 111:20	60:25 62:25	183:15,19
238:21	multiplieday	120:14 125:1	225:3 229:5,21	208:17
monica 2:17	45:9	163:23 190:16	normal 247:3	number 3:18,22
262:2	mutual 155:6,15	190:24 241:8	normally 196:12	66:22 68:25
monitoring	mystic 1:18 3:16	245:10 246:15	north 1:19 3:16	70:3 82:16
86:21 87:10,15		249:3 250:13	notary 5:4	83:20 91:7
165:15 174:23		250:16 251:9	260:19,23	107:12 108:3
175:4		251:18 256:20	261:3	114:6,16
month 218:5	N	needed 21:11,20	note 114:5 157:3	122:13 141:9
months 21:4	n 1:23 2:1 3:2	22:18 235:17	158:17,19	152:23 153:13
216:12 224:25	262:15 263:1	needs 67:11	160:10,14	153:21 156:2
246:6,7	name 14:2,3	neighborhood	noted 260:14	176:18 181:19
morning 3:5	68:17 71:15	30:12,14	notes 117:14	205:10 207:24
4:20,22 14:1,3	212:15 238:4	neither 262:9	128:24 129:4	212:7 231:7
15:16	260:21	neoplasia 161:1	130:2,23 131:3	numbered
moskowitz 2:12	named 35:9	223:11 228:6	131:8 132:3,7	144:14
261:20	70:13 78:25	255:4 259:12	132:9,14 153:5	numbers 121:1
motion 9:10,16	names 73:20	264:6	notice 13:14	142:2 156:10
	national 135:18			
	135:22,24			

156:13,15 231:17 numerous 69:2 78:13 ny 2:13 261:21 nyu 128:21 129:1 201:22 230:4 235:8	80:9,24 88:17 88:25 89:7,15 90:22 91:14 97:18,25 99:12 102:10 107:7 144:23 145:13 146:13,19 149:10,21 151:5,21 154:7 154:18 168:19 169:8 170:19 174:8 179:4,13 180:4,14 191:25 198:21 202:4 204:13 204:21 211:17 213:10 223:4 223:17 224:21 229:13 232:23 233:9 239:22 240:3,18,25 242:1,4,21 objections 6:19 12:15 29:13 51:14,16,18,19 145:1 146:12 163:19,22,24 240:9 obligation 247:9 obligations 23:17 80:14 185:24 obtain 37:3 43:24 138:10 139:9 143:15 166:24 167:3 obtained 6:13 116:5 119:15 144:4 obviously 18:11 34:17 55:14 56:2 81:22 199:9 222:9 244:16 246:1 occasion 198:25	occasions 44:20 44:25 78:13 occupation 137:15 occupational 128:20 129:1 137:13 138:3 209:19 217:13 217:24 219:19 220:5 occur 44:19,19 45:5 94:9 occurred 18:6 18:19 30:4 44:20,22 78:10 78:13 102:22 152:4,7 230:3 231:11 234:11 246:4,5,21 occurrence 45:17 occurrences 45:17 occurring 117:5 october 124:20 125:2 offer 250:21,22 offered 147:17 148:6 149:1 150:7,7,21 250:19 256:17 office 39:19 137:5 officer 261:5,10 officially 8:2 offkilter 187:6 oh 158:11 243:2 256:8 okay 6:6 9:9 11:11 12:20 13:12 14:24 17:1 20:5 22:14,22 23:24 24:4,14,25 25:24 26:18	27:9 30:1 31:2 31:5,22 33:2,9 34:17 35:1,22 36:8 37:11 38:19 41:25 42:8,13 43:7 43:20 45:9,23 49:13 51:24 52:22 54:16 55:9,12 56:14 58:9,24 59:11 59:20 60:5 62:3 63:11 67:13,20 68:6 69:12 72:4,13 72:23 73:7,11 80:3 81:8,20 83:23 84:5 85:8 88:22 93:5,8 94:25 97:1 98:15 101:9 102:13 102:17 104:18 104:24 105:10 105:18 106:4,9 108:23 109:15 109:21 110:3,6 111:22 112:11 112:18 113:17 114:24 115:3 115:13,22 116:13 117:3 117:21 118:2 118:17,21 119:18,21,25 120:11,15 121:14,19 123:11,23 124:5,17 127:21 129:20 130:13 132:14 132:17 133:19 135:13,17 140:3,17 142:10 145:21	152:16 153:4 154:22 155:9 158:6 159:12 162:2,10,22 165:1,10 167:19,24 168:12,17 169:19 170:2 170:25 172:14 173:2 174:5,14 174:20 176:7 176:15 180:19 181:3 183:12 183:17,25 187:5,17 189:24 190:11 191:22 193:21 195:1,7 196:14 198:2,10,17,24 200:5 202:8 203:4,11 204:16,24 206:3 207:1,3 208:10 209:14 212:6 213:14 215:12 216:8 216:16 217:16 220:8 221:12 222:12 225:7 225:25 230:3 237:7 240:14 243:5 257:8,19 old 14:5,6 30:13 older 30:18 once 206:17 256:24 257:3 oneday 45:10 244:22 245:20 247:1 ones 24:20,21,25 58:25 67:18,20 70:2 74:21 83:24 84:6 86:18 92:23 103:19,21,21
---	---	--	---	---

170:23 219:20 234:16 onward 49:7 50:4 70:19 open 256:24 operating 133:21 operation 87:11 232:17 opinion 35:21 213:11 opportunity 8:13,15,21 99:8 101:18 154:4 158:4 193:23 221:8 229:17 244:2 opposite 145:18 oppression 11:17 options 35:22,24 oral 228:19 261:6 orally 229:11 230:19 order 5:20,21 13:19 59:16 103:19,20 108:3 238:10 253:10 258:16 263:17 orders 110:14 110:24 111:6 111:11,13,14 112:12 182:24 ordinary 6:13 57:2 organization 63:4 136:25 138:18 151:20 organizations 216:25 organized 98:11 original 258:9 osha 120:18	121:2,7 outcome 262:11 outer 206:16 outfitting 39:22 39:22 outline 5:14,16 outside 9:12 61:22 62:12 69:10 77:14 79:8,10 80:15 99:25 147:16 147:16 148:4 148:25 150:6 150:20 210:11 227:16 233:10 outsourced 236:21 overbroad 59:3 64:2 66:1 84:9 96:23 97:19 122:25 151:6 169:9 190:9 211:18 239:23 overly 84:4 91:14 193:25 240:3,18 overseeing 40:1 oversight 39:22 overwith 157:23 owned 143:4 146:17 ownership 143:8,20,24 144:5,10 145:9 146:2 150:10 owns 144:16 P p 2:1,1,3 3:2 13:17 81:10,11 98:18,19,21,23 100:2,16 110:12,13 138:16 153:17 153:18,19,25	156:21 204:1,2 204:3,5 258:12 258:13 261:8 261:12 262:14 package 36:1 106:22 pads 196:5 page 75:19 85:13 86:11,24 86:25 87:25 88:8 103:3 105:4,7 106:1 106:4,5,9,10 106:11,23 107:5,9 109:4 110:3,13 111:22 112:18 112:20 115:3 116:7,14,22 118:18 119:25 121:1,19 122:23 124:10 124:11,17 125:12 126:6 130:8,11,17,23 131:13,14 132:5,18,23 133:19 134:10 135:17 137:2 139:3,12,21,25 140:23 141:1,7 141:9 144:9,12 144:20,21 152:25 155:9 156:20,23 161:2 162:22 162:24 163:5 165:17 167:6 167:12 168:5 170:25 172:17 172:21 174:16 174:18,19 183:13,25 195:19 196:8 197:11 217:21	218:14 219:2 219:16 221:15 221:20 225:25 231:15 241:22 260:2 263:3,14 264:13 pages 1:1 9:25 12:15 81:19,24 107:10 112:11 112:16 114:21 114:22 115:23 134:4 170:7,9 211:25 212:2 258:22 263:21 paid 33:25 34:13 58:9,13 63:24 64:12,16,25 171:4 181:6 210:17 painter 115:8,10 palms 3:10 258:11 paper 28:17 papers 148:11 paragraph 206:6 212:24 232:8 233:1,21 235:13,25 park 2:4 4:4 261:13 parker 2:8 261:17 part 17:12 19:4 27:17 28:6 32:6 36:1 43:11,13,15,16 47:17 50:5 59:9 75:2,18 85:17 92:7 106:22 171:9 174:21 184:7 194:21 195:7 partially 37:13 participate 91:15	particles 139:24 232:11,15 233:2,14 particular 24:16 29:1 32:2,9 92:11 107:12 108:1 109:16 116:4 122:4 136:11 140:12 141:19 159:1 170:23 176:20 182:8 191:12 196:6 243:16 parties 5:22 258:5 261:11 262:10 parts 182:19 passed 57:25 patty 166:5 167:4 pawcatuck 14:10 pay 37:11 59:11 210:10 paying 237:21 pc 4:4 penalties 260:16 pending 3:23 243:15 249:18 250:11,12 251:6,7,11 252:18 pennsylvania 100:15 people 73:21 74:1 84:1 91:8 133:15 188:24 209:9 255:23 percent 186:12 186:13,17,21 186:23 191:10 248:6 percentage 95:21 185:8,13 186:4,9 187:10
---	---	---	--	--

190:5,12	213:4 222:12	placed 214:16	85:3,6 98:7,8	254:18,23
perform 40:16	229:2 230:9	240:15	104:11 108:24	255:20 256:14
227:19 235:20	239:7	plaintiff 4:21	109:16 114:14	257:2,10,12
performance	personally 18:1	68:18	117:22 132:3	possession 103:6
34:20 60:7,11	18:22 55:22	plaintiffs 1:11	135:9 151:21	103:7 137:4
92:9	56:6 93:16	2:3 4:3 8:8,12	156:7 163:24	possible 55:13
performed	215:22 221:2	28:11 261:12	164:16,17	150:10 221:24
108:8,18	260:19	planning 38:22	165:2 175:25	possibly 256:18
126:18 148:21	persons 102:8	plans 30:23	178:23 180:4	post 222:9
194:8 198:15	perspective	58:25	195:13 202:18	230:15
199:1,9 231:1	164:21	plant 208:17	202:19 222:10	posted 49:24
236:17 239:14	phase 11:15	please 4:6,18,25	222:21 229:8	116:20 119:15
performing	phrase 49:19	15:22 16:2	229:23 230:11	postgraduate
195:3	53:23,23	19:24 25:8	230:14,19	36:22 43:2,8
period 25:10	176:24 241:21	46:23 50:2	231:4 236:15	43:23 44:11
39:7 44:22	phraseology	58:8 67:6	241:7 245:7	91:23 95:11
62:18,20 68:11	38:8 176:23	79:15 81:12	246:1 250:19	posting 117:18
135:7 136:24	physically 90:19	96:16 103:16	252:17 254:17	potential 47:22
144:5 148:13	physician 229:3	106:10 108:13	255:21 257:17	48:18 59:18
151:4 171:3	229:19 230:9	112:2 118:15	poisons 165:22	227:10 239:7
197:16 200:6	pick 245:25	118:19 120:22	policies 22:3	potentially
206:19 207:1	pieces 198:3	124:10 125:12	23:8,10,13,15	45:24 163:3,14
219:23 223:14	pile 162:17	126:17 140:18	23:20,25	231:8
224:17 234:4	pinpointing	141:21 144:11	poly 37:2	powell 2:20
234:22	32:10	152:23 160:10	portable 197:23	262:5
periodical 126:6	pipe 94:4,13,22	163:10 177:3	portal 196:5	power 9:13
periods 213:16	95:1,14 96:13	182:3 194:3	portion 181:17	practice 217:9
periphery	182:6 183:5	199:25 216:20	portions 5:23	218:3,21 219:4
206:17	184:8,16 185:9	221:20 227:23	6:2 18:17	219:11 220:1
perjury 260:16	185:14 186:10	231:17 241:7	27:22 60:25	226:6
permissible	187:8,18	241:14,18	62:25 181:5,15	practices 18:12
213:3	197:22 237:22	251:17	198:19 225:3	27:19 215:18
permitted 87:8	pipecovering	pleasure 100:8	229:5,21	215:18
100:7	184:8	pleural 149:17	poses 43:5	precautions
person 3:20 7:15	pipes 92:24	plowing 98:5	position 39:13	43:19 56:15
7:24 13:16	94:15	plus 123:8	39:16,17 82:8	85:11 215:15
20:2 28:24	pipng 92:11	pneumoconiosis	157:13,17,24	precedent
78:2 90:25	93:3 96:20	129:9,11	157:25 159:13	244:19,22
138:16 153:14	186:11,22	point 6:1 11:24	160:5 178:11	preceding
153:22 173:15	198:22 238:5	12:14 15:17	178:18 179:25	260:21
257:22 260:21	pittsburgh	22:16 30:12	244:10 245:23	precise 66:3
personal 17:8,9	122:16	32:17 42:13,17	245:24 246:12	202:10
18:8,14 19:2	place 3:15 122:7	45:19 49:6	246:22 249:1	precisely 127:4
54:5 55:7 62:9	130:3 150:9	50:3 64:13	250:7 251:25	precision 100:14
127:3 152:2	215:6,16	77:18 82:7	252:3,4,6	precut 196:25

198:18	18:11,11 22:3	56:15 184:4	83:15,17	protocol 228:13
predate 17:22	48:13 166:14	241:3 252:22	111:25 112:4	proud 33:14
24:1	199:19	proceed 13:22	production	65:17
predated 21:18	presented 75:3	100:4	39:18 41:22	prove 248:9
23:13,21	preserved 29:14	proceeding	51:8 163:3,14	proved 260:20
predominantly	preshaped 198:8	262:10	products 24:10	provide 22:9
178:12	198:10	process 66:5	47:15 49:4	31:14 63:18
prefabbed	preshaping	189:18 195:8	55:14 57:4,10	69:4 100:3
198:10,18	196:20	199:15 200:19	84:1,2 85:10	127:11 230:19
prefabbing	pretty 34:5	201:10	88:6 91:17	234:20
197:19	196:10	procuring 82:16	92:3 116:25	provided 21:5,6
prefabricate	prevention	produce 10:12	240:15	21:8 28:16
196:17	112:19 113:2	10:16,25 13:19	professional	32:2 69:2
prefabricated	115:1	62:23	27:18 29:19	70:12 71:11,23
196:24	previously 5:18	produced 6:8	229:2,19 261:3	72:4,14,17,25
prejudice 8:8	8:23 82:11	7:24 8:9,14,20	professionals	73:16,20 74:5
246:9	161:20 162:12	9:21,22,24	227:17	74:11 80:21
prejudiced 8:16	primary 183:5	10:6,17 11:4	profits 65:5	81:3 83:24
244:8 246:3	principles 60:14	12:5,8,12	program 39:19	84:7 87:24
preliminarily	prior 5:8 9:11	19:21 28:6,11	41:23 85:17	91:12 96:11,17
13:12	18:6 19:12	51:5,7 69:18	86:3 87:2	103:2 105:11
preliminary	22:3 30:4 39:9	70:1 75:5 77:8	89:12	106:22 107:16
5:11	56:2 62:10	79:11 80:15	programs 14:15	108:15 109:12
premanufactu...	78:3 152:5,8	87:24 97:22	31:6,12,24	110:10,18,20
195:11 196:25	196:22 203:18	104:5,6,14	33:20 41:13	111:2,10 119:8
198:19	239:17 240:5	105:13,20	projects 208:17	119:13 121:6
premark 231:20	240:14,21	106:1,7,14,17	promoted 31:19	121:10 122:21
preparation	241:5 242:16	112:9,15,23	pronounce	123:1 127:15
73:1,2 83:8,13	254:11 255:21	113:10,20	67:25	127:17,20
102:7 123:20	private 207:4,5	114:11 115:6	pronouncing	129:3 130:1,22
244:5	privilege 29:3	115:20 122:1	67:22	132:7 133:7,25
prepare 8:15	32:13,21 33:6	124:8,23,25	proper 85:11	134:3 135:10
20:7 22:19	79:8,21 80:25	126:2,12 129:3	proposed 172:24	136:10 137:18
244:3	90:23 99:13	135:4 156:7	propulsion	138:22 139:5
prepared 6:22	100:22 101:1,7	159:5 162:20	208:17	139:17 140:6
23:24 31:3	102:11 154:8	179:19 180:17	protect 33:21	140:10,24
53:9 54:16	154:19 204:14	181:16,17	43:10 52:25	142:12 146:5
55:9,16 56:19	204:22	182:24 205:7	250:13 255:25	147:2 148:18
57:7 159:18,18	probably 172:4	208:11 246:6,7	protected 60:1	149:5,14,20
159:24 187:14	184:7 208:16	246:23 252:2	185:19 188:18	150:1,13,25
190:6,15	problem 118:16	256:15	protecting 44:1	151:9,11
191:13 203:16	problems 39:3	producing 11:24	protective 5:21	152:13 153:4
presence 194:12	procedure 9:4	product 29:4	48:5 59:16	155:22,25
260:21	133:21 175:11	38:12 57:16	213:4 214:11	156:16 157:2,6
present 2:24	procedures	58:1,5 83:4,5	214:21	157:9,15

160:17 161:5	86:5 87:2,11	142:24 145:3	quickly 29:20	213:5,17
164:11,22	purged 76:23	146:24 151:8	80:3 81:8	214:24 216:10
165:25 166:7	85:25 86:2	155:4 163:1,5	142:16 220:8	218:4,5,12,19
166:17 168:13	87:18,21 97:24	163:12,17,25	quote 131:8	219:3,7,12,14
177:9 181:23	119:19	164:3 167:13		219:20,21
182:21,23	purposes 12:3	167:15 169:23	R	220:6,21
185:7 189:21	80:7	169:25 175:3	r 2:1 3:2 13:17	221:23 222:5,9
192:13 193:11	pursuant 13:16	183:14 186:1,3	100:2,14,16	226:3,7 232:5
200:16 202:12	158:22 261:9	187:7 190:22	138:16	232:12,19
203:20 210:2	put 21:4 57:20	192:6 194:3	raise 159:15,17	233:19 235:13
211:7 222:20	86:9 88:3,15	195:23 196:1	246:1	251:16,19
226:15 229:1	161:10 175:9	199:24 200:17	raised 31:23	253:17 254:1
239:19,25	201:15	204:16 210:9	raising 12:24	260:13
243:25 244:1,3	putting 86:12	219:24 221:21	157:20	reading 19:12
264:10	89:12 116:15	221:22 224:4	range 107:17	20:3 25:24
provides 60:7		225:23 227:23	113:20 114:17	68:9 70:24
181:20	Q	229:6,7 236:24	120:12 164:18	72:2 85:21
providing 84:13	qualified 3:21	237:8 243:14	188:4,16	131:2,8 132:4
159:20	7:25 13:16	243:16,19	191:19 193:5	133:4 149:6
public 5:4 149:7	16:20 20:2	249:18,25	212:2	170:5 172:24
208:20 260:19	28:25,25 78:2	250:3,10,12	ranges 110:15	173:25 201:7
261:3	102:8 153:15	251:5,7,10	ranging 110:25	232:22
publication	153:23 182:18	252:14,18,19	reach 257:3	reads 22:2
137:19,24	257:22	253:13 254:2,6	reached 6:7	121:24 131:6
217:23 223:16	qualify 6:16	264:12	11:11 237:25	142:20 206:6
publications	quebec 146:18	questioning	read 19:19	212:24 238:8
128:13 136:17	147:25 149:8	31:18 247:12	22:16 25:9	ready 13:22
137:3 218:17	question 16:5	questions 15:13	29:11,16 53:21	52:17 159:19
218:22,23	20:4 21:14	15:22 20:8	53:22 68:6,14	192:24 242:10
219:25 221:7	29:9 35:10	53:10 99:18	68:21,25 71:2	real 20:14 56:24
223:25	46:22 56:9	144:13 145:23	71:6 81:23,25	80:3 81:8
published 113:7	58:8 59:13,21	158:21 188:10	114:22 117:1	176:16
223:8 224:5	61:1,2 63:3	190:4 199:22	119:5 130:19	really 73:13
225:14,19	67:6 73:10	202:22 216:24	131:9,24 132:2	125:25 135:9
226:17 228:1,5	74:25 75:9,16	222:8 240:6	132:24 134:24	171:12 184:1
pull 103:18	76:7 79:15	242:8 243:14	135:25 136:5	190:10 201:16
pulmonary	88:7 93:16	244:9 245:10	144:19 145:5	216:23 252:12
130:14 133:15	95:9 96:15	245:18,22,23	152:24 164:5	realm 146:3
punitive 11:16	100:10,17,23	246:17 247:15	170:7 171:7,23	reason 15:25
purchase 110:14	100:25 103:9	247:15 249:15	172:8 173:13	73:5 87:5
110:24 111:6	105:22 106:13	254:21 255:1	175:19 184:10	88:23 89:2,5
111:10,13,13	108:12 111:9,9	255:10 258:5	196:6,9 197:25	145:7 169:4
112:12 124:1	111:15 118:22	quick 20:14	203:18,19	175:23 176:4
143:19 182:24	119:1 122:2,21	56:24 152:18	205:19 206:12	178:3 184:13
purge 85:17	126:17 140:18	176:16	206:21 209:2	185:3 189:4

reasonable 178:9 179:1	234:22 250:3 254:8	102:20 107:2 107:22 109:6,9	139:13 140:3 156:25 161:2	regarding 22:2 22:4 175:11
reasonably 42:6 138:18 207:22	recalling 124:9 receipt 224:8,25	109:12 115:22 120:11,14	166:15 168:5 172:19	254:20 regardless 118:2
reasons 46:19 219:4	receive 5:25 34:17 50:23	146:7,13 153:16,18,19	referenced 103:3 105:8,25	182:10 207:1
recall 33:8 44:21 45:13 46:1,4	74:25 75:10,16 75:25 76:3,10	153:24 154:13 156:10 157:4,4	107:5 111:6 114:8 116:6	regards 59:12 65:1 83:12,15
46:11,14 47:4 47:11,14,24	111:10 125:19 143:23 154:14	157:10,11,24 158:7,10,16	118:4 119:25 121:8,21	130:4 136:19
48:8,15,21,24 49:18,21 50:7	155:13 165:10 172:10 176:10	163:18 186:7 188:9 204:1,2	122:13,22 124:11 127:14	registered 261:3
50:14,16 52:7 56:12 69:14	218:16 220:11 220:13 224:16	204:3,5 231:21 238:16 241:9	134:4 139:19 139:21 140:22	regularly 221:7
73:17 74:10 82:21 83:11,16	received 49:23 50:5,18,21	241:11,12,16 243:12 245:15	141:9 142:2 157:7,8 172:16	regulations 255:22
83:19,22 85:7 94:10,18 95:22	69:24 71:14 74:18,21 75:6	248:7,8 251:7 251:19,23	references 74:6 111:23 117:12	reinstall 199:9
95:24 96:3,24 106:8 108:20	75:7,11 97:10 97:13 120:17	252:8 255:13 255:16 256:4	120:3 124:19 135:18	related 8:8 28:1
112:8,10,15,17 112:22 115:2	121:3 141:4 167:20 214:4	257:9,17 258:12,13	referred 162:8 referring 21:22	48:10 55:15
116:8,18 120:9 122:4 123:4,5	220:15 224:10 224:13 225:10	260:15 261:6 261:11	45:7 46:8 88:7 103:13,16	79:4 96:13
123:10,22 124:8,22 128:6	receiving 39:2 61:5 96:24	recordings 258:9	107:1 111:5,7 112:6,25	100:19 102:7
128:17,18 129:6,22 130:1	123:5 156:8 217:22,23	records 6:17,25 7:9,10 8:1,3,6	117:11 refers 53:24	102:21 129:5
130:5 133:11 140:1 143:13	221:8 223:16 223:24	22:23 76:15 77:11 87:9	106:23 112:18 reflect 256:4	130:2 131:4
149:5 153:8 155:19,23,24	recess 98:20 recollection 83:7	108:17 174:25 200:9	refresh 83:1,7 120:20 170:8	133:2,8 140:11
156:4,6,16 162:7,21	120:21 170:21 203:3,10 208:9	recreate 104:1 114:15	190:16 194:20 203:3,10 208:8	143:7,19,24
164:12,14,15 167:11,23	231:3,14 242:12,13	recreation 104:10	231:14 254:1 refreshed	144:4 147:3,22
172:24 173:18 174:11 183:1,3	252:21 254:2 record 3:6 4:7	reduction 213:2 refer 103:10	225:21 refused 256:19	148:13,19,21
183:4,8 192:19 194:17 199:6	4:19 5:10 20:14,17,18,19	110:14 187:20 192:22 216:16	regard 9:4 26:20 54:7 56:20	149:7 150:2
201:7 209:8,10 210:18 211:5,9	20:21 52:11,12 52:13,15 60:1	238:22 reference 105:4	57:8 59:17 95:7,11 123:17	151:1,12 153:6
214:7 222:2,24 223:12 224:24	74:18 81:9,10 81:11 98:18,19	112:1,13 114:1 116:7 117:3	128:25 154:16 210:14 211:7	155:14 159:19
226:20 234:18	98:21,23	138:2,25	219:4	163:2,13 168:8
				168:12 177:22
				222:22 223:2
				226:23 238:21
				239:15 262:9
				relates 111:24
				155:17 207:16
				219:10
				relating 145:9
				relations 208:4
				208:20,20
				235:18
				relationship
				14:20 55:4
				65:6 210:12
				211:3,15
				221:25
				relative 6:19
				56:9 97:21

relevance 12:16 13:2 96:23 97:19 147:16 163:19,22 relevant 25:1 77:1 97:11 144:23 146:4 164:23 176:20 relied 152:13 rely 152:3,9 remain 214:22 remainder 204:20 remained 41:10 42:6 remaining 255:1 remarks 108:3 remember 22:5 45:11 48:16,25 49:10,17,19,22 51:25 52:3,5 55:22,23 71:20 72:2 82:19 85:8 115:18 116:10 117:24 120:15 121:25 128:22 156:8 156:12 167:7 170:5 195:12 198:24 201:1 209:7 remembered 127:23 removal 194:15 removed 188:25 193:9 214:17 rensselaer 37:2 repair 57:3 repeat 15:23 79:14 95:9 103:15 108:12 126:17 151:8 163:10 repeatedly 196:15	rephrase 15:22 25:19 34:6 42:16 64:10 84:5 99:23 237:7 report 48:17 118:24 120:4,4 171:20 172:2,6 172:10 reporter 3:11 4:25 29:17 158:13 160:9 160:13 170:13 241:18 252:11 255:18 261:3 reporters 10:20 261:1 reports 39:2 148:11 149:6,8 repositories 22:5 represent 4:8 representation 107:19 248:16 representative 13:11 18:15 represented 184:17 210:17 representing 2:3 2:7,16,20 3:12 261:12,16 262:1,5 represents 101:18 175:22 reprinted 140:5 140:21 reprints 119:4 request 8:17 28:8 51:1 77:3 requested 28:7 51:14 127:8 167:9 requesting 246:7 requests 8:18	51:19,19 require 9:16 188:4 required 23:18 60:6 62:21 94:1 113:6 187:4 188:17 255:23 requirements 58:17 60:7 61:6 62:22 120:18 121:2,7 252:2 255:22 requires 214:23 251:11 requiring 186:25 requisition 235:10 238:12 238:19 259:4 264:1 research 136:16 136:21 138:9 143:14 150:24 151:17,23 152:12 166:24 167:3 207:9 208:6,16 209:6 209:11 210:5,9 210:11 211:13 222:13 235:20 236:17 reserve 8:20 51:9 respect 5:10 6:7 8:4 9:11 10:12 12:4,25 17:6 17:25 20:8 23:7,19 44:18 46:3 48:9 49:3 51:10,24 52:24 53:2 54:25 56:16 61:4 74:19,22 77:19 79:2,18 99:3	108:17 118:2 136:11,21 146:15 149:1 155:16 156:6 156:11 177:22 181:21 190:3 190:22 193:15 193:18 207:10 210:7,22 211:2 211:14 217:17 228:21 229:6 respiratory 213:16 respond 39:4 145:3,3 responded 75:17 responding 19:8 response 7:6 15:12 28:8 59:13 75:11 130:16 146:25 185:12,16 responsibilities 92:8 responsibility 41:18,21 93:18 239:2 responsible 77:10 79:5,17 responsive 25:2 77:2 97:11 restate 29:10,12 140:18 194:2 199:25 result 78:6 207:6 246:9 resulted 206:10 results 233:25 retained 258:9 retention 22:3 23:8,10,12,20 23:25 retirement 36:5 retrieve 86:13 returned 261:8	review 8:13 80:5 80:20 83:9 84:17,25 85:9 96:18 108:6,14 110:18 111:18 113:9 126:23 148:18 158:4 177:8 181:24 187:2 190:24 205:14 218:7 218:22 221:8 225:15,17 226:12 242:8 247:24 248:3 248:17,22 249:3 250:16 250:22 251:2,3 251:11 252:12 reviewed 21:10 26:12 54:11,12 67:20,21 70:8 71:11 72:8,10 72:15 83:21 85:6 97:12 105:24 121:9 123:8,9 149:20 155:25 158:20 160:20 165:2 169:12 189:22 200:9 221:5 224:12 248:1 250:2 252:15 reviewing 21:7 28:13 73:18 120:9 124:24 149:6 158:15 187:12 201:1 218:3 249:21 reviews 249:23 right 6:20 7:20 8:20 9:18 11:19,23 15:15 16:19 17:18 19:1 20:10,25 23:19 31:3
--	--	---	--	---

39:15 44:25	192:16 193:13	12:21 13:4,9	158:9,12,19	route 174:15
51:9,22 54:2,4	194:22 196:8	16:23 18:3	159:1,6,10	royal 131:22
54:5,14,25	196:23 197:13	22:9,13 25:5	160:1,12	rpr 1:22 262:14
57:18 61:9	199:12 200:10	25:18 26:25	163:18 165:5	rule 12:23 13:17
66:8,10,12	201:11 202:20	27:6 29:2,13	168:19 169:8	rules 6:12,18 9:4
68:14 70:5,12	203:22 204:24	32:11,19 33:5	170:19 174:8	100:2 185:21
70:16 71:12,16	205:9,12,19	34:2,7,14	179:4,13 180:4	212:20 215:6
72:11 73:12,18	209:12 212:21	35:15 51:1,13	180:14 186:6	255:22
73:24 74:4	216:13 217:4	53:5 57:14	188:9 189:3	rulings 100:5
75:9 80:8	218:19 219:7	58:2 59:2,23	190:8 191:25	run 67:18
82:11 84:8,23	219:14 220:5,6	61:25 62:5	192:6 193:25	
85:11,25 86:9	220:21 222:5	63:10 64:1,5	197:5 198:13	S
86:18,20 88:12	223:14 226:5	64:20 65:25	198:21 199:21	s 2:1,10,18 3:2
88:24 89:12,17	229:24 232:12	66:17 67:3	201:4 202:4,17	40:3 48:12
90:3 93:11,19	233:22 235:5	69:19,23 77:13	202:23 204:13	58:17,19,22
94:16 95:4	235:11 236:7	78:14 79:7,10	204:21 211:17	59:11 60:5
97:15,20 98:2	236:14 237:20	79:20,24 80:9	213:10 223:4	62:22 63:17,21
99:6 101:4,6	238:3,7 241:13	80:12,24 81:20	223:17 224:21	65:10 66:9
106:9 107:4,11	242:3 243:15	84:3,9 88:17	225:5,7 229:13	67:12 149:6
107:15 109:4	249:12,15	88:25 89:7,15	229:25 232:21	261:18 262:3
109:15 111:17	251:14 254:9	90:22 91:14	233:9 237:4,13	263:13
113:14 116:22	rights 250:14	96:22 97:18,25	239:22 240:3	safe 235:19
121:14 123:3	road 1:19 3:10	98:7,13,16	240:18,25	safely 47:25
127:1 128:18	3:16 258:11	99:12,16,23	241:10 242:1,4	85:10
130:17,19,22	robert 2:25 3:8	100:11,21	242:7,11,20,25	safety 43:15
131:1 132:23	26:17,19 27:2	101:2 102:10	243:3,7,10,20	44:5,16 47:6
134:10 136:8	27:5 30:4,21	103:22 104:9	244:12,18,21	48:9 50:7,11
142:6,15	71:15 81:18	104:18,23	245:2,6,12,19	51:2,22 82:17
145:19 146:14	133:1 174:16	105:1,3,12,18	246:19 247:17	82:23 83:24
147:21 155:2	177:17,19,22	105:23 106:16	247:24 248:13	115:15,19
156:19 158:17	178:13,16	107:7,18 109:7	248:25 249:9	116:1 128:15
161:9 162:11	179:19,21	109:22 111:5	249:14,20	133:24 135:18
162:23 165:17	180:3 203:8	111:17 113:4	250:15,18	135:22,24
167:12 168:24	role 20:1 25:21	113:25 114:6	251:10,14,17	136:4,12,18,24
170:6,12	31:6,11,23	114:13 117:11	251:24 252:10	136:25 139:14
171:23 174:20	40:17 41:3	117:15 122:5	252:19 253:3,7	175:6 208:4
176:15 177:2	42:10 82:14	122:12,24	253:13,16	211:24 212:12
179:25 181:21	221:9	138:12 144:22	254:6,9,12,22	212:17,20
183:1,2,12,15	room 256:3,5,7	145:13 146:11	255:13,17	213:20 215:9
183:23 184:3	257:15	146:19 147:15	256:2,6,10,14	215:10 222:16
184:23 185:3,4	rosse 2:10 4:9,9	148:2,15,23	257:5,18,24	227:18 228:20
187:22 188:12	5:7,13 6:5,20	149:10,21	258:2 261:18	238:14 258:22
188:21 189:6	7:12 8:2 9:3,8	150:5,19 151:5	roster 106:11,15	263:21
190:20 191:13	10:5,15 11:9	151:21 154:7	109:1,5	sake 67:17
191:18,20	11:22 12:7,19	154:18 157:25	roughly 186:12	109:23

salary 34:18	200:20	secors 96:12	210:25 212:8	september 14:8
sale 143:24	school 29:24	205:25	216:15,25	14:18 36:9
sammie 68:18	30:5 36:11	section 38:6,9	217:14,19,25	49:6 50:3,24
71:4 72:1	schooling 37:5	50:7 131:3	229:19 233:4	51:5 56:2 70:1
sample 163:2	science 36:25	215:10	233:12 236:14	115:4,10 152:6
233:3	scope 147:16	sections 197:20	236:20 239:3	238:20 258:21
sampling 163:13	150:6 171:15	197:21 198:7	seeing 48:25	259:8 263:20
san 2:9 261:18	218:8	218:4	49:10 112:8,17	264:3
sanctions 159:21	seal 5:18 260:23	security 208:20	115:2,18	series 190:3
246:11	sealed 5:23	see 24:12 32:7	121:25 122:4	serious 213:16
sandoval 2:22	search 76:14	53:17 56:6	156:17 210:18	served 21:9
262:7	88:2 91:4,9,10	73:3 75:1	seek 8:20 9:10	194:4
santa 2:17 262:2	91:13,15 97:1	86:15,22 87:1	9:16 11:13,19	serves 118:10
saranac 148:19	118:5 125:7	87:12 90:11	51:8 73:24	service 62:13
satisfactorily	126:14,18,21	105:5,14 108:5	seeking 61:22	63:19,20 149:7
5:3	127:1,4,7	111:25 112:13	159:21,22	208:18 210:17
satisfactory	128:24	118:22 119:1	seeks 62:12	services 1:23
260:20	searched 90:18	121:4 125:14	seen 20:12 49:8	3:13 24:10
saw 22:17 51:25	searches 158:8	125:17 126:5,8	49:11 105:9	55:14 235:16
122:10 156:22	searching 90:19	130:11,24	106:3 117:3	261:8 262:14
194:10 200:24	90:21 157:14	132:21 133:22	207:12 234:16	264:10
214:4 219:9	second 27:24	134:15,21	248:4,15	servicing 57:3
232:17 239:12	43:21 71:6	135:19 137:5	selected 178:1	serving 200:2
248:14	111:8,9 156:20	137:15,23	179:7	set 59:16 60:20
saying 7:9 85:8	161:10 206:5	138:2,10,25	self 44:1	101:10 154:23
185:13 186:14	221:22 232:8	139:2,4,13,16	selikoff 139:1	159:1 186:25
186:16,22	246:13	139:22 140:2	175:10 223:9	244:18
187:1 243:8	secondly 6:6	141:7,20	228:4 255:3	sets 54:18,20
245:7 251:21	secor 19:14	142:23 143:5	seminar 129:21	244:21
says 81:14,17,17	71:15 81:4,13	148:11 152:22	130:3,11,15	seven 167:14
87:8 88:19,22	81:18 82:4	153:2 155:3,7	132:4	243:4,11
89:17 101:5	84:16 87:4	155:11 156:25	seminars 128:14	244:16,23
118:23 125:21	88:16,19 89:25	158:2,20 161:2	send 103:5,10	246:13 247:25
134:18 135:21	103:21 104:2	162:25 163:4,7	sent 67:18 88:13	249:21,23
141:18,18	116:10 117:23	163:9,11,17,25	90:6,8 103:11	250:5 253:22
144:15 153:1	133:1 152:20	164:9 165:19	103:11,25	254:13 257:3
164:3,8 183:18	153:7 161:14	165:23 166:5	104:9 138:5	seventh 244:6
184:2 212:10	161:14 167:8	166:12,15	177:12 233:24	severalhour
213:8 214:15	169:4 172:18	167:3,12 168:7	sentence 62:16	45:10
232:14 233:13	174:16 202:12	169:24 172:18	220:7 233:23	severely 246:2
233:21 239:6	203:8 205:18	174:21 175:1	235:14,24	shaped 198:8
scan 218:23	207:7 209:3	183:13,21	236:6	sheet 82:22,23
schedules 59:5,6	211:21 216:3	187:3 195:25	separate 44:25	88:2,11 260:1
59:7,7,9,9	221:13,16,18	196:10 205:15	101:23 109:12	sheets 82:17,17
scheduling	222:16 253:23	205:22 210:14	110:7	82:20 83:9,24

84:6 85:9,17 85:24 86:17 88:5,14 90:8 96:9,11,18,25 106:21,24 107:1 162:11 162:14 175:7 sheila 1:9 shelf 125:16,20 ship 108:5 178:5 178:18 179:3 179:15 182:11 189:9 191:24 196:19 197:10 198:5,9 199:20 242:15 shipboard 139:14 shipbuilders 175:9 ships 26:21 27:10,15 28:3 28:6 30:2 38:16 43:16 45:24 46:3,17 48:2 49:2,12 57:11,11 64:18 124:2 131:23 176:19,25 177:6,14 178:6 179:1,11 180:10 182:16 185:10 186:22 188:24 190:14 191:6 192:18 197:1 198:6 199:14,22 200:2,4,20 230:15,20 231:1 234:13 239:20 shipyard 39:18 49:9 178:1,2 208:15 209:9 209:19 237:18	shock 60:18 shop 49:11,14 49:14,16 108:3 116:20 196:12 196:21 197:15 197:24 206:4 208:15 242:14 shops 214:18 231:2 234:13 short 220:24 shortcircuit 104:7 shortcut 103:23 250:22,24 show 103:25 105:19 showed 131:23 showing 131:15 242:21 shown 105:16 105:17 106:7 side 39:18 42:23 59:10,10 signatory 232:3 signature 260:1 260:23 261:8 signed 5:22 6:4 260:16,21 significantly 178:4 signs 49:2,8 214:15,19 silent 60:17 silicate 232:15 similar 108:16 110:24 simple 179:20 233:15 sinai 168:4,9 single 140:15 157:10,13 158:7 210:3 212:25 singular 208:24 sir 4:20 14:1,5	18:18 20:22 29:9,21 33:7 40:6 51:12,21 52:16,22 58:6 70:7 80:20 81:4,22 100:17 101:13 102:24 104:19 110:3 113:13 116:3 125:5,10 127:22 134:20 138:19 139:12 140:8 142:15 143:1 145:5 146:15 147:18 150:11 152:16 160:7,17 161:9 167:6,18 170:15 171:6 171:22 172:1 172:14 176:15 177:4 179:16 197:8 201:13 204:6,24 211:23 218:18 220:17,20 222:25 229:22 233:12,22 237:8 238:22 239:18 241:20 242:6 254:11 255:12,21 sit 185:6 191:14 192:20 241:17 251:1 252:11 252:12 253:16 254:1 sits 249:23 six 41:5 70:9 74:20,22 75:24 123:25 size 207:23 skill 65:10,13 67:1 skills 67:9,10	skip 24:6 sleep 104:17 slep 212:15,15 215:24 slightly 30:11,18 small 82:14 solely 94:25 solvents 165:22 236:1 somebody 35:11 sorry 31:9 40:5 45:4,12 47:11 70:21 75:13 77:5 81:24 95:8 105:2,7 107:9 111:23 112:5 117:13 141:5 209:2 215:11 220:10 227:14 228:1 232:2 235:14 sort 48:4 49:2,22 55:7 108:8 145:9 147:7,12 150:25 153:4 155:13 164:18 166:23 167:2 207:9 210:6 211:13 226:23 228:8,13 229:10 231:5 234:12 sought 127:11 133:1,8 146:1 210:21 source 34:8 95:4 96:6,8 114:9 114:14 southwest 3:9 258:10 spaces 240:1 speak 16:21 99:8,11 100:17 101:18,22,25 102:3,6 154:4	204:9,12,18 speaking 16:13 150:23 183:24 spec 187:13,21 190:17,24 special 67:8 91:16 specialist 3:9 specialize 61:3 specialized 52:23 65:10,13 66:25 67:11 specializes 61:5 specific 5:23 6:2 10:12 11:21 12:15 26:16 28:1,5 33:3 42:14 43:7 46:4 51:2 80:22 92:22 95:14 169:10 174:12 182:13 189:20 222:2 250:3 specifically 20:6 21:2 27:25 38:11 42:18 43:4 47:8 48:8 118:1 129:22 192:10 224:25 237:5 specification 123:15 182:13 specifications 58:14,20 59:1 59:4 60:9,21 61:7 123:6 specified 60:21 93:8,24 94:12 94:21 183:2 specify 92:13 93:14,21 94:14 specifying 92:19 92:20,23 94:3 specs 66:4 92:21
--	---	--	--	--

94:1,7 178:8	stands 111:15	5:4 57:22 63:6	225:2 228:2	67:2 176:22
178:21,24	staphor 232:2	64:12 65:6,23	229:4,20,25	177:3 180:17
179:8,9 186:25	start 18:11,19	66:15,21 67:8	232:2	188:17 200:13
187:3 189:16	21:7,11 28:13	81:15 86:7	strong 60:16	237:19 241:4
192:22	84:13 85:21	134:23 171:1	structured 37:6	submitted 58:22
speculation 18:4	86:22 122:16	218:2 219:17	struggling	60:22 172:3
62:1,6 66:18	130:9 157:19	225:9 232:24	179:22	261:7
77:14 88:18	158:14 175:4	237:17	studied 36:25	subpoena 9:1,5
89:1,8,16	started 18:5	stating 173:17	studies 36:21	9:7,13
107:8 109:8	21:15 37:8,16	statute 244:14	37:12 131:15	subs 61:19,22
145:14 146:20	49:7 82:8	stay 118:13	131:23 133:15	92:16 93:15,25
148:16,24	84:12 86:3	245:13 251:18	148:20 207:17	94:5 183:15
149:11,22	94:8,19 116:15	255:18,19	211:2 228:8	subscribe
174:9 223:5,18	127:25 134:24	steam 93:5,11	231:6 234:20	260:14
224:22 233:10	137:10 149:16	94:13,14 95:1	study 36:24	subsequent
237:14 239:23	152:5 159:11	95:15 96:14,21	207:14 210:6	133:9
240:4,19 241:1	164:1 165:11	182:4	226:23 230:25	substance 154:5
242:2,5	217:9 226:5	steaminsulated	231:10 234:8	substantial
speech 135:23	228:12 234:9	184:2	234:10	173:9
136:11,19	246:25 252:22	stemmons 1:23	stuff 29:8 61:16	successor 1:7
spelled 132:20	starting 8:10	262:15	69:22 93:22	sued 35:13,20
spend 249:6,21	22:16 50:23	step 42:11 69:20	158:2,10 190:6	77:19,23
250:5	118:22 130:23	stipend 238:1	subject 11:21	suggest 207:13
spent 28:18	137:6 173:2	stipulate 12:6	19:16 43:12	224:12,16
38:21 248:23	217:22 218:14	stipulating 8:5	45:17 53:3	246:14
spoke 24:23	227:7,11	stipulation 6:7	80:22 100:19	suggested
25:25 201:23	228:24	stock 35:1,22,24	112:25 118:13	172:22
stack 103:18	starts 86:21	stockholder	206:3	suggesting 73:13
104:21 111:21	121:2 130:10	35:4,7	submarine	78:17 91:5
115:19 122:15	158:14 163:15	stop 98:10	18:12 41:22	100:5,6 186:18
124:24 134:1	216:22	111:18 186:8	57:23,23,24	suggests 176:8
205:8	state 4:7 179:6	202:18	58:4 60:6,8,15	suitable 94:6
stacked 103:19	231:22 238:17	stored 82:20	60:17 64:9	suite 1:23 2:17
staff 209:23	258:25 261:4	90:12 162:10	66:3 67:12	2:21 3:13 4:4
stake 35:11	263:23	street 2:9,12	180:22 183:19	262:2,6,15
stamp 156:13,15	stated 5:18 9:9	261:17,21	186:12,23	suites 60:12
stamps 69:12	127:2 131:7	strictly 111:5	201:9 207:21	summary
stand 51:16	176:6 216:15	strike 15:7	submarines	171:20 172:6
124:13	statement 7:13	18:16 20:12	27:19 38:18	superintendent
standard 133:20	7:13,16 8:7	27:21 30:25	58:10,15,16	184:19 206:2
standards	196:10 213:9	31:9 36:10	60:10 62:21	superiors 32:16
172:24	248:7	55:19 60:25	63:19,25 64:13	supervisor
standpoint	statements	62:24 69:3,15	64:18 65:2,11	128:3
18:18,21	246:20 260:15	129:25 151:10	65:12,16,17,23	supplemental
241:24	states 1:4 3:24	156:21 177:11	66:9,16,20	43:9,23

supplementary 43:3	system 92:25 184:3,3 229:10	123:25 128:13	telling 202:17	32:4 53:2
suppliers 181:19	systems 1:12 4:1	129:20 170:2	213:21	68:15 74:2,23
182:18	38:14 64:17	176:18 187:8	temperature	75:21 80:20
support 38:13	92:11,11 93:3	204:25 209:1,2	182:8 186:24	83:9 84:21
38:23 41:23	93:4 182:4	209:4 217:21	188:3,16	87:6,20 89:6,9
61:23 241:14	186:11,23	217:23	191:19 193:5	89:11,17,21
supported 248:7	198:22	talking 5:15	temperatures	99:3 100:4,9
248:8 252:25		28:9 86:17,21	191:11	100:18 101:8
supporting	T	87:9,16 93:3	ten 114:22	102:1,3,8
38:21,22 209:9	t 263:13	103:7 135:5	tenminute	109:10 116:11
sure 5:14,17	take 9:18 37:1	152:4 165:8	101:16	116:18,19,22
21:13 25:9	43:7,25 45:14	169:9 192:11	tensions 62:20	117:2,4,7,25
28:20 29:10	52:8 58:12	210:20 240:10	term 38:9 182:2	118:5,14
35:17 38:7	75:5 89:23	253:25	237:5	120:16 123:24
58:13 59:14	92:5 95:6,10	talks 86:12	terminated	124:12 125:15
73:9 76:6 79:5	104:24 106:12	131:14 132:19	244:13	128:6 129:10
79:17 85:21	115:18 128:9	133:20 137:2	test 199:7	129:12,23
100:13 103:17	133:4 140:1,13	152:19 155:4	tested 200:14	130:9 132:5
114:13 120:22	152:18 153:11	165:17 214:9	testified 68:7	134:11 135:10
140:19 144:12	157:12,16	232:9 233:1	82:19 85:24	141:17 143:5
151:9 152:24	169:1 172:23	taught 45:23	116:8 145:15	145:8 149:23
162:23 182:4	173:4 203:15	46:2,12,15,19	159:24 162:12	152:22 154:6
194:4 195:14	203:22 241:7	46:24 47:15,20	170:16 196:15	154:15,16,24
200:1 202:10	244:25 245:25	47:25 48:4,14	221:13 236:10	159:22 163:11
204:16 231:15	250:25	teaching 48:9	236:12 253:20	167:7 169:1,12
231:18 240:8	taken 4:2 15:6,8	tear 191:23	testifies 168:11	170:21 172:25
241:22 254:23	42:17 44:10	199:8	168:22 196:20	173:2 174:11
surprise 208:14	48:5 71:19	tech 37:2	testify 15:3	175:24 176:3
208:23,25	98:20 99:4	technical 58:15	22:19 23:25	179:5,14
surprised 208:9	118:23 157:14	62:13 92:7	28:25 31:25	180:15 183:5
survey 235:18	163:13 257:2	techniques	32:17 34:13	183:10 185:4
surveys 147:13	260:13 261:10	242:14	54:6 56:6,19	188:23 189:21
148:14	262:10	telephone 2:3,16	57:7 80:16	194:21,22,23
suspend 244:11	talk 24:17 29:20	2:20 4:18	138:17 147:17	195:12 198:24
suspended	49:13 54:16	208:11 261:12	148:6 149:1	200:11 202:5
15:18	55:16 67:13	262:1,5	150:8,21 201:1	202:12 205:25
suspending	71:9 94:25	telephonic 16:1	testifying 14:25	209:7,8,25
244:12 256:12	142:15 184:2	tell 15:7,10 47:2	16:7 17:2,6	210:25 215:19
suspension	188:13 191:19	48:22 56:5	33:3 133:18	216:18 221:6
252:1,5	210:19 230:9	88:21 98:6,15	146:24	221:15,17
swear 15:6	246:15 251:6,6	103:23 114:3	testimonies	224:15 228:23
sweig 2:25 3:8	talked 30:3	118:25 161:24	203:18	229:16 256:16
sworn 5:3 15:10	32:24 44:16	163:6 169:5	testimony 10:24	261:6,10
261:5	108:9 118:11	173:7 174:25	13:8,11 25:25	testing 87:15
		230:8 255:17	29:16 31:15	199:17 200:3,7

200:22 208:6	164:20 165:7	240:9 243:22	128:2 132:25	31:3,17,22
tests 86:21 87:10	170:11 172:16	248:2 250:10	139:25 156:22	32:4,7,17
164:4 199:1	173:16 184:17	250:12 251:5,7	160:1 169:4,13	37:20 39:6
210:22	184:22 185:14	251:19 252:17	173:10 186:14	40:4,7,13
text 165:11,22	186:9 187:23	thereto 228:10	187:5 191:20	42:13,15 49:5
165:25 166:4	188:6,18 189:7	thermal 121:23	191:21 196:14	49:5 50:2 56:1
textbooks	189:21 190:8	thermobestos	205:8 212:14	56:8 59:24
137:12 221:23	190:13,19	184:10 185:1	216:22 221:21	60:5 61:12,13
textile 112:13	191:17,20	190:1,23	242:21 243:12	62:8,18 64:14
150:16	192:15 194:13	191:15	243:18 244:13	67:17 68:11
textiles 124:7	197:2 200:8,25	thermoflex	244:21 247:3,8	77:22 84:10
texts 165:18	202:23 207:3	112:5	247:18 249:14	94:11 96:23
thank 4:17,24	210:24 213:8	theyre 11:3 23:2	249:17,22	97:19 98:3,9
45:4 70:6	215:12 216:23	58:21,22 67:19	250:20 255:2	98:10 104:17
85:23 87:1	217:10 226:6	97:3,7 122:15	257:12	106:12 107:2
109:15 119:21	227:8 230:10	162:17	thinking 250:20	107:23 108:17
160:10 180:9	231:3 233:6,16	theyve 6:9 23:4	thinks 248:4,15	109:6,9 113:17
231:19 249:1	233:21 234:2	thing 7:23 56:24	third 233:21	116:23 119:16
thats 5:20 6:4	235:4 236:12	81:23 117:5	thirdparty 6:24	129:14 133:4
7:6,6 9:22	238:8 240:5	124:9 171:18	thought 143:4	135:7 140:1,13
10:10 21:17	242:3 244:4,10	195:1 216:10	three 26:21 28:2	148:13 150:9
23:3,6,11	244:11 245:24	233:20 247:11	30:2 70:8 99:5	151:4,15
27:12 30:6,11	246:22 248:18	things 5:8,9	101:14,23	153:24 157:10
31:2,4 53:22	250:7,23 251:8	17:20,21 18:6	106:24 107:10	157:18 158:1,7
54:9,15 55:8	252:25 256:22	18:7,21 21:11	176:19,22	158:14,17
58:1,18 59:14	thereabouts	21:18 22:11,17	177:5 202:21	159:4 160:10
59:18 61:14,17	40:21,22	51:6,11 62:4	206:6 212:1	160:15 164:5
65:4 70:23	theres 5:19 6:9	82:16 104:14	251:2 252:12	167:25 170:12
75:12 76:11	7:5,12,20 8:16	131:16 146:8	253:23	171:3 173:19
85:2 86:1 88:1	10:9 11:16	152:4 176:17	threepage	173:20 174:22
89:17,24 94:24	12:11,22 14:19	181:9 199:13	106:15 108:25	175:25 178:6,8
104:2 107:14	73:11 100:4	205:1,14	115:5,25	178:22 179:8,9
109:11 110:1	105:4 106:10	214:13 238:10	threequarters	182:19 183:6
111:3 113:6	109:14 112:11	249:7,11	195:22	185:22 190:18
114:2,14,20	114:6 115:3	think 12:7,11	threshold	190:25 192:23
117:2 121:22	121:20 122:15	30:25 34:5	139:22 140:4	196:6 197:16
125:19 127:2	125:2 126:6	60:3 65:14,19	140:20 141:13	200:6,23
128:6,17 129:7	132:3 138:2	65:22 66:25	142:7 186:24	211:11 213:16
129:19 130:18	139:13 140:19	67:7 70:2	232:10 233:13	215:10,16,19
132:13,19	158:2 166:4,12	80:12 81:18,20	throughput	219:23 220:16
133:18 139:18	169:22 172:16	81:23 87:11	62:14	221:22 223:14
140:16,19	173:5 195:21	89:25 101:11	time 3:7 7:23	224:17 225:11
142:3,7 145:20	195:23 208:15	106:5 113:12	11:14,18 12:1	231:11 233:7
150:5 154:6	211:6 236:24	116:16 117:16	17:1 19:6,15	234:4,22 241:8
156:18 162:17	237:8 238:24	117:22 122:2,6	21:6,21 25:11	241:16,18

244:4,24	186:14	253:22,25	254:1	tx 1:24 262:15
246:10 248:11	top 60:7 61:6	treasurer	trying 24:5	type 38:11 48:20
248:12,12,23	64:8,12 81:14	149:15	104:3 117:14	82:24 83:15
249:2,6 253:4	105:7 107:11	tremendous	128:20 133:5	171:18 180:2
253:5,9 255:12	134:15 135:19	236:25 237:6	142:19 156:19	184:24 187:18
256:18,20,23	182:17 205:15	trial 8:24 9:5	158:21 188:15	189:13 190:4
256:25 257:6	212:7,10	11:15,15 100:4	200:25 248:18	191:2 196:23
257:16 261:10	topic 136:3,4	100:6 163:24	257:6	197:15 238:6
times 61:15	topics 218:10	trident 39:18	tuesday 8:10	types 47:15 80:6
73:14 80:4,6	torn 193:9	tried 248:21	turn 53:15 85:13	92:18 95:25
109:13 199:16	total 26:20 99:6	trip 171:4,19	86:11 102:24	96:2 177:10,13
200:3 210:20	157:17 169:10	172:5	106:9 107:11	194:11 195:10
214:4 233:7,16	toxic 48:23	true 6:10 16:22	110:3 121:16	
243:23	205:1 235:15	17:23,24 18:10	124:17 125:11	U
timing 199:13	236:2,4	18:23,24,25	130:8 135:17	u 40:3 48:12
title 14:13 31:20	toxicity 235:20	23:11 24:15	139:12 141:7	58:17,19,22
37:23 40:24	236:18	27:11,12 30:6	141:20 155:2,9	59:11 60:5
41:8,10 42:3,5	toxicologist 53:1	33:17 34:18,19	160:12 161:12	62:22 63:17,21
42:6 128:4	toxicology 44:14	51:12,21,23	167:6 169:19	65:10 66:9
161:17,21	166:5	61:14,17 76:2	172:14,21,22	67:12 149:6
173:19,21	toxin 201:14	76:5 94:13	174:15 183:25	unable 56:4
209:13,16,17	202:3	96:14 100:9	197:11 211:23	108:25 140:11
212:20 235:12	track 98:3	108:23 115:1	217:21 231:15	141:12
titled 107:22	117:14	117:19,20	234:24 238:11	unavailability
162:3	trades 208:16	145:18 152:1	two 3:10 10:2	12:3,10
titles 162:8	trained 43:18	156:3,11 162:6	24:22 44:25	unavailable
tlv 140:11	53:13	177:24 179:12	70:8 71:14	12:6
today 14:25 15:3	training 42:14	180:3 181:1	99:4 103:21	unaware 91:10
15:8,13 16:7	43:15,16 44:16	182:9 184:22	108:11 109:12	141:14 244:19
16:14 17:12,22	46:9 47:17	187:15 189:16	110:7 115:18	uncovered
24:17 34:13	52:23 91:16,19	196:19 201:25	115:23 128:2	150:15
41:11,22,24	167:16,20	202:3 203:17	153:21 180:25	undergoing
53:2,14 54:16	208:5	215:2,3,4,5,8	182:1,7,15	200:2
55:10,17 56:20	transcript 6:1	215:17 221:10	184:15 185:10	undergrad
118:25 185:6	9:11 106:23	224:9 225:18	185:15 188:1	37:14
190:7,15	132:13 248:1	226:12 230:2,6	188:16 190:14	undergraduate
191:14 192:20	249:22,24	230:10 239:21	191:16 192:10	43:2,22 91:22
246:4	251:11 253:18	240:2,24	202:21 211:24	95:11,19
today's 154:17	253:20 260:13	252:25 261:6	211:25 217:14	underneath
told 10:5 32:16	260:15 261:6	truth 15:10	219:17,20,22	208:22
46:6 69:15	transcripts	try 73:25 104:1	220:3 222:7	undersigned
104:9 176:9	12:18 13:2,3	122:5 138:9	238:23 240:9	260:19
229:11 254:15	67:21 69:25	139:9 219:13	258:8,10	understand 5:14
256:10	70:4 71:10	248:3 249:24	twopage 231:16	14:19,24 15:21
tonguetied	251:3 252:13	250:19 252:13	231:22 234:6	16:18 17:5,16

17:17 20:10,23 21:13 29:9,12 34:3 35:10 45:4 52:19 54:2 57:10,18 59:15,21 62:16 63:3 76:6 80:4 80:8 82:4 83:23 91:18 96:15 98:25 99:6 123:23 134:8 146:16 154:2 160:3 161:14 168:2 187:1 199:23 200:17 204:7 232:22 241:23 242:6 246:21 250:23 252:4 understanding 61:6 69:16 70:7,23 75:15 84:11 97:9 122:18 126:23 126:25 127:6 174:12 200:13 201:8,18 220:23 242:3 understood 16:5 59:15 73:9 undertake 27:13 140:8 undertaken 26:7 56:15 unequivocal 173:9 unibestos 122:15 183:7 184:9,13 186:10 187:8 187:18 188:4 188:17 unibestostype 186:19 187:25 union 238:1	united 1:4 3:23 57:22 63:6 64:12 65:6,23 66:14,21 67:8 81:14 university 128:21 129:21 132:21 unreadable 206:18 unsure 225:20 updated 135:6 use 13:6 22:15 24:5 92:14,23 93:8,14,24 94:3,12,17,21 110:9 124:1 168:24 178:21 179:12 206:8,9 213:4 235:15 241:21,24 uss 24:17,18 25:10,13 26:1 30:7 usually 131:9 V v 100:13 vague 25:6 27:6 30:11 34:2,14 35:15 53:7 59:2 64:20 65:25 67:3 78:14 84:3 97:18 109:7 122:25 151:5 169:8 170:20 189:3 191:25 197:6 198:14 211:18 229:13 237:4 239:22 value 89:23 139:23 169:2 values 140:4,20 141:13 142:8	valves 196:4 variety 63:21 various 10:1 19:6 21:23 92:5 96:1 110:15 128:13 131:15 137:3 145:25 146:25 165:18 194:10 196:17,18 199:16 200:3 208:21 216:24 218:16 221:7 221:25 vbk 1:10 3:23 veinotte 1:22 3:12 261:3 262:14 vendors 83:25 84:7 ventilation 38:13 92:10,25 93:4 206:4 214:10 version 135:7 versus 4:1 104:13 vessel 51:25 108:1 186:17 vessels 24:11,15 26:10 27:15 28:3 38:16 47:16 48:2,10 108:9 180:25 181:13 182:1,7 184:15 185:15 186:20 188:1 189:20 191:16 192:10 193:19 193:22 198:18 199:5,10 237:2 237:12 240:23 vicinity 255:24 victoria 1:6 3:25 video 3:9,18	153:12,20 258:8 videographer 2:25 3:5 4:17 4:24 20:16,20 52:10,14 98:17 98:22 153:12 153:20 203:25 204:4 251:15 255:19 257:20 258:7 videographers 3:10 258:10 videotaped 3:19 13:15 virginia 41:22 visible 194:15 volume 1:1 3:19 109:16 110:12 116:4 119:22 120:17,23,24 120:25 121:15 121:17 127:22 142:17 153:13 153:21 158:3 183:12 195:15 257:21 volumes 68:16 70:9 74:20,22 75:24 117:4,6 123:25 vs 1:11 W wait 241:17 waive 6:21 waiving 11:18 11:23 145:1 163:19,21 walk 247:16 249:19 want 5:11 27:16 28:3 29:7 32:15 38:9 67:17 69:23	83:6 92:22 98:12 102:19 102:24 103:22 104:4 105:12 105:15 106:16 111:16 113:4,8 116:3 118:12 120:20 122:7,8 122:9 125:11 140:14 142:15 157:22,23 158:14 164:16 170:9 176:15 176:16 179:22 183:9 187:20 190:10 201:12 205:6 208:10 211:23 212:23 216:16 225:21 238:22 241:11 241:21 242:7 247:10,11 250:7 251:6,15 252:5 253:25 254:19,24 257:16 wanted 96:4 140:14 248:17 wanting 69:21 wants 252:17 war 62:20,21 131:19,20 warn 55:25 228:14 230:11 warned 214:5 warning 49:2,8 49:17 229:10 warnings 51:24 55:12,15,21,24 56:5,7 214:4 228:19 230:15 230:20 239:20 239:25 240:15 washington 175:5
---	--	---	--	--

wasnt 61:1 87:23 105:10 105:17 106:17 142:12 160:17 161:20 164:21 178:4 199:2 200:10 207:20 229:6 236:7 257:6	169:23 171:1 197:1 244:16 wet 232:18 252:21 wetdown 240:21 241:3,21,23 242:14 wetting 214:10 weve 10:8 11:11 51:13 59:16 99:2,4 101:14 101:16 114:15 122:25 165:7 176:18 243:3 243:11 245:13 252:1 253:18 254:12 257:13 whats 83:4,20 104:5,6 113:6 114:7 115:11 151:25 186:9 234:23 244:20 246:20,21 254:6 whereabouts 76:17 whos 173:15 wide 144:24 wilkins 156:24 william 1:8,10 2:20 262:5 willing 254:20 wilshire 3:13 wilson 2:12 261:20 wilsonelser 2:14 261:23 wish 101:11 witness 7:24 8:22,23 9:5 11:20 12:13 13:21 51:10 100:7 106:6 117:12 118:11 146:5 148:5	150:6 160:13 243:24 245:4 246:17,23 249:6 250:17 256:2,5,15 257:14 261:5,6 261:7,8 263:3 witnesses 12:8 117:17 witnesss 9:1 100:8 wont 12:24 113:18 word 206:22 wording 56:10 56:11,12 words 49:18 work 14:11,12 29:4 33:25 36:22 37:25 43:11,13 45:5 47:25 49:15 50:24 67:9 73:4,21 94:14 95:2 107:25 108:8,18 133:9 160:15,16 164:5 181:6 189:5,13 193:23 194:7 194:10,14 195:4,25 197:3 197:9,15 198:15 199:7 214:23 215:18 227:16 234:12 237:22 239:14 240:1 241:11 255:24 worked 24:22 26:22 39:17 58:19 108:3,4 196:5 214:19 worker 229:1 230:8	workers 49:25 78:4 86:22 87:10,16 116:20 228:14 230:20 231:8 workforce 50:10 working 25:10 26:1 37:8,16 37:19 38:3 40:9,11,13 133:16 149:16 175:6 195:16 200:1 209:5 213:1 238:6 workmens 78:18 155:10,17 world 63:5 65:15 66:14 72:14 worth 249:24 wouldnt 18:7 19:1 208:9 wrap 247:11 writing 129:4 173:4 writings 128:25 130:2 written 7:7,7 47:13 49:23 81:8 148:12 153:5 228:19 229:11 232:1,4 233:23 wrong 38:7 45:19 66:8,10 67:23 122:7 176:23 239:17 256:7 www 1:25	229:17,24 Y yale 129:21 130:3,11,15 yard 38:22 yeah 123:4 243:2 year 29:24 34:21 34:24 36:11 38:21 39:5 41:25 94:9 227:24 228:3 235:7,9 236:9 236:12 237:20 years 14:6 18:14 30:13 37:7,25 38:2,20 39:5 39:11 40:16,19 41:2,5 71:24 77:11 87:11,12 87:21 94:3 128:2 135:23 152:2 167:14 200:12 206:7 206:20 207:2 222:22 238:23 yeartoyear 34:10 yesterday 8:11 74:17,23 75:4 75:6,7,12 76:1 76:4,10 104:15 105:14,20 159:2,2,5 205:8 244:1 york 2:13 128:21 168:4,9 261:21 youd 22:10 33:16 35:7,12 87:5 96:5 119:12 187:2 youll 64:6 204:17
--	---	--	---	---

youre 5:15 7:9	117:3 121:9	76:8 81:17	12 30:12 38:2,19	1880 2:4 4:4
9:6 11:22	123:8,9 127:7	98:21,23 100:3	39:11 81:10,11	261:13
12:17 13:5	154:15 156:5	100:16 103:2	98:18,19	1888656depo
14:24 15:10	165:2 170:11	105:25 107:6	104:15 217:6	262:17
16:7,13 17:21	177:9 178:10	107:13 115:17	217:22 253:25	18page 112:19
20:23 24:21	181:23 189:22	115:17 116:1,1	120 81:24	112:22 113:3
25:1,24 28:9	192:13 193:10	150:4 156:24	126 152:16,19	114:25
30:12,18 31:2	204:19 207:12	183:13 205:16	152:25	19 71:5 123:12
34:3 35:19	220:16 221:5	211:21 212:1,1	13 56:25 115:14	127:21 130:9
46:8 52:19,25	234:16,25	216:11,11	115:15,22	154:23 216:18
58:11 59:17	244:23 247:7	238:14,14	195:19 226:4	216:19 219:7
62:18 66:6	257:2,12	258:14,19,23	244:16	226:1
77:17 78:12		263:16,18,22	135 2:9 142:17	190 156:20
80:18 96:8	Z	10 3:3,7 8:9	142:20 261:17	1900 2:21 262:6
98:25 100:24	zero 239:13	20:17,18,19,21	13cv02776wgy	1945 217:9
100:25 103:15	0	108:14 123:7,8	1:9 3:23	218:15 224:18
104:3 108:25	000 6:9 8:9	161:2 162:19	14 30:18 115:14	226:6
111:5 113:13	108:14 123:7,8	182:21 200:18	115:25 153:17	1949 149:17
125:4 148:3	162:19 182:21	210:2 255:2	153:18 217:7	225:19 226:10
154:2,16	200:18 210:2	259:11 264:5	218:2 220:10	226:18 227:14
157:12,16	001760 9:23	100 248:6	225:9 226:4	255:6
158:1,11,19	011266 238:9,21	10017 2:13	242:19 263:7	1950 127:25
160:15 170:15	011298 120:13	261:21	146 242:24	222:21 226:22
179:22 185:13	011299 113:24	10100 2:17	150 2:12 3:13	226:25 227:11
185:25 186:13	114:18	262:2	100:14 261:21	228:12 229:8
187:1 190:6	011308 114:18	1025 1:23	155 155:2	230:17,22
191:13,18	011313 115:12	262:15	156 155:10	231:4 234:8
194:23 204:7	011315 115:12	108 130:10,11	16 3:3,7 85:22	1952 29:21
232:22 241:15	011316 212:3	130:17	120:1 155:3	150:17
243:8 249:19	011318 238:15	109 130:8,23	164 169:19	1953 150:4
251:20 252:10	011321 107:20	131:6 132:5	171:1 220:9	1954 14:8 29:24
252:23 253:25	011324 107:20	11 1:2 6:9 52:11	165 169:20	217:19
256:7	011338 141:10	52:12,13,15	167 220:10	1955 140:10
youve 15:2,8	011344 231:18	56:14 112:11	225:4	141:3,16,24
19:5,17,22	011426 235:4	112:15 113:18	17 121:21	1958 128:18
20:4 37:19	238:11,18	113:22 114:1,2	122:22 123:12	129:1,16 162:1
42:10,12 53:9	011427 234:25	114:8 161:4	231:23 233:25	201:24 202:1
54:11,12 56:17	238:23	175:4 238:12	235:5 238:12	227:7 229:23
62:19 64:24	011438 122:3	255:2,6 259:14	259:2,6 263:24	235:5 236:24
67:13,20 68:6	06340 3:17	264:7	264:1	237:20,25
68:14,25 72:14	1	110 132:5	172 161:2	238:20 259:6,8
97:10,12 98:8	1 1:1,2 13:13	11320 212:3	179 156:23	264:2,3
101:4 104:7	22:1,20 24:5	11438 122:17	18 14:8 81:10,11	1960 110:25
107:15 110:2	74:20,21 75:23	11687 122:18	86:22 123:12	111:11 139:23
112:7 116:5		117 81:25	188 264:13	140:4,21

141:13,15,18 142:8 150:4 1960s 25:11 189:12 1961 167:8 238:25 259:10 264:4 1962 208:3,11 1963 166:13 1964 133:24 223:3,9,20 224:5 225:14 227:14,24 228:3 255:3 1965 231:23 233:25 259:2 263:24 1966 110:25 111:11 156:25 239:17 240:5 240:14,21 241:5 242:16 254:11 255:21 1968 116:10,16 117:5 152:22 167:16 170:18 174:6,25 175:21 202:16 203:9 205:14 207:7 210:4 228:18 229:8 230:17,22,24 231:4 234:10 1969 115:4,10 135:25 136:12 136:18 230:24 1970s 136:4 150:18 1971 82:9 120:19 121:3,7 129:21 130:3 161:16 164:2 165:12 173:21 205:16 210:5 211:21 258:19	263:19 1972 172:17 174:1 1973 29:25 36:13 258:21 263:20 1974 258:23 263:22 1975 222:22 1976 71:20 77:18 78:12,24 79:18 81:4,13 174:17 1977 14:18 18:6 18:19 21:16 36:9 37:15 50:3,24 51:5 62:10 92:13,19 93:9 94:3 124:20 125:2 152:6 1978 13:7 68:22 68:22,22,23,23 68:23 103:1 104:25 121:17 125:11 168:9 1979 70:20 71:5 71:6,25 127:22 161:13 162:25 166:15 221:15 221:17 224:20 1993 100:15 1994 40:21 19th 118:14 2 2 1:9 3:23 13:18 24:6 106:4,7 115:4,10 258:16 263:17 20 71:6 123:12 155:1 216:19 218:2 220:9 225:4 2000 41:6 42:2	42:11 2014 8:17 2015 1:18 3:7 13:20 153:16 153:24 258:8 260:14,18 261:2 262:12 206 110:3 20s 149:16 20th 2:9 261:17 21 123:12 130:17 152:25 212 2:14,14 261:22,22 214 172:14 216 172:22 173:3 22 123:12 153:1 238:25 259:10 264:4 224 111:22,23 225 111:22,23 23 98:21,23 124:5,16 153:19 155:4 172:17 174:1 24 132:18 153:25 247:9 243 112:11 246 107:13 2470921 2:5 261:14 25 183:13 196:9 208:16 222:22 251 112:18,20 256 116:7,14,22 258 263:16,17 263:19,20,22 263:24 259 264:2,3,4,6 264:7 26 124:20 125:2 196:8 264 1:1 27 1:18 3:7	13:20 52:11,12 153:15,23 184:1,1 258:8 260:13 261:2 2777 1:23 262:15 28 13:7 68:22 103:1 104:25 183:13,25 195:14,17 288 233:1 29 3:10 68:22 109:18 119:23 144:9,12 258:11 3 3 24:7 106:14 107:6,10,13 108:24 109:3 153:17,18,19 153:25 158:18 160:11 170:14 211:22 238:20 258:18 259:8 263:18 264:3 264:13 30 13:17,19,21 68:22 100:3,16 119:22 120:16 133:19 138:16 159:19 206:20 207:2 247:22 300 2:21 115:3 262:6 30plus 101:15 31 68:23 120:5 121:17 133:19 134:15 150:4 242:24 310 2:5,5,18,18 261:14,14 262:3,3 317 115:24 31st 262:12	32 134:10 158:18 320 116:2 238:15 324 144:20 33 103:3 105:4,8 106:1 334 144:9,12,21 34 105:7 106:1 160:11 174:18 197:11 35 74:21,22 75:23 76:9 174:20 37 204:1,2 38 20:17,18 52:13,15 152:2 216:19,22 217:11 39 216:20 217:6 225:25 3rd 124:7 4 4 68:23 107:4,5 107:16 109:3 115:16,23 125:11 141:18 204:1,2,3,5 211:25 212:7 216:9,9 218:14 258:20,21 263:20,20 40 186:12,13,14 186:17,21,23 209:5,9 400 121:24 415 2:10,10 261:19,19 42 20:19,21 98:18,19 426 235:1 427 235:1 428 1:22 42nd 2:12
---	---	---	--	--

261:21	5525057 2:18	68 169:24 171:2	261:19
43 162:22,24,25	262:3	211:10	8080333 2:10
163:16	556 242:19	69 262:16	261:19
44 162:25 163:5	57 167:6,12		830 124:17
163:16 165:14	217:21 233:7	7	87 139:12
174:16 254:12	233:16	7 55:12 118:23	888 1:24,24
254:17	58 167:6 168:5	137:6 141:3,24	262:16,16
475 120:22	238:12	216:22 220:10	89 39:11 45:20
49 170:14 204:3	59 232:15	225:9 238:13	45:20,22
204:5 258:12	5909500 2:23	238:18 259:4	221:15,21
258:13	262:7	264:1	
4903000 2:14	5909595 2:23	700 2:17 4:5	9
261:22	262:7	262:2	9 55:1,10 71:20
4903038 2:14	6	70s 84:15 209:22	81:4,13 115:16
261:22		71 82:13 211:11	115:23 162:24
4b 139:13,18	6 13:17,21	713 121:19	211:25 212:7
4c 139:21	110:10,13	122:23	216:9 239:11
140:23 141:12	113:8 138:16	715 121:20	239:12 254:16
4d 141:7,8,21	159:19 231:20	718 124:11	259:9 264:4
	234:7 238:17	72 164:2 165:12	90017 3:14
5	242:24 254:12	176:7	90067 2:4,17 4:5
5 68:23 71:24	258:12,13,25	73 115:16,23	261:13 262:2
110:10,12	263:23	120:5 211:25	915 3:13
113:7 139:24	60 14:6 218:14	212:7 216:9	92 106:10,23
161:13 166:15	60s 30:10,17	73844 3:10	139:21 140:23
174:21 221:17	177:16 183:7	258:10	92277 3:11
232:11 233:14	184:7,8 192:10	74 115:17 116:1	258:11
238:15 241:19	209:21 215:7	118:20 212:1	93 106:9,12
242:9,19	61 107:6,13	216:11 238:14	107:9 139:25
258:22 263:21	219:16	75207 1:24	141:1
50s 70:19 135:8	62 135:17	262:15	94 107:11 109:4
207:24 209:14	625 1:19 3:16	76 78:10	141:7,9,20
209:21 228:18	63 166:19 222:9	77 39:6 45:20,22	94105 2:9
252:22,23	222:10	49:6 56:2,8	261:18
51 241:19	64 137:2	93:17,22 94:8	94612 2:22
510 2:23,23	643 120:1	94:19	262:6
262:7,7	65 85:13 88:8	7869927 2:5	950 125:12
52 165:17	137:2 139:3	261:14	
525 100:14	6563275 1:24	79 39:6 45:20	
242:9	262:16	135:10 166:19	
54 29:22,23	6563376 1:24		
106:5	262:16	8	
55 106:4 242:9	66 86:25 87:25	8 53:16 54:17	
5525001 2:18	67 113:7,8	132:11 238:20	
262:3	169:24 171:2	259:7 264:3	
		8080300 2:10	