

0001

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 FOR THE COUNTY OF LOS ANGELES
 3 -----X
 4 DENNIS H. WOODARD and MYRA J. Case No. BC 387 774
 5 WOODARD,
 6 Plaintiffs
 7 v.
 8 ALFA LAVAL INC., et al.,
 9 Defendants.
 10 -----X
 11 Volume 1
 12 October 30, 2008
 13 Somerset, New Jersey
 14 Oral deposition of CARLO F. MARTINO, taken
 15 on behalf of the Plaintiffs, at the Courtyard Marriott, 250
 16 Davidson Avenue, Somerset, New Jersey, commencing at 9:30
 17 a.m., October 30, 2008, before Anthony Armstrong, a
 18 Certified Shorthand Reporter of the States of New Jersey
 19 and California
 20
 21
 22
 23
 24
 25

1

I N D E X		
WITNESS	EXAMINATION BY	PAGES
CARLO MARTINO	Mr. Galerston	4
E X H I B I T S		
EXHIBIT NO.	DESCRIPTION	PAGES
1	Sales scroll for Westinghouse sales	6
2	Sales scroll for all products sold	14
3	Sales scroll for all products sold	19
4	Sales scroll for plastics	20
5	Sales scroll for Square D	22
6	Sales scroll for Square D	23
7	Sales to Allen-Bradley	34
8	Sales to Allen-Bradley	34
9	10/31/66 letter	40
10	10/31/66 letter	43
11	2/11/71 letter	49
12	12/10/71 letter	50
13	1/12/73 study	52
14	3/14/73 letter	57
15	10/24/72 committee meeting	66
16	5/3/73 letter	69
17	Product standards	78
18	1/24/74 memo	82

3

1 A P P E A R A N C E S
 2 STANLEY MANDEL & IOLA
 3 3100 Monticello Avenue, Suite 750
 4 Dallas, Texas 75205
 5 BY: WILLIAM A. GALERSTON, ESQ.,
 6 Attorneys for Plaintiffs
 7 MAYER BROWN
 8 71 South Wacker Drive
 9 Chicago, Illinois 60606
 10 BY: MICHAEL A. OLSEN, ESQ.,
 11 Attorneys for the witness and Union-Carbide
 12 McKENNA LONG & ALDRIDGE
 13 444 South Flower Street, Suite 800
 14 Los Angeles, California 90071
 15 BY: MATT ASHBY, ESQ.,
 16 Attorneys for Union-Carbide
 17 HOWARD ROME MARTIN & RIDLEY
 18 1775 Woodside Road, Suite 200
 19 Redwood City, California 94061
 20 BY: CHRISTINA HBLWIG, ESQ.,
 21 Attorneys for Eaton Electrical and IMO Industries
 22 SELMAN BREITMAN
 23 11766 Wilshire Boulevard, Suite 600
 24 Los Angeles, California 90025
 25 BY: PATRICK J. CLIFFORD, ESQ.,
 Attorneys for Sepco Corporation

1 C A R L O M A R T I N O, a witness, having first been
 2 duly sworn, testified as follows:
 3 DIRECT EXAMINATION
 4 BY MR. GALERSTON:
 5 Q. Good morning, Mr. Martino. My name
 6 is Bill Galerston. We've met before?
 7 A. Yes.
 8 MR. GALERSTON: Before we get
 9 started, I want to go ahead and get a
 10 housekeeping matter on the record.
 11 It has been previously agreed, and we
 12 have correspondence reflecting agreement
 13 between counsel for the Woodards and
 14 Union-Carbide, that we can use, without
 15 objection, transcripts previously given by
 16 yourself from the Eubanks and the Whitmire
 17 cases.
 18 Is that correct, Mr. Olsen?
 19 MR. OLSEN: Yeah. We are not waiving
 20 any substantive objections as to the
 21 admissibility of anything in there. But the
 22 technical objections about the transcript
 23 itself, the stipulation, we agree.
 24 MR. GALERSTON: That's my
 25 understanding, as well.

2

4

1 In addition, we have reached an
2 agreement that the plaintiffs in this case
3 can use part of the transcript given by
4 Mr. Martino in the In Re: Hawaii State
5 Asbestos Cases, Civil No. 08-1-ACN-1, in the
6 Circuit Court for the First Circuit, State
7 of Hawaii.

8 If I understand it, our agreement is
9 that plaintiffs can use that transcript up
10 to and including Line 22 of Page 66, subject
11 to an agreement that we will not use the
12 portion where plaintiff's counsel attempts
13 to impeach Mr. Martino on a technical issue.

14 MR. OLSEN: Correct, on the prior
15 deposition Mr. Martino had given. Again,
16 it's the same stipulation with respect to
17 this case only and the technical objections
18 related to the use of a transcript and not
19 substantive admissibility objections.

20 MR. GALERSTON: That's understood.
21 No objection.

22 Union-Carbide agrees not to raise
23 unavailability of witness, prior testimony,
24 those types --

25 MR. OLSEN: Correct.

1 and ask you if you can identify this document,
2 sir?

3 MR. OLSEN: (Perusing.)

4 I'm going to make one objection, that
5 the questioning about the sales scrolls is
6 outside the scope of the notice.

7 I'm going to let you ask questions so
8 you understand how they work. But I don't
9 want to get into a bunch of questions about
10 the substance of a bunch of sales scrolls
11 because I don't think they are relevant to
12 this case.

13 A. (Perusing.)

14 BY MR. GALERSTON:

15 Q. Have you had an opportunity to review
16 Exhibit No. 1?

17 A. Yes.

18 Q. Are you familiar with this document?

19 A. I'm familiar with this type of
20 document, yes.

21 Q. What is Exhibit No. 1?

22 A. It's a sales scroll showing the
23 products sold to Westinghouse in 1966, '67, '69,
24 '70, '71, '72, '73, and '74.

25 Q. Okay. Now, are these year sales --

5

7

1 MR. GALERSTON: -- as you referred to
2 technical objections.

3 MR. OLSEN: Correct.

4 BY MR. GALERSTON:

5 Q. In light of that, Mr. Martino, I
6 believe I will be able to shorten our deposition
7 considerably today.

8 A. Okay.

9 Q. You and I have previously discussed
10 your experience with Bakelite product at
11 Union-Carbide?

12 A. Yes.

13 Q. You understand that's what we're
14 going to talk about again today?

15 A. Yes.

16 (Whereupon, Exhibit 1 was marked
17 for identification.)

18 *****

19 BY MR. GALERSTON:

20 Q. Since we are going to rely upon your
21 previous testimony, I am going to go ahead and
22 jump into the specific questions that I have
23 regarding some documents that are new to me.

24 I'm going to hand you what I'm marking
25 as Martino Exhibit No. 1, which is a sales scroll,

1 the data for 1969, does December 31st, 1966,
2 which is Page 1 of Exhibit No. 1, also
3 UCASB 00033579, does that indicate that 1966
4 sales by Union-Carbide to Westinghouse?

5 A. Yes.

6 MR. OLSEN: Just to be clear, this
7 document is redacted, so those aren't all
8 the sales of any products.

9 A. These were sales of phenolic molding
10 materials.

11 BY MR. GALERSTON:

12 Q. Okay. Do you know if this was
13 limited to the asbestos-containing phenolic
14 molding material, or just all phenolics?

15 A. They are all phenolic.

16 MR. OLSEN: His question is, do you
17 know if this is just the -- if you know
18 whether this is just the asbestos-containing
19 or not, or if you don't know --

20 A. I see one that's wood flour filled.
21 So it is not just asbestos.

22 BY MR. GALERSTON:

23 Q. Just because a phenolic has wood
24 flour in it does not mean it cannot also contain
25 asbestos, does it?

1 A. That's true. But some of our
2 products did not contain asbestos.
3 Q. Sure. So you're saying as you're
4 looking here, you're seeing at least one product
5 that you recognize as being a wood flour product
6 and so you believe that this would be all
7 phenolics that was sold to Westinghouse as
8 opposed to just asbestos phenolics?
9 A. Yes --
10 MR. OLSEN: If you know, Carl.
11 THE WITNESS: Yes, I do know.
12 MR. OLSEN: So you know that these
13 are all the phenolic molding compounds sold
14 to Westinghouse for this timeframe, you know
15 that?
16 THE WITNESS: Well, I'm assuming that
17 the sales scrolls are correct. Based on
18 this document, this is what we sold to
19 Westinghouse.
20 BY MR. GALERSTON:
21 Q. Okay. And let's look at that first
22 page of Exhibit No. 1. And we see at the top it
23 says D 136350 thermosetting comp.
24 That's not Westinghouse, correct?
25 That would be a different company?

1 A. Where are you looking?
2 Q. At the very top of the document.
3 A. That is not a company. That, I
4 think, is just a description, thermosetting
5 compositions.
6 Q. Okay. Would you -- does it appear to
7 you that this would be related to a different
8 customer or client of Union-Carbide as opposed to
9 Westinghouse, which we see further down in the
10 document?
11 A. No.
12 Q. Okay. Let's go ahead and look down
13 at the middle of the document where we see
14 reference to Westinghouse. It says 350 94725
15 Westinghouse BMMA 5138.
16 Do you see that, sir?
17 A. Yes.
18 Q. Westinghouse we recognize as being
19 Union-Carbide's customer, correct?
20 A. Yes.
21 Q. BMMA 5138 is a Union-Carbide phenolic
22 product, correct?
23 A. Yes.
24 Q. What does the -- if you know, does
25 the 350 and the 94725 mean?

1 A. The 250.
2 Q. The 350.
3 A. 350. That I don't know.
4 Q. Do you know what that next column --
5 A. No.
6 Q. Okay. As we go across this line, it
7 says BMMA 5138. Then we see the number 20.
8 A. It looks like 2D.
9 Q. Do you know what that refers to?
10 A. Not the 2D, no.
11 Q. Then we go further across to the far
12 right of this document and we see what appears to
13 be under the pounds column as 230, then 230
14 again. Do you see that, sir?
15 A. Yes.
16 Q. Does that indicate to you that there
17 were two purchases of 230 pounds each time of
18 BMMA 5138?
19 A. No. It would be another line for the
20 second 230. I don't know why there are two 230s
21 there.
22 Q. Let's go ahead and look at the second
23 page of this exhibit.
24 Again, looking at this at the very top
25 of the document, it appears that we're now looking

1 at -- on Page 1, we are talking about the 350
2 thermoset compound.
3 The second page it's 361 thermoset
4 compound. So this is sales of a different type of
5 compound; is that correct, or is this difference
6 just based upon the date since one is 66 page and
7 the next one is 67, if you know?
8 A. I don't know why those numbers are
9 different.
10 Q. Okay. Three-quarters of the way down
11 the page on the second page, we see again the
12 name Westinghouse. We see several compounds that
13 are listed there. You see that, sir?
14 A. Yes.
15 Q. These are again Union-Carbide sales
16 of these compounds to Westinghouse for 1967.
17 Is that what this reflects?
18 A. Yes.
19 Q. On this page we see -- in the middle
20 two columns we see dollar sales amounts; is that
21 correct?
22 A. Yes.
23 Q. The first column after the thermoset
24 compound is the amount of dollars, and then I
25 guess there is pounds followed by that.

1 A. Yes.

2 Q. So in 1967, if I read this correctly,

3 and correct me where I'm wrong, Union-Carbide

4 sold to Westinghouse BMG 0425 -- that should be

5 that first -- 1,750 pounds of product at \$3.94 a

6 pound?

7 A. No. That's \$394.

8 Q. Okay.

9 A. That would be the pounds times the

10 price.

11 Q. Okay. So then we take it across and

12 it says year to date. You see that?

13 A. Yes.

14 Q. In that same line it says \$9,913?

15 A. Yes.

16 Q. And then next to that it was

17 44,050 pounds?

18 A. Yes.

19 Q. So if I understand it correctly, what

20 it appears is that in December, Westinghouse

21 would have bought 394 -- excuse me --

22 1,750 pounds for \$394, which brought their

23 year-to-date total purchases of that one specific

24 compound to 44,050 pounds, for a price of \$9,913?

25 A. Yes.

13

1 Q. And that would be the basic analysis

2 for each of the compounds that are listed here,

3 correct?

4 A. Yes.

5 Q. The middle columns are showing us

6 what would be that month.

7 A. Yes.

8 Q. And then the year to date is on the

9 far right?

10 A. Is the year to date -- year to date,

11 yes.

12 Q. And this is a type of document that

13 you would have had access to and would have

14 relied at the time you were working in the

15 Bakelite division?

16 A. I could request it, yes.

17 Q. Now, I want to go ahead and mark

18 Exhibit No. 2, which is slightly different. But

19 again, this is more Westinghouse documents. I

20 ask you to take a look at that. If you could

21 identify that for the record.

22 A. (Perusing.)

23 (Whereupon, Exhibit 2 was marked

24 for identification.)

25 *****

14

1 MR. GALERSTON: For the record, let

2 me indicate that Exhibit No. 2 is UCASB

3 02374063 through UCASB 02539076.

4 A. (Perusing.)

5 BY MR. GALERSTON:

6 Q. What do we have here in Exhibit

7 No. 2?

8 A. This looks like the scrolls for all

9 products sold, chemicals as well as plastics.

10 Q. Okay. Exhibit No. 2, the first thing

11 that I can make out is Westinghouse on Page 1 of

12 Exhibit No. 2.

13 Do you see that, sir?

14 A. Yes.

15 Q. Is all of Exhibit No. 2 related to

16 Westinghouse, to the best of your knowledge?

17 A. Third page, I'm not sure that that is

18 Westinghouse. It's something Electric

19 Corporation.

20 Q. It looks like to me it's WSTGHS, like

21 an abbreviation for Westinghouse. If you look at

22 the last page, and certainly take your time if

23 you want to look at everything, but I see the

24 abbreviation throughout. Toward the end we see

25 Westinghouse spelled out in full.

15

1 If there is any information that you

2 have that would indicate that this entire document

3 would not be related to Westinghouse, let me know.

4 MR. OLSEN: You don't need to look at

5 every page. It says Westinghouse on the top

6 or the same abbreviation --

7 THE WITNESS: Yes.

8 MR. OLSEN: If it doesn't, then we

9 will take issue with it if it is ever

10 appropriate.

11 THE WITNESS: Yes, that's all right.

12 MR. OLSEN: Okay.

13 BY MR. GALERSTON:

14 Q. So based upon your cursory review,

15 you would agree that this appears to be

16 related -- this document appears to be related to

17 Westinghouse?

18 A. Yes.

19 Q. And it appears to reflect sales of

20 various products to various Westinghouse

21 facilities?

22 A. Yes.

23 Q. Okay. Can you tell by looking -- the

24 last page, that's pretty clear that there's a

25 date on it, which appears to be December of 1974.

16

1 Do you see that, sir, on the last
2 page?
3 A. Is this a different document?
4 Q. No, it's the same document.
5 A. '74.
6 Q. December 1974?
7 A. Right.
8 Q. Can you tell me what the beginning
9 date is by looking at the first page? I can't
10 pull a date off of there. I was wondering if you
11 have familiarity with it sufficiently to indicate
12 what the date is. Does it appear to be
13 December 1964?
14 A. The '64, I see that. It looks like
15 1964 on the other pages, as well.
16 Q. Have you previously had to review
17 this in order to testify about this document?
18 A. This particular one on Westinghouse?
19 Q. Yes, sir.
20 A. I don't recall having done it.
21 Q. Okay. Let me hand you what I'm
22 marking now as Exhibit No. 3 and ask if this
23 is -- Exhibit No. 3 -- if you can identify it.
24 (Whereupon, Exhibit 3 was marked
25 for identification.)

17

1 *****
2 A. (Perusing.)
3 Okay.
4 BY MR. GALERSTON:
5 Q. What does Exhibit No. 3 appear to be?
6 A. Again, sales of all products to --
7 not clear who to.
8 Q. Look at the first page. You see it
9 says GE Atomic?
10 A. GE -- not very clear. It's clear on
11 some of these other sheets. Some of the later
12 sheets is General Electric.
13 Q. Okay. General Electric was a
14 customer of Union-Carbide's?
15 A. They were both customer and
16 competitor.
17 Q. Okay. Exhibit No. 3, for the record,
18 starts with UCASB 02388409, and ends with UCASB
19 02535688. The first page of Exhibit No. 3 has a
20 date of December of 1967; is that correct, sir?
21 A. Yes.
22 Q. Let's look at the last page and see
23 if we can identify a date.
24 Does that appear to have a date of
25 December 1974?

18

1 A. Yes.
2 Q. Okay. On that last page it's fairly
3 easy to see. The second to last line that's
4 printed says General Electric Company Prime
5 Total. Do you see that?
6 A. Yes.
7 Q. Have you previously had to review
8 this document in order to testify in litigation?
9 A. I don't recall having done that.
10 Q. Would it be your understanding of
11 this document that Exhibit No. 3 reflects the
12 sale of all the products, phenolics and
13 otherwise, between Union-Carbide and General
14 Electric for the period of 1967 through 1974?
15 MR. OLSEN: If it weren't redacted,
16 you mean?
17 MR. GALERSTON: Well, it doesn't have
18 the information, but it does indicate sales.
19 Right, if it wasn't redacted. We could say
20 it that way.
21 A. Yes.
22 BY MR. GALERSTON:
23 Q. Let me hand you what has been marked
24 as Exhibit No. 4. If you could identify it for
25 the record.

19

1 (Whereupon, Exhibit 4 was marked
2 for identification.)
3 *****
4 MR. OLSEN: (Perusing.)
5 A. Okay.
6 BY MR. GALERSTON:
7 Q. What is Exhibit No. 4, sir?
8 A. These are the sales scrolls for just
9 the plastics part of the business.
10 Q. When you say the plastics part, these
11 are evidence or -- excuse me. Exhibit No. 4 is a
12 summary of the sales of phenolics and other
13 plastic products to General Electric by
14 Union-Carbide?
15 A. Well, they are of the thermosetting
16 plastics to various customers, yes.
17 Q. And this reflects various General
18 Electric units; is that correct?
19 A. Yes.
20 Q. Exhibit No. 4, similar to Exhibit
21 No. 1, starts in December of 1966, correct?
22 A. Yes.
23 Q. And summarizes sales until
24 December of 1974, correct, at the last page?
25 A. Yes, '74.

20

1 Q. Okay. This document starts with the
2 summary for the year December 1966.

3 Do you know whether General Electric
4 was a customer of Union-Carbide's thermosetting
5 division prior to the 1966?

6 A. I don't know.

7 Q. The interpretation of the information
8 contained here in Exhibit No. 4, is there
9 anything different from it than what we discussed
10 in Exhibit No. 1?

11 A. It looks similar.

12 Q. And looking at the first page of
13 Exhibit No. 4, can you identify whether or not
14 any of those Union-Carbide thermosetting products
15 that were purchased by General Electric would
16 have been asbestos-containing?

17 A. Some were, and there is some that I
18 don't think contained asbestos.

19 Q. Okay. And looking at the list, which
20 ones do you believe would not have been
21 asbestos-containing?

22 A. 7,002. 5020 did not contain asbestos
23 at some time. It did contain some asbestos at
24 other times. I would have to look at the
25 formulation sheets to determine, you know, if, in

21

1 Sir, I tell you what. To make that
2 easier, let me hand you Exhibit 6, as well.

3 (Whereupon, Exhibit 6 was marked
4 for identification.)

5 *****

6 BY MR. GALERSTON:

7 Q. Looking at that in conjunction with
8 No. 5, it will be easier.

9 MR. GALERSTON: For the record,
10 Exhibit No. 6 is UCASB 00033576 through
11 UCASB 00014039.

12 A. Okay.

13 BY MR. GALERSTON:

14 Q. All right. So does Exhibit No. 5 --
15 could you identify that for the record?

16 A. These are --

17 MR. OLSEN: 6.

18 BY MR. GALERSTON:

19 Q. First 5.

20 A. 5 are sales to Square D.

21 Q. Does that appear to be of all
22 products?

23 A. Yes. This would be chemicals and
24 plastics.

25 Q. What is Exhibit No. 6?

23

1 '66, it had asbestos in it.

2 Q. 5020, was that the general-purpose
3 Bakelite?

4 A. 5000 was the general-purpose
5 Bakelite. 5020, I think, was similar to it.

6 MR. GALERSTON: For the record, let
7 me identify Exhibit No. 4 as being Pages
8 UCASB 00033566 through UCASB 00014022.
9 (Whereupon, Exhibit 5 was marked
10 for identification.)

11 *****

12 BY MR. GALERSTON:

13 Q. I'm going to hand you what I will
14 mark as Exhibit No. 5, UCASB 02391285 through
15 UCASB 02538215. If you could identify that for
16 us.

17 MR. OLSEN: (Perusing.)

18 A. (Perusing.)

19 Okay.

20 BY MR. GALERSTON:

21 Q. What is Exhibit No. 5, sir?

22 A. These are sales to Square D.

23 Q. Okay. When you say sales, are these
24 all sales, or is this just the thermosetting
25 products?

22

1 A. Are the sales of the thermosetting
2 compounds.

3 Q. Okay. Exhibit No. 5 appears to be
4 run from December 1967 until December 1974,
5 similar to the other general sales -- or scrolls
6 that we looked at, correct?

7 A. This is '67 to '74.

8 Q. Right.

9 A. This is '66 to '74.

10 Q. Okay. And this is referring to
11 Exhibit No. 6, correct?

12 A. Yes.

13 Q. Exhibit No. 6 is similar to the other
14 sales scrolls we saw with regards to
15 thermosetting compounds, correct?

16 A. Yes.

17 Q. Looking at Page No. 1 of Exhibit
18 No. 6, we see the name Square D Company, and then
19 we see next to that BMMA 5715; is that correct?

20 A. Yes.

21 Q. And 5715 was an asbestos-containing,
22 heat-resistant thermosetting compound, correct?

23 A. I'm not sure. I'd have to look at
24 the formulation on that.

25 Q. Okay. Then we see over to the far

24

1 right what appears to be the year-to-date summary
 2 that there were a hundred pounds purchased of
 3 that?
 4 A. Yes.
 5 Q. Right below it we see BMMB 5020, the
 6 same compound we spoke about a moment ago that
 7 was asbestos-containing at some time and then not
 8 at other times?
 9 A. Right.
 10 Q. We see a purchase of 150 pounds
 11 there, correct?
 12 A. Yes.
 13 Q. There is no indication as to the
 14 dollar value for this. Do you know why that
 15 would be?
 16 A. These are a hundred pound sample --
 17 usually are sample quantities. So probably that
 18 was the reason.
 19 Q. So you think there might not have
 20 been a sale, there may have been a sample that
 21 was just sent for testing?
 22 A. Let me see what happened.
 23 Q. Well, if we see on the next page
 24 under -- still under December 1966, we see BMC
 25 5330, we see what appears to be a couple of

25

1 Q. 5498?
 2 A. Yes.
 3 Q. Okay. And then we see BMMA 7335?
 4 A. Yes.
 5 Q. There's another one right below it,
 6 but there is no compound name typed up for that,
 7 but we do see in December, 52,900 pounds being
 8 purchased, correct?
 9 A. Well, those columns add up to that
 10 figure, the 52,900. If you add 9,300 and 43,600,
 11 you get 52.
 12 Q. So that's a summary?
 13 A. Yes. The same thing applies to the
 14 dollars.
 15 Q. Okay. So if I understand you
 16 correctly, we see where we are having this little
 17 asterisk there on that line and there is no
 18 product name, we now have a summary. If we take
 19 that across all the way, so in December of 1967,
 20 it appears that Square D purchased 451,450 pounds
 21 of compounds at a price of \$98,927?
 22 A. Yes.
 23 Q. Now, looking at those products that
 24 were bought in 1967, can you identify whether any
 25 of those three are asbestos-containing compounds?

27

1 purchases. 1,100 pounds and then 1,350 pounds?
 2 A. Yes.
 3 Q. Again, we don't have a dollar amount
 4 there, though?
 5 A. Yes.
 6 Q. No explanation as to why there is no
 7 dollar amount for those?
 8 A. We usually did not give that much
 9 material away for free. I don't know in that
 10 case.
 11 Q. Okay. When we go forward to Page 3
 12 of Exhibit 6, we see the summary for December of
 13 1967. We see Square D Company again. We see BMG
 14 5498. Do you see that, sir?
 15 A. Yes.
 16 Q. So it appears that in December they
 17 bought 9,300 pounds for the price of \$2,134,
 18 correct?
 19 A. Yes.
 20 Q. And that year-to-date they had bought
 21 130,500 pounds and had paid \$29,551 for that?
 22 A. Yes.
 23 Q. And then there is four other
 24 compounds. We see -- very hard to read. BMGJ?
 25 A. Yes.

26

1 A. Usually 5498 did not contain
 2 asbestos, but there was a short period of time
 3 when a small amount was added to it. To
 4 determine when that was, I would have to look at
 5 the formulation sheets.
 6 Q. What about the BMMA 4375?
 7 A. That I don't remember. I would have
 8 to look at the sheets.
 9 Q. Turn to the next page, which ends in
 10 276. This is for December of '68. In the middle
 11 of the page we see again Square D. We see over
 12 there a purchase of 1,088,350 pounds for a price
 13 of 238,780 some dollars, correct?
 14 A. Yes.
 15 Q. And it appears to be BMG 5498, BMMA
 16 7335 and BMMA 7732?
 17 A. Yes.
 18 Q. Do you recognize any of those as
 19 being asbestos-containing compounds?
 20 A. Well, 5498 I mentioned before.
 21 Usually it did not contain asbestos, but there
 22 was a shortened period of time where we did put
 23 some asbestos in it. The other two I'd have to
 24 look at the sheets.
 25 Q. All right. We go to the next page,

28

1 Bates No. 745, December of 1969. We see Square D
2 again. Then under summary sales, we see
3 1,435,850 pounds for a price of \$335,024,
4 correct?

5 A. Yes.

6 Q. Then we see substantially similar
7 compounds, BMG 5498, BMMA 7022 and BMMA 7335?

8 A. Yes.

9 Q. Next page, Bates No. 411.
10 December of 1970, we see Square D. We see
11 substantially more or a variety of products.
12 From three or four, now we have, appears to be
13 eight different products they are purchasing now?

14 A. Yes.

15 Q. The summary column shows
16 1,816,108 pounds for a price of, is that 3,000 --
17 338,000?

18 A. No. It looks like four.

19 Q. \$438,777?

20 A. Yes.

21 Q. Again, looking at the list, you don't
22 know whether or not those are
23 asbestos-containing, we would have to go to the
24 product sheets?

25 A. 5440 I know did contain asbestos.

29

1 No. 7464. We see purchases of 2,874,905 pounds at
2 a price of \$676,186, correct?

3 A. Yes.

4 Q. Substantially all, with the exception
5 of maybe one, appears to be thermoset products,
6 correct?

7 A. Yes.

8 Q. During this time period, and there is
9 still some of these, 5303 and 5440 certainly
10 would have been asbestos-containing, correct?

11 A. Yes.

12 Q. As well as some of the other
13 components, correct?

14 A. 5314 contained a small amount of
15 asbestos. I don't recall the amount.

16 Q. And certainly I think your previous
17 testimony is that the heat-resistant
18 thermosetting products, even in this early 1970
19 timeframe, were the ones that were more likely to
20 contain asbestos, correct?

21 A. Yes.

22 Q. Those were the same products that
23 were specifically marketed towards the electrical
24 componentry, correct?

25 MR. OLSEN: Objection. Assumes facts

31

1 Roughly, if I recall, about 10 percent. But for
2 the exact amount, I would have to look at the
3 sheet.

4 5303 also contained asbestos. That
5 was roughly in the 30-percent range.

6 Q. Okay. Looking at the next page,
7 summary sheet for December 1971, '71 indicates
8 that there was 1,823,542 pounds being purchased
9 for a price of \$449,816, right?

10 A. Right. But those were not all
11 molding materials there. CLS 3305 and ZXB 0819
12 are not molding materials.

13 Q. Okay. So we see some new -- would
14 they be thermosets?

15 A. I don't know.

16 Q. Okay. Well, we see that there were
17 92 pounds combined?

18 A. Yes.

19 Q. So substantially they were fairly
20 insignificant, the total purchased?

21 A. Yes.

22 Q. And there is a dollar amount assigned
23 to them.

24 Next December 1972, we see Square D
25 again in the middle of the page. This is Bates

1 not in evidence.

2 A. No. They were marketed to more than
3 just that type of customer.

4 BY MR. GALERSTON:

5 Q. But certainly the electrical
6 component manufacturers were interested in that
7 heat-resistant material, correct?

8 A. As well as general purpose. They
9 also bought that.

10 Q. Okay. Let's go to the second to last
11 page, Bates No. 3115. This is for December 1973.
12 Again, we see this as Square D. We see a
13 purchase of 4,612,040 pounds at a cost of
14 \$1,095,270, correct?

15 A. Yes.

16 Q. Again, substantially similar
17 thermosetting compounds, with one small purchase
18 for the ZXP?

19 A. We were removing asbestos starting in
20 1970. 5498, during this period, I don't think
21 contained asbestos.

22 We also were removing it from 5440.
23 Whether this particular shipment contained
24 asbestos or not, I don't know. I would have to
25 look at the records.

1 Q. What about 6935. Do you recall?

2 A. I don't recall. We'd have to look at

3 the records. But our asbestos removal program

4 was pretty well advanced. We started in '70. By

5 the end of '73, we had removed quite a bit of the

6 asbestos.

7 Q. I think your testimony is that by

8 '74, that's when you got out and the big press

9 release came out that you were out of --

10 A. Right.

11 Q. -- use of asbestos, correct?

12 A. Yes.

13 Q. You, being Union-Carbide?

14 A. Yes.

15 Q. Let's look at the last page, 4039.

16 December 1974. This is the year that

17 Union-Carbide announced that it was completely

18 out of use of asbestos and its thermosetting

19 compounds?

20 A. Yes.

21 Q. That year, Square D purchased

22 2,873,960 pounds at a price of \$1,008,074,

23 correct?

24 A. Yes.

25 Q. And by the end of 1974, none of these

33

1 products would have had any asbestos, correct?

2 A. Yes. Well, 5303 we had reduced that

3 to 15 percent. I left the business in '73. So I

4 don't know whether we ever got down to zero in

5 5303. That could be the 15 percent. The others,

6 which should have gotten down to zero.

7 Q. Okay. Do you know if Square D

8 continued to be a customer of Union-Carbide's

9 thermosetting division following 1974?

10 A. I don't know if they bought any

11 chemicals or resins.

12 (Whereupon, Exhibit 7 was marked

13 for identification.)

14 *****

15 MR. OLSEN: 8.

16 (Whereupon, Exhibit 8 was marked

17 for identification.)

18 *****

19 BY MR. GALERSTON:

20 Q. I'm going to hand you what I have

21 marked as 7 and 8 to your deposition. I ask you

22 to review those and see if you can identify them

23 for the record.

24 MR. OLSEN: I'm going to object. The

25 sales scrolls questions are all outside the

34

1 scope of the notice. He has gone through

2 the sales scrolls, he has explained how they

3 work.

4 I'm going to object to going through

5 additional sales scrolls that have nothing

6 to do with this case and ask questions about

7 them.

8 MR. GALERSTON: Allen-Bradley and

9 Square D are both defendants in this case.

10 Union-Carbide is being sued for its

11 supplying of materials to those two

12 defendants, as well as other defendants,

13 which would have been the source of the

14 exposure. I don't know how it's not

15 relevant or beyond the scope.

16 MR. OLSEN: Well, then, the notice

17 specified sales of products to specific

18 companies and to specific locations. These

19 scrolls don't have anything to do with any

20 of the companies or locations that were

21 specified in the notice, so that's why it's

22 outside the scope of the notice.

23 Now, he has explained exactly how

24 these documents worked. The documents are

25 what they are. Having him read totals into

35

1 the record doesn't serve any purpose.

2 MR. ASHBY: This is Matt Ashby. Let

3 me correct one thing that Mr. Galerston

4 said: I don't believe Allen-Bradley is a

5 defendant in this action.

6 MR. GALERSTON: I'll stand corrected

7 if that's the case.

8 MS. HELWIG: This is Christina

9 Helwig. You guys are extremely hard to hear

10 on the phone. If everybody can check their

11 mute button.

12 MR. OLSEN: He went through the

13 Square D sales scrolls. Allen-Bradley

14 doesn't have anything to do with this case

15 and serves no purpose. It isn't relevant to

16 anything at issue here.

17 MR. GALERSTON: Let me just get him

18 to identify it.

19 BY MR. GALERSTON:

20 Q. Sir, I have handed you what I have

21 marked as Exhibit 7 and 8. Can you identify

22 those documents for the record, please, sir.

23 A. They look like sales to Allen-Bradley

24 from 1964 to 1974.

25 Q. That would be Exhibit No. 7, correct?

36

1 A. Right. And the other, Exhibit 8,
2 1967 to 1973.
3 Q. That's Exhibit 8, sir?
4 A. Yes. And there are more than just
5 molding compounds on both of them.
6 Q. These documents are substantially
7 similar to the ones that we just reviewed,
8 Exhibits 5 and 6, sir?
9 A. Yes.
10 Q. We will move on.
11 MR. GALERSTON: Let's take a quick
12 break.
13 (There was a recess.)
14 *****
15 BY MR. GALERSTON:
16 Q. Sir, are you ready to continue, sir?
17 A. Yes.
18 Q. As you know, we have agreed to use
19 previous transcripts. So I'm going to try to
20 fill in some of the blanks in some of the
21 information I have. I will ask you about some
22 additional documents that we recently have become
23 aware of. I will jump around. If it becomes
24 confusing to you, let me know.
25 A. Okay.

37

1 Q. I might be making assumptions and
2 jumping in places where you are not there yet.
3 According to my understanding of your
4 previous testimony, I believe it was in 1972 or
5 1973, correct me as to which date it was, that you
6 were involved in testing the release of asbestos
7 material from an asbestos phenolic when it was
8 being cut, drilled or sanded; is that correct?
9 A. Yes.
10 Q. What year was that?
11 A. It was '72, '73 timeframe.
12 Q. And prior to that time, you are not
13 aware of any efforts Union-Carbide had ever made
14 to determine whether or not asbestos fibers would
15 be released from the phenolic asbestos-containing
16 material when it was being cut, drilled or
17 abraded, correct?
18 A. I'm not aware of any, no.
19 Q. And if -- correct me if I'm wrong, is
20 that up until that point in time that you
21 conducted your investigation, Union-Carbide was
22 of the position that its phenolic resin materials
23 did not have to have a warning label or have to
24 disclose that there was asbestos in its materials
25 because it was a bounded or bound constituent,

38

1 correct?
2 A. Yes.
3 Q. You, as in Union-Carbide, were aware
4 that the end-users of your asbestos-containing
5 phenolic materials might have to cut, abrade, or
6 otherwise grind those phenolics once they were in
7 the field, correct?
8 MR. OLSEN: End-users, are you
9 talking about the molders who are using
10 Carbide's product or people who are using
11 the molded product?
12 MR. GALERSTON: People who are using
13 the molded product.
14 A. The people who used the molded -- the
15 molders --
16 BY MR. GALERSTON:
17 Q. Not the molders. Beyond them.
18 A. Beyond them, no. The molded part
19 should not have to be drilled, cut or polished
20 because it's made to specifications. I'm not
21 aware of any exception to that.
22 Q. Okay. We certainly have seen some
23 testimony from electricians who said that they
24 had to cut, grind, drill or file some
25 asbestos-containing phenolic parts, correct?

39

1 A. Yes.
2 Q. And I'm going to ask you to take a
3 look at what I'm going to mark as Exhibit 9 to
4 your deposition.
5 (Whereupon, Exhibit 9 was marked
6 for identification.)
7 *****
8 MS. HELWIG: This is Christina
9 Helwig.
10 Counsel, while he is looking at that,
11 can we have a stipulation that an objection
12 by one is an objection by all?
13 MR. GALERSTON: You may.
14 MS. HELWIG: Thank you. Same with
15 motions to strike?
16 MR. GALERSTON: You may.
17 BY MR. GALERSTON:
18 Q. I'm handing you what has been marked
19 as Exhibit 9, which is a letter, Bates No. UCASB
20 01876355, with a second page, 356.
21 If you could look at that and let me
22 know when you have finished so we can discuss it.
23 A. (Perusing.)
24 Okay.
25 Q. Okay, sir. Exhibit No. 9 is an

40

1 October 31st, 1966 letter from American Meter
 2 Company to Dr. Lewinsohn at Union-Carbide,
 3 correct?
 4 A. Yes.
 5 Q. Have you had an opportunity to review
 6 Exhibit 9 prior to today?
 7 A. Prior to today, no.
 8 Q. Okay. Did you understand American
 9 Meter Company to be a customer of Union-Carbide's
 10 asbestos-containing phenolic resin?
 11 A. I was not aware that they were a
 12 customer.
 13 Q. Okay. The letter is a, correct me if
 14 I'm wrong, request for information from
 15 Union-Carbide with regards to the potential for
 16 releasing asbestos from lapping of valves.
 17 Do you see that, sir?
 18 A. Yes.
 19 Q. Do you know what lapping of valves
 20 would mean?
 21 A. No.
 22 Q. I'm looking specifically at the
 23 second sentence of the second paragraph. It
 24 says, this maintenance sometimes involves
 25 relapping of the valves that were made from your

41

1 letter?
 2 A. I don't recall having done that, no.
 3 Q. Is it safe to assume that you don't
 4 know whether or not relapping of a valve that was
 5 made from BMG 5418 would release asbestos?
 6 MR. OLSEN: Objection, calls for
 7 speculation.
 8 A. I don't know what relapping involves,
 9 so I wouldn't know.
 10 MR. GALERSTON: I'll hand you what
 11 has been marked as Exhibit 10 to your
 12 deposition.
 13 (Whereupon, Exhibit 10 was marked
 14 for identification.)
 15 *****
 16 BY MR. GALERSTON:
 17 Q. I ask you to review that, please.
 18 A. (Perusing.)
 19 This date is -- what is the date on
 20 this?
 21 Q. January 21st, 1967, I believe.
 22 A. '67?
 23 Q. Yes, sir.
 24 A. Are you sure that's '67 and not '87?
 25 Q. Well, I'll tell you what. Why don't

43

1 BMG 5418 material.
 2 You don't know what relapping
 3 involves, do you?
 4 A. No.
 5 Q. The writer, which is a division --
 6 Ronald H. Bamer, the division safety and
 7 environmental coordinator, says that since this
 8 material contained asbestos, under the OSHA
 9 Hazard Communication Standard, we feel it is our
 10 responsibility to supply whatever information
 11 that we can concerning the health hazards that
 12 may be associated with such material.
 13 In 1966, what was your responsibility
 14 with regards to the Bakelite division?
 15 A. I was manager of the phenolic molding
 16 material, the RD manager of the phenolic molding
 17 material and laminating resins group.
 18 Q. Okay. So it would not ever come -- a
 19 request from a customer with regards to a product
 20 would not necessarily come to your attention in
 21 that position?
 22 A. Not if it involved the safety
 23 information.
 24 Q. Okay. I assume that you were not
 25 involved in preparing the response to this

42

1 you go ahead and review the document, and I'll
 2 ask you some questions about it.
 3 A. Okay. (Perusing.)
 4 Okay.
 5 Q. Exhibit No. 9 is a letter from
 6 American Meter Company's Ronald H. Bamer to
 7 Dr. Lewinsohn, dated October 31st, 1966,
 8 correct?
 9 A. Yes.
 10 Q. Exhibit No. 10 is a letter from R.C.
 11 Wise, at Union-Carbide, the manager of product
 12 safety and liability, to the same Mr. Ronald H.
 13 Bamer at American Meter Company, correct?
 14 A. Yes.
 15 Q. The first sentence of the letter,
 16 which is Exhibit 10, states, regarding your
 17 inquiry on Bakelite phenolic molding material BMG
 18 5418. You see that, sir?
 19 A. Yes.
 20 Q. Would you agree with me that this
 21 letter appears to be a response to Exhibit No. 9?
 22 A. Yes.
 23 Q. And, therefore, would you agree that
 24 it was more likely than not that that would be
 25 January 21st, 1967, as opposed to 1987?

44

1 A. Yes.

2 Q. Exhibit No. 9 was a request for

3 information with regards to the potential for

4 release of asbestos from the manipulation of

5 5418, correct?

6 MR. OLSEN: Object. Misstates what

7 the document says. The document doesn't

8 state that.

9 BY MR. GALERSTON:

10 Q. Would you agree with that, sir?

11 A. It was in response to the original

12 letter.

13 Q. Well, Exhibit No. 9, 5418 -- excuse

14 me. Strike that.

15 Exhibit No. 9 is a request from

16 American Meter Company to determine whether or not

17 asbestos would be released when relapping valves

18 made of BMG 5418, correct?

19 A. Yes.

20 MR. OLSEN: Let me object. Same

21 objection. The document does not say that.

22 BY MR. GALERSTON:

23 Q. In response to the request for

24 information, Mr. Wise writes back and says that,

25 we don't have a material safety data sheet for

45

1 BMG 5418, correct?

2 A. Yes.

3 Q. Is there anything in this response

4 that indicates whether or not asbestos could be

5 released from BMG 5418 when it was ground or

6 abraded or otherwise destroyed?

7 A. No.

8 Q. Is there any information in here

9 discussing whether or not asbestos would be

10 released from BMG 5418 or was drilled?

11 A. No.

12 Q. The second page of Exhibit No. 10 is

13 Union-Carbide product standard. Says BMG 54 --

14 the eight appears to be cut off. But it appears

15 to be 5418, does it not?

16 A. Yes.

17 Q. And looking at that, do you see

18 anything that indicates to you what the asbestos

19 content is?

20 A. Well, it says something in writing,

21 color is completely asbestos approximately

22 50 percent.

23 Q. Okay. Do you know if that was

24 information that was originally on this product

25 standards report, or is that something that was

46

1 written specifically in response to Mr. Bamer's

2 letter?

3 MR. OLSEN: Objection, calls for

4 speculation.

5 A. It would not be on the product

6 standards. Somebody added it.

7 MR. OLSEN: Can I clarify the record?

8 Both of these records -- I'm going to object

9 to foundation that the product information

10 sheet, there is no foundation that that

11 was -- that's part of the letter that you've

12 included as part of each of these exhibits.

13 I don't know if you're suggesting it is or

14 it isn't.

15 Just so the record is clear, I object

16 to no foundation. There is no foundation

17 that those sheets had anything to do with

18 the letter of the response.

19 MR. GALERSTON: Let me respond to

20 that, sir.

21 BY MR. GALERSTON:

22 Q. Looking at Exhibit No. 9, let me ask

23 you this: You see attached to that is the BMG

24 5418 product standard? You see that, sir?

25 A. Yes.

47

1 Q. And if you read the first sentence of

2 the letter to Dr. Lewinsohn, it says, as

3 requested, enclosed is a product data sheet on

4 your Bakelite phenolic material BMG 5418.

5 So do you read that to indicate that

6 this product standard sheet was part of this

7 original letter?

8 MR. OLSEN: Objection. No

9 foundation. Calls for speculation. The

10 witness says he has never seen this letter

11 before right now.

12 A. It's attached to the letter.

13 MR. OLSEN: That was handed to you?

14 THE WITNESS: Yes.

15 BY MR. GALERSTON:

16 Q. And it's referenced in the letter, is

17 it not?

18 A. Yes.

19 Q. Do you know of any efforts that

20 Union-Carbide made in 1966 to determine whether

21 or not asbestos would be liberated from BMG 5418

22 when it was being relapped?

23 A. I'm not -- well, first of all, I'm

24 not sure what relapping means. But I'm not aware

25 of any work done on 5418 at that time.

48

1 Q. Are you aware of any efforts that
2 were made with regard to 5418 to determine
3 whether or not respirable asbestos fibers would
4 be released when BMG 5418 was cut, drilled or
5 otherwise abraded?

6 A. No.

7 Q. The first efforts that you know of to
8 determine whether or not any of Union-Carbide's
9 asbestos-containing phenolics would release
10 respirable asbestos was when, in the 1972, 1973
11 timeframe, you did that testing?

12 A. Yes.

13 Q. Do you know any reason why
14 Union-Carbide could not have done that testing
15 between 1966 and 1972?

16 MR. ALDER: Objection, calls for
17 speculation.

18 A. We were -- we did not consider
19 asbestos to be a carcinogen in 1966, so there was
20 no reason to.

21 MR. GALERSTON: Sir, I'm going to
22 hand you what I have marked as Martino
23 Exhibits 11 and 12.
24 (Whereupon, Exhibits 11 was marked
25 for identification.)

49

1 the RD department of the Bound Brook plant?

2 A. Yes.

3 Q. Okay. I assume that looking at
4 Exhibit No. 11, that Item No. 1 that's listed
5 there on the first page, Exhibit 11, it talks
6 about the Walsh-Healey Act. I assume you don't
7 have any information with regard to the
8 Walsh-Healey Act?

9 A. Where is the --

10 Q. The reference there in No. 1.

11 A. No, I'm not familiar with that.

12 Q. Therefore, you are not familiar with
13 the exposure limits to asbestos that are imposed
14 upon Union-Carbide by the Walsh-Healey Act,
15 correct?

16 A. That's correct.

17 MR. OLSEN: I'm going to object. I
18 will give you a little leeway. But the
19 knowledge of hazards of asbestos and
20 precautions undertaken with respect to those
21 hazards was subject to the Whitmire
22 deposition specifically called out in the
23 Whitmire notice that we talked about, and
24 pursuant to our stipulation, we agreed not
25 to revisit those topics.

51

1 *****
2 (Whereupon, Exhibit 12 was marked
3 for identification.)
4 *****

5 BY MR. GALERSTON:

6 Q. I ask you if you can review those.

7 A. (Perusing.)

8 Okay.

9 Q. I have handed you what's been marked
10 11 and 12 to your deposition. Exhibit 11 is
11 UCASB 01781067 through 1781073.

12 This is a February 11th, 1971
13 industrial hygiene survey for the Bound Brook
14 plant, correct?

15 A. Yes.

16 Q. Are you familiar with this document,
17 sir?

18 A. I never saw it before.

19 Q. Exhibit No. 12 is UCASB 01781057
20 through 1781065.

21 This is a December 10th, 1971
22 industrial hygiene survey.

23 Are you familiar with Exhibit 12?

24 A. I never saw it before either.

25 Q. In 1971, were you still working in

1 MR. GALERSTON: It's agreed that we
2 wouldn't review documents that he may have
3 made reference to in that deposition.
4 That's what I'm exploring here. He made
5 reference to industrial surveys. Obviously
6 these aren't them.

7 MR. ALDER: Okay.

8 (Whereupon, Exhibit 13 was marked
9 for identification.)

10 *****

11 BY MR. GALERSTON:

12 Q. Handing you what I have marked as
13 Exhibit No. 13 to your deposition, UCASB 01781016
14 through 1781026.

15 A. (Perusing.)

16 Okay.

17 Q. The document that we have attached as
18 Exhibit 13 is a January 12th, 1973 study of
19 phenolic resin/compound manufacturing facility
20 Bound Brook plant, correct?

21 A. Yes.

22 Q. Are you familiar with this document?

23 A. I don't recall seeing it before.

24 Q. This document, the author is D.R.
25 Albright, correct?

1 A. Yes.

2 Q. Are you familiar with Mr. Albright?

3 A. He was the department head of the

4 phenolic molding material department.

5 Q. Would he have been your supervisor?

6 A. No, he was a manufacturing manager.

7 Q. So he would have been -- you were on

8 RD and he was in manufacturing?

9 A. Yes.

10 Q. Would you have been, I guess, about

11 the same level in the flowchart?

12 A. Probably, yes.

13 Q. Okay. This document appears to me to

14 be a description of the manufacturing of phenolic

15 materials, correct?

16 A. Yes. Phenolic molding materials.

17 Q. Okay. As opposed to the thermoset

18 products?

19 A. No. Because we made phenolic resins

20 also. You said phenolic materials. That covers

21 both.

22 Q. Gotcha. I know that you did not

23 spend a great deal of time reviewing this. But

24 in looking at it and based upon Mr. Albright's

25 position, do you expect it to be a fairly

53

1 accurate description of how phenolic materials

2 are manufactured?

3 A. Just reviewing it quickly, it looks

4 fairly --

5 Q. Mr. Albright would certainly be in a

6 position to know how that worked?

7 A. Yes.

8 Q. I want to ask you specifically with

9 regards to the competitors. You see on Page --

10 the second page of Exhibit No. 13?

11 A. Yes.

12 Q. It indicates Page 1 up above.

13 A. Yes.

14 Q. Durez, Plenco, General Electric,

15 Reichhold, Fiberite, Rogers.

16 Those were the top five competitors of

17 Union-Carbide at that time?

18 MR. OLSEN: Six.

19 A. Durez, Plenco, General Electric and

20 Reichhold were. Fiberite and Rogers made

21 specialty products, which we did not make.

22 Q. So they weren't competitors?

23 A. No, they were customers of our resin.

24 Q. During that time period,

25 Union-Carbide held the Bakelite trademark, right?

54

1 A. Yes.

2 Q. None of these other companies would

3 have marketed any materials under the Bakelite

4 name, would they?

5 A. They had their own trademarks.

6 Q. What was Durez's trademark, do you

7 know?

8 A. Durite.

9 Q. What about Plenco?

10 A. I don't remember.

11 Q. What about General Electric?

12 A. I don't remember that one either.

13 Q. Genal, by chance? G-E-N-A-L.

14 A. I'm not sure about that one. Sounds

15 familiar, but I don't recall.

16 Q. During this 1968 -- well, this is a

17 1973 document -- General Electric was a customer

18 as well as a competitor, correct?

19 A. Yes.

20 Q. Do you know if General Electric was

21 molding asbestos-containing phenolics that it

22 purchased from Union-Carbide for inclusion in its

23 electrical equipment?

24 MR. OLSEN: Objection, calls for

25 speculation.

55

1 A. You showed me some scrolls that

2 showed sales to General Electric. So if those

3 contained asbestos, in other words, sales to

4 General Electric, where they used them, those

5 products, I don't know.

6 BY MR. GALERSTON:

7 Q. Reichhold, what was their trade name?

8 A. I don't recall.

9 Q. If I understand Mr. Albright's

10 writing here in the second paragraph that we see,

11 we are the second largest of six major suppliers

12 with 17 percent of the 265 million-pound 1968

13 merchant market; is that correct?

14 A. Yes, that's what he concluded there.

15 Q. Just so it's clear, the use of the MM

16 there, that stands for millions, correct?

17 A. Yes.

18 Q. A cohort of mine questioned my

19 interpretation of that to be millions the other

20 day.

21 Do you know whether or not

22 Union-Carbide has ever had a substantially larger

23 percentage of the market than 17 percent?

24 A. Of course they had a hundred percent

25 in the '20s. Up until 1948 that's probably the

56

1 largest supplier. And then we had that explosion
2 in 1951, dust explosion, and we became number
3 two.

4 Q. That was at the Bound Brook plant,
5 right?

6 A. Right.

7 Q. And that's Durez would have
8 supplanted Union-Carbide at that time?

9 A. Yes.

10 Q. Do you know if it ever got back to
11 substantially more than 17 percent of the market?

12 A. No. It became less.

13 (Whereupon, Exhibit 14 was marked
14 for identification.)

15 *****

16 BY MR. GALERSTON:

17 Q. Okay, sir, skipping along to a
18 slightly different area.

19 I ask if you are familiar with Exhibit
20 No. 14, this letter or memo?

21 MR. GALERSTON: For the record, UCASB
22 01874979, 4980.

23 A. Yes.

24 BY MR. GALERSTON:

25 Q. Exhibit No. 14, you are familiar with

1 would you call this a memo or a letter?

2 A. I would call this a letter.

3 Q. It shows you as being a -- receiving
4 a copy of this letter, correct?

5 A. Yes.

6 Q. Do you recall receiving a copy of
7 this letter in March of 1973?

8 A. I'm on the distribution list, so yes,
9 I did receive it.

10 Q. No. My question is, do you have an
11 independent recollection of having received it in
12 1973?

13 A. Yes.

14 Q. Okay. The letter starts off and
15 says, at Mr. Potter's request, Mr. Swalm is
16 writing to state his personal interpretation of a
17 Mr. Neal's findings as to the hazards of exposure
18 to airborne asbestos and the handling of our
19 present asbestos-containing molding materials
20 products from downstream users, right?

21 A. Yes.

22 Q. Let's make sure we have an
23 understanding.

24 Who is Mr. Neal?

25 A. He was one of the safety people who

1 Exhibit No. 14, are you not?

2 A. I have seen this before, yes.

3 Q. This is a March 14th, 1973 letter
4 regarding product labeling - asbestos, correct?

5 A. Yes.

6 Q. It's written by J.M. Swalm.

7 Are you familiar with Mr. Swalm?

8 A. I don't know him personally, no.

9 Q. The letter is to Mr. E.W. Krummel.

10 Was he the vice president of chemicals
11 and plastics?

12 A. No. He was the manager of the
13 phenolic resin, business manager.

14 Q. So he would have been above the
15 manufacturing manager whom we spoke about as
16 being Mr. Albright, correct?

17 A. On the totem pole he would have been.
18 But Albright would not have reported directly to
19 him.

20 Q. Albright was in charge of making it,
21 you were in charge of developing it, and Krummel
22 was in charge of selling it?

23 A. No. Krummel was in charge of the
24 whole business.

25 Q. Okay. You were copied with this --

1 took measurements in various areas to determine
2 whether we met the OSHA standard.

3 Q. Do you know whether Mr. Neal is an
4 industrial hygienist?

5 A. I don't know if he had that title or
6 not.

7 Q. He is studying the hazards of
8 exposure to airborne asbestos in the handling of
9 asbestos-containing molding material products by
10 downstream users. Who are downstream users?

11 A. It would be the molders.

12 Q. You understand that this is to
13 determine whether or not the molders, when they
14 take the asbestos-impregnated resins and would
15 either heat them or inject them into the mold
16 whether or not they are being exposed to
17 asbestos?

18 MR. OLSEN: Objection. Misstates
19 what the document says. Assumes facts not
20 in evidence. I will give a little leeway
21 again.

22 But this, again, was specifically
23 called out in the Whitmire notice and was
24 subject to those prior depositions. And
25 pursuant to that, your stipulations should

1 not be covered here.

2 I will give you a little leeway to

3 clear up what this document is about.

4 A. This would be fibers reduced by

5 pouring, dumping the bag into the hopper, the

6 machine.

7 BY MR. GALERSTON:

8 Q. Okay. Now, the second paragraph

9 talks about the OSHA labeling requirements.

10 You see that?

11 A. Yes.

12 Q. I think we talked about it. It

13 says -- starting in the middle of the paragraph,

14 it says, under these terms effective July 7th,

15 1972, we, meaning Union-Carbide, chose to not

16 label our asbestos-containing molding materials,

17 presuming that with reasonable usage, no

18 hazardous levels would be reached with our

19 products. We did not find high levels in final

20 product handling areas of our own production

21 operations, although dusty conditions were

22 encountered. Correct?

23 A. Yes.

24 Q. That's consistent with what we said

25 earlier that initially no warning labels were

61

1 attached to any Union-Carbide asbestos-containing

2 phenolics because the belief that the asbestos

3 was bound?

4 A. Yes.

5 Q. It goes on. It says, following the

6 GE move, questions have been raised about our own

7 product line as to the possibility of excessive

8 abuse and subsequent operations, or just lack of

9 reasonable care in customer usage resulting in

10 the release of excessive amounts of asbestos

11 fibers into the air.

12 Did I read that correctly, sir?

13 A. Yes.

14 Q. Consequently, from Messrs. Martino

15 and Ealer, Mr. Neal took samples of

16 artificially-created dust clouds which showed

17 that airborne concentrations well above the 10

18 fibers per cc ceiling exposure limit could indeed

19 be generated from products containing high

20 amounts of regular Carey asbestos. Correct?

21 A. Yes.

22 Q. Do you recall how Mr. Neal created

23 the dust clouds?

24 A. Well, he didn't. He just did the

25 measurements. This is part of -- I was asked to

62

1 determine -- to run that test -- determine if

2 asbestos fibers would be released if used in the

3 molders plant.

4 And what we decided to do was run an

5 experiment where we would be dumping the molding

6 material from one drum to another under the worst

7 possible conditions. No ventilation. Dumping it

8 from a fiber drum into another fiber drum.

9 And we ran it on two different

10 products, a 30 percent asbestos-containing

11 material and a 15 percent -- or less than

12 15 percent containing asbestos, and determined

13 that the product containing less than 15 percent

14 when we dumped it, the fiber content in the sample

15 was below OSHA limits. Above the 30 percent

16 containing material, the fiber content was above

17 OSHA limits.

18 We did not do any time averaged -- we

19 didn't time average the exposure, which OSHA would

20 allow us to do. We didn't determine whether some

21 of the fibers were cyosic and which fibers were

22 asbestos. Nor did we determine if the fiber was

23 coated with phenolic resin, whether it was

24 carcinogenic.

25 Those results were reported

63

1 immediately to Krummel and others in the safety

2 organization in New York, and that was what

3 resulted in our labeling all our bags.

4 Q. Those test results to date have not

5 been found, correct?

6 A. Those have been found. They are

7 documented someplace. The ones that haven't been

8 found were the drilling abrading test I was

9 talking about.

10 Q. Okay.

11 MR. GALERSTON: Let's take a break.

12 (There was a recess.)

13 *****

14 BY MR. GALERSTON:

15 Q. Sir, we were just discussing Exhibit

16 No. 14. You indicated to me that we have

17 previously discussed Mr. Neal's testing and his

18 results in previous depositions, right?

19 A. Yes.

20 Q. With regard to communication with

21 regards to the results of that, do you know of

22 any efforts Union-Carbide ever made to

23 communicate the risk of exposure to high levels

24 of asbestos from the dumping of the bags to its

25 molding customers?

64

1 MR. OLSEN: Objection, calls for
2 speculation.
3 A. The test resulted in the labeling of
4 our bags and gaylords.
5 What questions arose as a result of
6 that being done and what information was given to
7 the customers by sales, I don't know.
8 BY MR. GALERSTON:
9 Q. Well, the bags and gaylords were
10 marked with a caution label that says: Caution,
11 contains asbestos fibers. Avoid creating dust.
12 Breathing asbestos may cause serious bodily harm,
13 correct?
14 A. Yes.
15 Q. Do you know of any efforts
16 Union-Carbide made to disclose to its
17 asbestos-containing phenolic customers that the
18 dumping of the bags might expose personnel to the
19 levels of asbestos that exceeded the exposure
20 levels set by OSHA?
21 A. I don't know.
22 Q. When you say you don't know, you are
23 not aware of any efforts made to communicate
24 that?
25 A. No, I'm not.

65

1 requirements to print caution labels on mixture
2 containing asbestos fibers published in the
3 Federal Register 37, No. 110 - Wednesday,
4 June 7th, 1972.
5 Did I read that correctly?
6 A. Yes.
7 Q. And that was the position that had
8 been taken prior to the testing that Mr. Neal did
9 at your request which was reported in this
10 March 14th, 1973 memo, which is Exhibit No. 14?
11 A. Yes.
12 Q. Okay.
13 After Mr. Neal did the testing on the
14 bag dump and determined that on the
15 higher-asbestos content materials, that there
16 could be exposures that were above the OSHA
17 limits, that was when you did the drill test,
18 correct?
19 A. I don't recall whether that was the
20 sequence or not. I don't remember the date. It
21 was in that range, but what the sequence was, I
22 don't recall.
23 Q. Certainly it was before you left --
24 A. Yes.
25 Q. -- Bakelite, right?

67

1 (Whereupon, Exhibit 15 was marked
2 for identification.)
3 *****
4 BY MR. GALERSTON:
5 Q. This is marked No. 15. Group 1 Label
6 Committee Meeting report dated October 24th,
7 1972, correct, sir.
8 A. Yes.
9 Q. Are you familiar with this exhibit,
10 which is UCASB 01875011 through 1875033?
11 A. No, I'm not.
12 Q. Okay. You did not sit on the
13 labeling committee?
14 A. No.
15 Q. I just want to draw your attention to
16 one specific paragraph on Page 3 of this
17 document. It says No. 11 on the third page, sir.
18 See No. 11?
19 A. Yes.
20 Q. It says, under No. 11, quote,
21 asbestos dust caution texts were concluded to be
22 unnecessary on heat resistant phenolic resin
23 packaging. Asbestos fibers in Union-Carbide
24 products are considered to be modified by a
25 bonding agent and, thus, to be exempt from the

66

1 A. Before I left the phenolic molding
2 area, yes.
3 Q. Which was '74, correct?
4 A. '73. Sometime in '73.
5 Q. Okay. And I think we indicated on
6 the break that we clarified that that's the test
7 results that have not been found, correct?
8 A. Yes.
9 Q. I apologize. I'm sure I reviewed it
10 in preparation for today. But what was the
11 results of the exposure levels from that
12 drilling?
13 A. As I recall, the level asbestos fiber
14 that was found was very close to that of the
15 control. It was practically zero. The exact
16 number I don't recall.
17 Q. And that test was drilling a phenolic
18 plaque, correct?
19 A. Drilling, and also we ran a Taber
20 abrader test. It was like sanding -- like a
21 grinding wheel that was run around on top of a
22 plaque and sanded off the surface.
23 Q. And what was the material that was
24 being tested, do you recall which one?
25 A. No, I don't.

68

1 Q. Do you remember --

2 A. It was an asbestos-containing

3 material. But I don't remember the product.

4 Q. Do you remember the asbestos content,

5 the percentage?

6 A. I think it was about 30 percent.

7 Q. If I understand you, in correlation

8 to the bag dump study, your finding was that at

9 30 percent or below, the OSHA values were not

10 exceeded, but above the content -- the asbestos

11 content above 30 percent is where you had the

12 exposures that were above OSHA?

13 A. No. It was 15 percent.

14 Q. 15 percent.

15 (Whereupon, Exhibit 16 was marked

16 for identification.)

17 *****

18 BY MR. GALERSTON:

19 Q. I'm going to hand you what I have

20 marked as Martino Exhibit 16.

21 MR. GALERSTON: For the record,

22 Exhibit No. 16 is UCASB 01874983 through

23 1874990.

24 A. Yes.

25 BY MR. GALERSTON:

69

1 MR. OLSEN: Objection, calls for

2 speculation.

3 A. I don't know.

4 BY MR. GALERSTON:

5 Q. Okay. In looking at Exhibit 16, I

6 want to ask you about a handwritten note on the

7 front of this document. Do you see in the lower

8 left?

9 A. Right.

10 Q. Right there it says JFK: BE?

11 A. Yes.

12 Q. It says 45 million pounds total.

13 30 million of this contain asbestos, Square D

14 included.

15 Do you have any understanding of what

16 is meant by that statement?

17 MR. OLSEN: Objection, calls for

18 speculation. No foundation.

19 A. If he's referring to the amount of

20 product that we made containing asbestos, it is

21 an incorrect number.

22 At its peak, we were making 19 million

23 something. Where he comes up with 30 million, I

24 have no idea. And there are documents that show

25 how we arrived at the 19, 20 million we were

71

1 Q. Are you familiar with Exhibit 16?

2 A. I think I did see it before.

3 Q. Exhibit --

4 A. In depositions.

5 Q. Okay. Exhibit 16 is a May 3rd,

6 1973 letter from J.F. Kantz, K-A-N-T-Z, to

7 Messrs. Bell, Eng and Ream regarding Asbestos

8 Caution Statement, correct?

9 A. Yes.

10 Q. Do you know Mr. Kantz?

11 A. No.

12 Q. It appears from review of this

13 document that this is in response to the

14 March 14th, 1973 letter regarding product

15 labeling, does it not?

16 A. Yes.

17 Q. And if I understand it correctly, as

18 a result of the findings that Mr. Neal and you

19 and Mr. Ealer had come up with, indicated that a

20 label needs to be put on the Union-Carbide

21 product that contained asbestos?

22 A. Yes.

23 Q. The second page of this exhibit is

24 a -- is the cautionary statement that was put on

25 the bags and the gaylords?

70

1 making. I can't explain how he came up with these

2 figures.

3 BY MR. GALERSTON:

4 Q. You don't know what it means when it

5 says Square D included, do you?

6 MR. OLSEN: Same objections.

7 A. No, I don't.

8 BY MR. GALERSTON:

9 Q. I believe we discussed this before,

10 but I just want to confirm.

11 The general-purpose Bakelite, what

12 color was it?

13 A. Black and brown.

14 Q. What was the natural color?

15 A. The natural color would be sort of a

16 mustard color.

17 Q. The mustard color, was that the

18 general-purpose formulation?

19 A. No. No. We always -- we added color

20 to -- black and brown color to all our products

21 except an electrical grade, which was made

22 natural. That was a mustard color.

23 Q. Do you know anyone else who sold a

24 mustard-colored electrical-grade phenolic in the

25 '60s?

72

1 MR. OLSEN: Objection, calls for
2 speculation. No foundation.
3 A. No, I don't.
4 BY MR. GALERSTON:
5 Q. Are you aware of anyone at any other
6 time selling a mustard-colored, electrical-grade
7 phenolic compound?
8 MR. OLSEN: Same objection.
9 A. I have seen listings of competitors'
10 products where they said they were selling a
11 natural product. I never saw it, but I would
12 interpret that to mean no coloring.
13 BY MR. GALERSTON:
14 Q. Okay, sir. What have you done to
15 prepare for today's deposition, if anything?
16 A. I read -- well, I didn't read it. I
17 had four volumes sent to me on the case, and I
18 read the sections that referred to Bakelite.
19 Q. Okay. Anything else?
20 A. I reviewed the Eubanks' testimony.
21 Q. Your testimony or Mr. Eubanks'
22 testimony?
23 A. Mine.
24 Q. Anything else?
25 A. I should have said deposition.

73

1 evidence that the pieces he was talking
2 about were molded or how they were made.
3 You can answer.
4 A. I wouldn't say not credible. My
5 conclusion is the same as for Eubanks, that where
6 he said he was drilling, he was probably drilling
7 a laminate where he had to attach the part.
8 The part where he said he was
9 drilling, the molded part, that I did not agree
10 with. I think you recall in the Eubanks
11 testimony, one of your witnesses did say that they
12 were not permitted to modify the molded pieces
13 without going through a procedure, which makes
14 sense to me.
15 MR. GALERSTON: Object to the
16 nonresponsive portion of the answer.
17 THE WITNESS: What's that?
18 MR. GALERSTON: Just for the record.
19 BY MR. GALERSTON:
20 Q. Do you know what the difference
21 between a -- filing an arc chute or cleaning an
22 arc chute would be to relapping a plastic valve?
23 A. No.
24 MS. HELWIG: Objection. Overbroad.
25 Calls for speculation.

75

1 And some of the attachments.
2 Q. Okay. Anything else?
3 A. That was it.
4 MR. OLSEN: And you talked to me
5 yesterday for about 15 minutes.
6 THE WITNESS: What's that?
7 MR. OLSEN: And you talked to me
8 yesterday for about 15 minutes.
9 MR. GALERSTON: That's
10 attorney/client privilege.
11 THE WITNESS: He took it easy on me.
12 BY MR. GALERSTON:
13 Q. What opinions, if anything, did you
14 come to from reviewing Mr. Woodard's testimony?
15 A. Very similar to the Eubanks case.
16 OSHA claims that they had to drill or cut molded
17 parts. The use of some flat panels as insulation
18 in the boxes which, to me, were laminates similar
19 to what I concluded in the Eubanks case. And
20 that was it.
21 Q. Did you conclude that Mr. Woodard's
22 testimony with regards to cutting and drilling
23 molded parts was not credible?
24 MR. OLSEN: Objection. Assumes facts
25 that are not in evidence. There is no

74

1 BY MR. GALERSTON:
2 Q. Since the Eubanks' deposition, have
3 you made any further inquiries to determine the
4 appropriateness for filing and cleaning of arc
5 chutes?
6 A. No.
7 Q. Have you made any further
8 investigation to determine whether electricians
9 in the United States Navy would be drilling,
10 filing, sanding molded parts?
11 A. No.
12 Q. Have you made any effort to
13 investigate whether the insulating panel, as you
14 referred to, was more likely than not laminate?
15 A. No.
16 MR. OLSEN: When you say investigate,
17 you mean other than what he told you based
18 on his experience?
19 MR. GALERSTON: Correct. Any
20 additional effort or work.
21 BY MR. GALERSTON:
22 Q. Have you reviewed the testimony of
23 any representatives of any of the electric
24 equipment manufacturers such as Square D,
25 Allen-Bradley or Cutler-Hammer to determine what

76

1 their position was as to whether or not it's
2 appropriate to cut, drill or abrade molded parts?

3 A. No.

4 Q. Have you reviewed any of their
5 corporate representative testimony for any
6 purposes?

7 A. If I saw anything at all, it would be
8 in the Eubanks case. And I don't recall whether
9 I did. There was reference to Square D, but I
10 don't recall exactly what it was.

11 Q. Ebony board. Are you familiar with
12 ebony board?

13 A. Ebony board?

14 Q. Correct.

15 A. No.

16 MR. GALERSTON: I think that that's
17 going to be it. I'm going to have to go
18 through my documents. It's going to take me
19 a few minutes and whatnot to see if I have
20 any further questions.

21 Let's go ahead and see if anybody has
22 anything. I can take a break after we are
23 all done.

24 Anybody on the phone, does anybody
25 have questions for this witness?

77

1 Hearing none, we are going to go off
2 the record while I review my materials.

3 (There was a recess.)

4 *****

5 BY MR. GALERSTON:

6 Q. Sir, I'm going to hand you what I'm
7 marking as Exhibit No.17.

8 (Whereupon, Exhibit 17 was marked
9 for identification.)

10 *****

11 Q. Which are four product standards put
12 out by Union-Carbide Plastics Company for BMG
13 5051, BMGA 5398, BMGD 5105 and BMG 2933, correct,
14 sir?

15 A. Yes.

16 Q. Are you generally familiar with these
17 products?

18 A. No. I would have to look at the
19 formulation sheets. They are not the popular --
20 well, let me back off. They are not product that
21 I had a lot to do with. The 5398 possibly.

22 Q. Okay. Do you know if looking at
23 these, in looking at the descriptions of these,
24 could you tell whether these are heat-resistant
25 phenolics?

78

1 A. The 2933 does not look as if they
2 contain asbestos. I'm going by the specific
3 gravity. It would be the specific gravity of
4 wood flour filled.

5 Q. Okay.

6 A. The same applies to 551.

7 The other two would have mineral in
8 them. Whether it's asbestos or not, I would have
9 to determine by looking at the sheet.

10 Q. For the mineral filled, what other
11 minerals were used in the '63 timeframe?

12 A. We had a choice of talc, calcium
13 carbonate, mica. There may have been others, but
14 I don't recall right now.

15 Q. In looking at the four product
16 standards here, in the right -- in the far left
17 column under properties, all four of them show
18 heat resistance in that column.

19 Do you see that, sir? The last entry
20 on each one of those, all four have heat
21 resistance?

22 A. Okay.

23 Q. All four of them indicate heat
24 resistance. Do you see that?

25 A. Yes.

79

1 Q. There is not a -- well, let me ask
2 you this: Does the paragraph that follows to the
3 right, is that related to the heat resistance of
4 that specific component, or is that just a
5 general statement?

6 A. That refers to the temperature that
7 the molded part would be able to withstand.

8 Q. Okay. So if I understand you
9 correctly, we look at BMG 2933 and BMG 5051, we
10 see those both rate up to 300 degrees Fahrenheit,
11 which you indicated would be the wood flour fill,
12 right?

13 A. Yes.

14 Q. And the other two BMGA 5398 and 5105
15 would be able to stand temperatures up to 400
16 degrees Fahrenheit, which you indicate would be
17 mineral filled?

18 A. Yes.

19 Q. Other than your specialized knowledge
20 in terms of the specific gravity and the
21 temperature ranges, is there anything on this --
22 product data sheets that would indicate whether
23 or not these are asbestos-containing products?

24 A. Water absorption is lower for
25 mineral-filled product or mineral-containing

80

1 product than wood flour. So there is a
 2 difference there.
 3 Q. Okay. That would take specialized
 4 knowledge and understanding of the Bakelite
 5 product to determine whether or not it's wood
 6 filled versus mineral filled?
 7 A. Yes.
 8 Q. So there is nothing here to the
 9 casual observer that would indicate it's
 10 asbestos-containing; is that correct?
 11 A. That's correct.
 12 Q. Looking at the bottom of all four of
 13 those, I see there is kind of, I guess you would
 14 call it, a banner. You see here it says the
 15 term, quote, Bakelite, Krene, and, quote,
 16 Vinylite are registered trademarks of
 17 Union-Carbide corporation.
 18 Do you see that, sir?
 19 A. Yes.
 20 Q. Do you know if that was included on
 21 all materials that Union-Carbide would put out
 22 with the Bakelite name on it?
 23 MR. OLSEN: Objection, calls for
 24 speculation.
 25 A. I don't know.

81

1 Q. In January 1974, what position did
 2 you hold with Union-Carbide?
 3 A. I was the group manager of the
 4 polyethylene molding group.
 5 Q. Polyethylene molding group did not
 6 use any asbestos materials at that time?
 7 A. No.
 8 MR. GALERSTON: That is all the
 9 questions I have at this time.
 10 MR. OLSEN: Let's take a break. I
 11 may have one or two questions.
 12 MR. GALERSTON: You got it.
 13 (There was a recess.)
 14 *****
 15 MR. OLSEN: I have no questions. We
 16 are done.
 17 MR. GALERSTON: Thank you.
 18 (Whereupon, the deposition
 19 concluded at 12:10 p.m.)
 20

21 _____
 22 Carlo Martino
 23 Subscribed and sworn to before me
 24 this ____ day of _____, 2008.
 25 _____
 26 NOTARY PUBLIC

83

1 BY MR. GALERSTON:
 2 Q. Certainly as long as Union-Carbide
 3 has manufactured Bakelite material, Union-Carbide
 4 has owned the Bakelite trademark, correct?
 5 MR. OLSEN: Objection, calls for
 6 speculation.
 7 A. I don't know -- I don't know whether
 8 they owned it -- I don't know too much about the
 9 detail -- what the Bakelite legally, you know,
 10 what they had, what the Bakelite name --
 11 BY MR. GALERSTON:
 12 Q. Okay. Let me hand you what I have
 13 marked now as Exhibit 18 to your deposition.
 14 (Whereupon, Exhibit 18 was marked
 15 for identification.)
 16 *****
 17 BY MR. GALERSTON:
 18 Q. Which is a January 24, '74 Business
 19 Confidential Asbestos memo, UCASB 01929101
 20 through 1929106.
 21 Are you familiar with this document,
 22 sir?
 23 A. No.
 24 Q. Have you seen this before today?
 25 A. No.

82

1 STATE OF NEW JERSEY) Pg ____ of ____ Pgs
 2) ss:
 3 COUNTY OF SOMERSET)
 4
 5 I wish to make the following changes for the
 6 following reasons:
 7 PAGE LINE
 8 CHANGE: _____
 9 REASON: _____
 10 CHANGE: _____
 11 REASON: _____
 12 CHANGE: _____
 13 REASON: _____
 14 CHANGE: _____
 15 REASON: _____
 16 CHANGE: _____
 17 REASON: _____
 18 CHANGE: _____
 19 REASON: _____
 20 CHANGE: _____
 21 REASON: _____
 22 CHANGE: _____
 23 REASON: _____
 24 CHANGE: _____
 25 REASON: _____

26 _____
 27 Carlo Martino

84

C E R T I F I C A T E

I, Anthony Armstrong, a Certified
Shorthand Reporter and Notary Public within
and for the State of New York, do hereby
certify:

That CARLO MARTINO, the witness whose
testimony is hereinbefore set forth, was
duly sworn by me and that such testimony is
a true record of the testimony given by such
witness.

I further certify that I am not
related to any of the parties by blood or
marriage, and that I am in no way interested
in the outcome of this matter.

Anthony Armstrong