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FORD

COPY

CAUSE NO. 94-007165

STEPHEN F. BLOCK, JR. and
RITA BLOCK,

Plaintiffs,

IN THE DISTRICT COURT
OF HARRIS COUNTY, TEXAS

-vs-

MAREMONT CORPORATION, ET AL.

215TH JUDICIAL DISTRICT

Defendants.

V I D E O D E P O S I T I O N O F

HENRY LICK

Dickinson Wright
500 Woodward Avenue, Ste. 4000
Detroit, MI 48226

May 4, 1998
8:00 a.m.

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BY: MR. TROY D. MC MAHAN**

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N O N E

HENRY LICK

Detroit, Michigan

May 4, 1998

8:00 a.m.

- - - - -

THE TECHNICIAN: Today's date is May 4, 1998 and we're on the record at 8:05 a.m. This is the video deposition of Mr. Henry Lick and we're at the law offices of Dickinson Wright in Detroit, Michigan. This is the matter of Block versus Maremont Corporation et al.

Counsel, can you put your appearance on the record, please?

MR. COOK: Russell Cook, for plaintiffs.

MS. BRADSHAW: Lynn Bradshaw, for the plaintiffs.

MR. KRAUSE: Robert Krause, for Ford Motor Company.

MR. GARZA: Bernard Garza, for Ford Motor Company.

MS. WRIGHT: Dawn Wright, for Allied Signal and General Motors Corporation.

MS. MASON: Laura Mason, for Morton International.

MR. POLING: Richard B. Poling, Jr., on behalf of Abex.

HENRY LICK**HENRY LICK**

called as a witness by the Plaintiff, being first
duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. COOK:

Q. Please state your full name for the record, sir.

A. My name is Henry B. Lick.

Q. Mr. Lick, how are you currently employed?

A. I'm the manager of Industrial Hygiene for the Ford
Motor Company.

Q. Who do you report to?

A. Right now, I report to a fellow by name of Walter
Telemonte.

Q. What is his job title?

A. He is Director of Clinical Medicine at this time.
We're going through an organization change right
now.

Q. Have you ever given your deposition before, Mr.
Lick?

A. Yes.

Q. On how many occasions?

A. I don't remember. It's certainly less than a dozen.

Q. More than ten?

A. I don't know. It's not recently.

Q. Let's go back to when it was you last gave your

HENRY LICK

1 deposition. When was that?

2 A. On this particular case?

3 Q. No. At any time.

4 A. It was right after Dickinson Wright moved in this
5 building, so what, four, five years.

6 Q. About five years ago?

7 A. Yes.

8 Q. What kind of case was that? I don't need any
9 details. Just generally, what was it about?

10 A. It was not a brake case. It was just a regular
11 asbestos case, I think it concerned some of our
12 workers.

13 Q. Who were the plaintiffs in that case?

14 A. I don't know.

15 Q. Was this a suit against Ford by other large
16 companies such as your suppliers?

17 A. No.

18 Q. Who was it by?

19 A. I don't remember.

20 Q. Do you recall it being involving the workers having
21 claims against Ford?

22 A. It involved workers but, you know, exactly what the
23 case involved, I don't remember.

24 Q. This was four or five years ago?

25 A. Yes.

HENRY LICK

1 Q. Do you know where the workers were from?

2 A. I think they were from our Sheldon Road plant but I
3 don't know for sure.

4 Q. Where is the Sheldon Road plant?

5 A. It's -- from here it would be northwest of Detroit,
6 about 20, 25 minutes, in the Township of Plymouth,
7 Michigan.

8 Q. How were these workers exposed to asbestos?

9 A. We used to make a heater housing and it was
10 reinforced with asbestos.

11 Q. I don't know what a heating housing is.

12 A. It's your air conditioning and -- it's the plenum
13 chamber that houses the air conditioning and the
14 heater. It's heater housing for a car.

15 Q. For a car?

16 A. Right. It's your ventilation system for your car.

17 Q. Did any of these workers have mesothelioma?

18 A. Not that I could recall.

19 Q. Do you know one way or another?

20 A. I don't remember. I don't remember very much about
21 the case. This is not what I do for a living,
22 testify.

23 Q. But you have testified before and so you know even
24 though we're sitting here informally this proceeding
25 has the same significance, force and effect as if we

HENRY LICK

1 were before a court and jury in the courtroom?

2 A. Yes.

3 Q. Can you and I have an agreement that if I ask you a
4 question and you don't understand what I'm asking
5 you, that you will stop me and tell me you don't
6 understand?

7 A. Yes.

8 Q. Prior to this deposition which was four or five
9 years ago, what was the deposition going backwards
10 in time that you next recall?

11 A. I don't recall any of the particulars about the
12 depositions. All I remember, this is -- we're
13 looking at a 30-year career and once asbestos became
14 known for what -- its health hazards, there was a
15 number of times but if you look at 30 years and ten
16 times or less than ten times, it's hard to remember.

17 Like I said, it's not what I do for a
18 living.

19 Q. When would your first deposition have been?

20 A. I think it was sometime around '80.

21 Q. Where was that deposition taken?

22 A. It was in the old law offices of Dickinson Wright,
23 which I think is about a block from here.

24 Q. Sir, in this 1980 deposition, was it about asbestos
25 also?

HENRY LICK

1 A. Yes.

2 Q. Have all the depositions you've given been about
3 asbestos or have there been some other --

4 A. There have been some other health hazards involved.

5 Q. Now, were most of them about asbestos?

6 A. Yes.

7 Q. This one in 1980, did it involve brakes at all?

8 A. No, not that I can recall.

9 Q. Have you been involved in any cases where there's
10 been an allegation that at least some asbestos
11 involving brakes was a cause of the plaintiff's
12 injuries?

13 A. No.

14 Q. This is the first time?

15 A. This is the first time on brakes.

16 Q. Can you tell me what some of the other sources of
17 asbestos exposure were alleged in these other
18 lawsuits?

19 A. They were just strictly from where we used asbestos
20 in the production process and again, it would be
21 reinforcing plastic materials for various parts.

22 Q. But you did use asbestos in the production process
23 at Ford?

24 A. Yes.

25 Q. Have there been any asbestos-related health claims

HENRY LICK

1 out of that?

2 A. I don't have any personal knowledge of that.

3 Q. Whether you have any personal knowledge, this is a
4 discovery deposition and under Texas Rules so I get
5 to ask you if you have any knowledge, hearsay or
6 otherwise, and you can let me know that it's not
7 personal.

8 A. I have heard of one or two cases of mesothelioma.

9 Q. How did you hear about these one or two cases you
10 mentioned?

11 A. Through our epidemiologist.

12 Q. Who is your epidemiologist?

13 A. This would not be the present epidemiologist. This
14 was the past epidemiologist. His name was David
15 Sugano.

16 Q. Can you spell that for me?

17 A. S-U-G-A-N-O.

18 Q. Is Mr. Sugano still alive?

19 A. I believe so.

20 Q. Do you know where he is located?

21 A. He left Ford and is, I think, with Shearing Plow.
22 He's in New Jersey, I know.

23 Q. Who is the current epidemiologist at Ford?

24 A. A fellow by name of Gordon Reeve.

25 Q. What do these men do, a general description? What

HENRY LICK

1 is an epidemiologist?

2 A. They study rates of disease. Essentially, they take
3 statistical applications and apply it towards
4 disease either in the workplace or in public health.

5 Q. Are you a part of the Medical Department at Ford?
6 Is that what it's called or what is the appropriate
7 term?

8 A. We were the Occupational Health and Safety
9 Department.

10 Q. What are you now?

11 A. Now we're part of something called Health Protection
12 Services, which is part of Health Care Management.

13 Q. What resource information do you have available to
14 you in your job?

15 MR. KRAUSE: What do you mean resource --
16 literature?

17 BY MR. COOK:

18 Q. Literature, computer on-line --

19 A. Well, there are the everyday journals, American
20 Industrial Hygiene Journal. We get the B & A, a
21 review of everything in occupational health and
22 safety. Various -- not tabloid magazines but the
23 health and safety magazines from the popular press.

24 In our Toxicology Department they have some
25 on-line services, I forget which ones they are. But

HENRY LICK

1 we do have some on-line services available to us.

2 Q. Do you have a medical library available to you?

3 A. Yes.

4 Q. How is that available to you?

5 A. I have part of it in my office and then the
6 occupational health physicians in their particular
7 offices which is now clinical medicine have that
8 available to them also in their offices.

9 Q. Does your medical library have books that deal with
10 the lungs?

11 A. Yes.

12 Q. Can you tell me the names of some of those books?

13 A. No.

14 Q. Do you ever look at any of those books?

15 A. Yes.

16 Q. How old are those books?

17 A. Well, it depends on which ones you're looking at.
18 We have -- some of our books go back to the '40s and
19 some are recently, five or six years.

20 Q. If you look at the books that go back to the '40s do
21 they indicate asbestos as being a health hazard?

22 A. Yes.

23 MR. COOK: Let's go off the record. Some
24 more lawyers have arrived.

25 THE TECHNICIAN: Off the record at 8:18

HENRY LICK

1 a.m.

2 Back on the record at 8:20 a.m.

3 MR. SHIPLEY: George Shipley for
4 Bridgestone Firestone.

5 MR. MC MAHAN: Troy McMahan of Hardin, Cook
6 in Oakland, California representing Ford.

7 BY MR. COOK:

8 Q. Sir, are you a medical doctor?

9 A. No.

10 Q. Do you have a Ph.D.?

11 A. Yes.

12 Q. Do they call you Dr. Lick? What's the appropriate
13 thing for me to be addressing you? Is it Dr. Lick?

14 A. Call me Hank.

15 Q. Well, for purposes of the deposition --

16 A. You asked what they called me.

17 Q. I'll call you Dr. Lick, is that okay?

18 A. That's fine.

19 Q. Tell me about your educational background.

20 A. I've got an undergrad in industrial relations with
21 science, I've got one Master's degree in Industrial
22 Hygiene, another Master's in Business
23 Administration, another Master's in Security.

24 My Ph.D. is from the College of Education
25 at Wayne State University and I did my dissertation

HENRY LICK

1 on health and safety communication, which would be
2 lock-out, tag-out.

3 Q. In any of those courses in college did you learn
4 about the health hazards of asbestos?

5 A. Yes.

6 Q. Which courses?

7 A. Toxicology, principles of industrial hygiene.

8 Q. What years would that have been?

9 A. They would have been -- those courses would have
10 been in the early '80s.

11 Q. When did you first start work for Ford Motor
12 Company?

13 A. 1968.

14 Q. What was your job title at that point in time?

15 A. Industrial hygienist.

16 Q. How long did you hold that job title?

17 A. Through 1973.

18 Q. Then what was your job title?

19 A. Senior industrial hygienist.

20 Q. If you can just go through your jobs and job titles
21 for me in chronological order, that will make it
22 faster.

23 A. I hired in at Ford as an industrial hygienist doing
24 everything for Ford and then in '73 I was promoted
25 to senior industrial hygienist and I was in charge

HENRY LICK

1 of Philco-Ford. After Philco-Ford, I left
2 Industrial Hygiene and went into Work Force Analysis
3 and after that --

4 Q. Give me some years if you will, sir.

5 A. '76 and '77 I was in Work Force Analysis. '77
6 through '80 I was in a department called Management
7 Personnel. 1980 through 1985 I came back as
8 an industrial hygiene associate, which is just a
9 senior industrial hygienist, different title but
10 working at all Ford locations again.

11 1985 through '87 I went out to the
12 Transmission Division, Transmission Chassis Division
13 of Ford as a division industrial hygienist and
14 technical trainer. 1987 I came back as supervisor
15 of Industrial Hygiene and later on the title was
16 changed to manager of Industrial Hygiene.

17 That's what I've done for 30 years at Ford.

18 Q. So for almost the last ten years you've held this
19 position -- or more than ten years, eleven years --
20 you've held the position as supervisor of Industrial
21 Hygiene?

22 A. Manager of Industrial Hygiene.

23 Q. What does that mean from the standpoint of your job
24 responsibilities?

25 A. I have the total responsibility for anything at

HENRY LICK

1 Ford globally that has to relate to worker
2 occupational health as it refers to the typical
3 occupational health hazards. Again, take away from
4 being an occupational health physician.

5 So things in the plants and/or with the
6 products to a degree that affect the health of
7 people come under my charge.

8 Q. When you talk about affect the health of people
9 you're talking about the health of Ford employees?

10 A. Generally, just the health of Ford employees. I
11 will get involved on product-related issues where
12 it's germane, something comes up in the dealership
13 network that needs resolution. I do not work with
14 dealership network but sometimes things will come up
15 in the dealership network that just requires some
16 counsel.

17 Q. Can you give me an example of something like that?

18 A. For instance, if we're asking the dealerships to
19 install new paint booths or Ford Land will
20 construct dealerships and so if Ford Land is going
21 to be changing a paint booth, for instance, they
22 might ask for expertise in that.

23 Q. How many industrial hygienists are under you?

24 A. Right now, there are eight.

25 Q. How many overall people are under your management?

HENRY LICK

- 1 A. Ten.
- 2 Q. I know a little bit about the structure at Ford
- 3 Motor Company, the personnel structure. How is your
- 4 job classified if you relate it to something in
- 5 either the auto field or the truck field in terms of
- 6 rank or who you report to?
- 7 A. I'm what they call on the supplemental compensation
- 8 roll. That's the second rung up as far as
- 9 management rolls go. It's a bonus position but it's
- 10 not a highly paid bonus position. I don't walk away
- 11 with the jewels.
- 12 Q. You told me the person you report to and I've
- 13 already forgotten his name.
- 14 A. Walter Telemonte.
- 15 Q. Who does he report to?
- 16 A. He reports to an M.D. by name of Woodrow Meyers.
- 17 Q. What is that man's title?
- 18 A. He's director of Health Care Management.
- 19 Q. Who does he report to?
- 20 A. He reports to Robert Cramer who is the
- 21 vice-president of Human Resources.
- 22 Q. In these jobs you've given me, which one of those
- 23 jobs if any would occasionally deal with asbestos?
- 24 A. The first two jobs for sure that you have there.
- 25 Q. I've got when you are an industrial hygienist in

HENRY LICK

1 1968 and then you worked for Philco-Ford in '73 to
2 '76?

3 A. Right. I did work also on asbestos at Philco-Ford
4 and then when I came back in 1980, I was doing
5 things with asbestos.

6 Q. Then from '80 on, is that right?

7 A. Yes.

8 Q. Tell me, Dr. Lick, what your first contact with the
9 asbestos issue was in 1968.

10 MR. KRAUSE: Ask him if he had some in
11 1968.

12 BY MR. COOK:

13 Q. Well, in this timeframe.

14 A. In the 1968 to '73 timeframe.

15 Q. Right.

16 A. Probably, I think, about 1969, '69, '70, somewhere
17 in there, Sheldon Road plant.

18 Q. Tell me what that contact or matter was.

19 MR. KRAUSE: I think he already testified
20 they made heater housings that used asbestos.

21 THE WITNESS: Yes, just evaluating
22 the worker exposure there.

23 BY MR. COOK:

24 Q. What was the reason for evaluating the worker
25 exposure there?

HENRY LICK

1 A. Well, first of all, it was a job assignment. Later
2 on it became because OSHA was going to promulgate a
3 standard. Initially it was just a job assignment.

4 Q. When you say just a job assignment, what do you
5 mean by job assignment?

6 A. A company like Ford has something like 2,000
7 locations. At that time we had maybe 120
8 manufacturing locations. So at that time there was
9 only four of us so whatever needed looking at,
10 whether it be lead, whether it be asbestos,
11 solvents, that's your turn up in the barrel, that's
12 what you did.

13 Q. How did asbestos come to your attention in this job
14 assignment?

15 A. In what respect?

16 Q. Well, at some point in time you became involved in
17 looking at or dealing with some issue relating to
18 asbestos. Was that something you initiated on your
19 own, was it something that someone else initiated?

20 A. No. Paul Toth, who was my supervisor, assigned me
21 to that to do.

22 Q. Can you describe what your assignment was?

23 A. It was to -- at that time, as long as you're talking
24 about initial assignments, was to evaluate worker
25 exposure at Sheldon Road.

HENRY LICK

1 Q. Worker exposure to?

2 A. Asbestos.

3 Q. Mr. Toth gave you that assignment?

4 A. Yes.

5 Q. Is Mr. Toth still working for Ford Motor Company?

6 A. No.

7 Q. Where is Mr. Toth?

8 A. He's retired.

9 Q. Do you know where he lives?

10 A. Yes. Allen Park, Michigan.

11 Q. What did you do in order to carry out this job
12 assignment?

13 A. Went out to the plant, took care of samples, took
14 ventilation measurements, looked at the overall flow
15 of material in the plant.

16 Q. Prior to this job assignment did you know anything
17 about asbestos?

18 A. Yes.

19 Q. How did you gain knowledge about asbestos prior to
20 this job assignment?

21 A. I was trained as an industrial hygienist in the Air
22 Force, 1961 through '65, and also worked for an
23 insurance company locally.

24 Q. Let's talk about the Air Force first. What did you
25 learn about asbestos in the Air Force?

HENRY LICK

1 A. That it was a lung inhalation hazard.

2 Q. Specifically where did that training occur?

3 A. Place called Gunner Air Force Base, Montgomery,
4 Alabama.

5 Q. What was the nature of this training?

6 A. It was classroom training, you know. Like the
7 military generally does things, intensive training.

8 Q. What was the military training you to be?

9 A. It was called a preventative medicine and industrial
10 hygiene technician, later to be called a military
11 public health occupational medicine technician.

12 Q. As part of that training you learned about asbestos
13 for the first time?

14 A. Yes. Learned about the health hazards of asbestos
15 for the first time.

16 Q. Can you be more specific as to when during that 1961
17 to 1965 timeframe you would have learned about that?

18 A. 1961.

19 Q. Can you remember what health hazard was associated
20 with asbestos in this training in 1961?

21 A. Mostly pneumoconiosis-type diseases.

22 Q. For those of us that are not as --

23 A. Just filling of the lungs with fibers and
24 calcification. Filling the lungs with fibers and/or
25 dust is typically a pneumoconiosis. What

HENRY LICK

1 happens, the lungs tend to react to the fibers or
2 particles, depends on where in the lungs they settle
3 but essentially it's a calcification of the lungs
4 that reduces the amount of lung capacity that you
5 have.

6 Q. Is this a delayed reaction or does it occur
7 immediately?

8 A. No, it's a delayed reaction.

9 Q. Is there some type of generally accepted timeframe
10 for that?

11 A. If you're talking present knowledge, typically you'd
12 see it in ten years. Most quotes are 20 years.

13 Q. Now, back in 1961 what precautions if any was the
14 Air Force taking in regard to avoiding exposure of
15 their troops to asbestos?

16 A. Nothing unique, nothing unique. Just controlling
17 overall dust.

18 Q. When you say nothing unique, can you explain what
19 you mean by controlling overall dust?

20 A. Well, you treat it like a normal dust hazard. Now,
21 you treat asbestos as a carcinogen so there are lots
22 of precautions you take but asbestos was lumped with
23 everything else as something you controlled.

24 Q. When you say lumped with everything else, what is
25 everything else?

HENRY LICK

1 A. Silica, overall dust, all of the various dusts that
2 you might be exposed to, plastic dust, whatever.

3 It was lumped as far as the control
4 technology with all of those. They all had
5 different kinds of threshold limit values applied to
6 them but it was essentially the same types of
7 controls that you would use, anywhere from
8 respirators to local exhaust ventilation.

9 Q. Where was the exposure in the Air Force to asbestos?

10 A. They would have -- I didn't do, first of all, let me
11 say I didn't do any exposure monitoring for asbestos
12 in the Air Force. But the Air Force also used
13 asbestos in the same fashion as everyone else. They
14 used it in gaskets, in brake material, they would
15 have used it in insulating materials, wrapping jet
16 engines with it, things like that.

17 Q. The thermal blanket in wrapping the jet engines, is
18 that right?

19 A. Yeah.

20 Q. Now, this training in 1961 and 1965, was there any
21 type of manuals that you were given or anything of
22 that nature?

23 A. Yes.

24 Q. Do you still have any of those?

25 A. I still have some.

HENRY LICK

1 Q. I would ask that you save those manuals. We will
2 file a motion for production with the court and to
3 the extent that you can find them and your lawyer
4 can advise you on that, we would like to see those.

5 Now, did they understand at that point in
6 time in your training in the Air Force that exposure
7 to asbestos would actually create a disease or could
8 cause a disease called asbestosis?

9 A. Yes.

10 Q. Was it understood that the asbestosis could result
11 in death?

12 A. Generally at that time when you talked about
13 asbestosis, it wasn't a disease you talked about
14 resulting in death. It was a disease that was
15 limiting.

16 Q. By limiting, you mean disabling to the person that
17 suffered from the disease?

18 A. Well, it could be disabling but typically what you
19 would see is they have some sort of reduced lung
20 function.

21 Q. That might span a large scale of reduced lung
22 functions up to the point that some people might be
23 totally disabled from it, is that fair?

24 MR. KRAUSE: I don't know that this witness
25 is that much of an expert in asbestosis to answer

HENRY LICK

1 that question.

2 MR. COOK: I'm not asking him that today.
3 I'm just asking about then in 1961 what the Air
4 Force was teaching you.

5 BY MR. COOK:

6 Q. Were they teaching you that the range of exposure
7 might result in anywhere from mild restriction of
8 lung function to total disability?

9 A. They regarded asbestos as one of the more serious
10 types of particles, aerosols, same like silica, that
11 type of thing. But it wasn't, for instance, like
12 beryllium.

13 Q. Can you remember just this specific and if you can't
14 that's fine -- I know it's been a long time -- as to
15 whether or not back in 1961 and 1965 the Air Force
16 was telling you that asbestosis could be a disabling
17 disease?

18 A. It was mentioned but it was never mentioned as a big
19 deal.

20 Q. Now, beryllium was mentioned as a big deal?

21 A. Right.

22 Q. Now, that was your first instance where there was
23 educational information about asbestos?

24 A. Right.

25 Q. What was the next one? You told me a minute ago

HENRY LICK

1 and again --

2 A. I don't think I mentioned the next one to you.

3 Q. What was the next one, then?

4 A. Well, if you were looking for the formal setting it
5 would have been in classwork.

6 Q. Classwork?

7 A. in the '80s.

8 Q. What about informal settings?

9 A. Informal settings, you would go to various
10 conferences and the like, American Industrial
11 Hygiene Conference and things such as that. There
12 would be papers given.

13 Q. Did you regularly attend the American Industrial
14 Hygiene Conference?

15 A. Yes.

16 Q. Can you tell me the organizations in your field that
17 you're a member of?

18 A. American Industrial Hygiene Association and Michigan
19 Industrial Hygiene Society. That's the professional
20 organizations.

21 And I'm also certified by the American
22 Board of Industrial Hygiene, certified by the Board
23 of Safety Professionals, certified as registered
24 occupational hygienist in Canada and also licensed
25 industrial hygienist in the state of Illinois.

HENRY LICK

1 I guess that takes care of it.

2 Q. After you got out of the Air Force in 1965, what did
3 you do next?

4 A. I worked for Michigan Mutual Liability Company.

5 Q. That's what I was trying to remember. You said you
6 ran into asbestos in some manner there.

7 How while working for Michigan Mutual
8 Liability did you run into asbestos?

9 A. Just as a part of -- you did evaluation of the
10 insured and it would be part of the -- you look at
11 30 plants a week depending on where you were at and
12 you just run across it. It's just a normal part of
13 doing business.

14 Q. Let me understand what your job was for Michigan
15 Mutual Liability Company.

16 A. For the first few years I was an industrial
17 hygienist for them.

18 Q. What were your job responsibilities?

19 A. I ran the laboratory plus also I went out and
20 visited companies that they insured, typically small
21 business.

22 Q. Is that when you would deal with the asbestos issue
23 when you were going out to these smaller companies
24 they insured?

25 A. Yes.

HENRY LICK

1 Q. Why were you interested on behalf of Michigan Mutual
2 Liability Company and whether or not there was
3 asbestos at these companies they insured?

4 A. Because pneumoconiosis was a compensable disease.

5 Q. What does that mean in layman's terms?

6 A. It means that as people have reduced lung function
7 they typically file Workers' Compensation claims and
8 ask for whatever the table shows as for
9 compensation.

10 Q. That was here in the state of Michigan under their
11 Workers' Compensation laws?

12 A. Yes. State of Michigan, Indiana, some in Ohio but
13 mostly Michigan.

14 Q. Did any of those small companies that you visited
15 supply parts to the automobile industry?

16 A. Yes.

17 Q. Did any of them supply parts containing asbestos to
18 the automobile industry?

19 A. I do not recall.

20 Q. Do you recall there being asbestos in some of these
21 plants that you inspected?

22 A. Yes.

23 Q. What did you do as an industrial hygienist for
24 Michigan Mutual Liability Company when you ran into
25 situations where there was asbestos at these plants?

HENRY LICK

1 A. It depends on how it was being used. If it wasn't
2 being used in any kind of situation that would
3 generate any kind of dustiness, then not very much
4 of anything.

5 Q. What if it was?

6 A. Then we would recommend ventilation controls for
7 them.

8 Q. Then you said the first few years -- let me restate
9 the question.

10 What would you then do as an industrial
11 hygienist if asbestos was found in any of these
12 companies and it was in the air?

13 A. If it was a situation that was regarded as not
14 controlled according to the threshold limit values
15 that we applied at that time then I would recommend
16 some sort of ventilation controls or use of
17 respirators.

18 Q. What respirators back then were you recommending?

19 A. It would be a dual-cartridge respirator.

20 Q. Any particular manufacturers?

21 A. Pretty much probably would be Mine Safety
22 Appliances. Mine Safety controlled the market at
23 that time.

24 Q. MSA?

25 A. Yes, the U.S. Bureau of Mines approval.

HENRY LICK

1 Q. Now, you said that for a while you did this. At the
2 end did you do something different, at the end of
3 your tenure there?

4 A. I did a combination of safety and Industrial
5 Hygiene. Michigan Mutual was a big foundry insurer
6 and they decided in 1967 that they weren't going to
7 do foundries anymore so I was out of a job.
8 Foundries was a big thing with us.

9 Q. Foundries involved exposure to asbestos, did they
10 not?

11 A. They could.

12 Q. In what setting were they involved with that?

13 A. Probably more than not thermal insulation.

14 Q. Foundries also could potentially be a hazard for
15 silicosis?

16 A. Yes.

17 Q. In what setting?

18 A. In making molds and cores.

19 Q. Are silicosis and asbestosis, are those similar type
20 diseases?

21 MR. KRAUSE: You're asking medical
22 questions of this witness. I don't think he's
23 qualified to answer that type of question, comparing
24 one type of pneumoconiosis to another.

25 THE WITNESS: They may have similar effects

HENRY LICK

1 when you talk about asbestos. Asbestosis and
2 silicosis but typically what happens is that
3 different areas of the lungs are involved. It
4 depends on how you read the X-ray.

5 BY MR. COOK:

6 Q. How do you know that?

7 A. Books.

8 Q. Do you know how to read X-rays?

9 A. No.

10 Q. Now, after leaving Michigan Mutual Liability
11 Company, you went to work for Ford?

12 A. Right.

13 Q. We talked about the assignment at Sheldon Road?

14 A. Yes.

15 Q. Did you find when you did this air sampling that
16 changes needed to be made at the Sheldon Road plant?

17 A. Yes.

18 Q. What changes did you recommend?

19 MR. KRAUSE: Counsel, the Sheldon Road
20 plant has absolutely nothing to do with brake
21 linings. Ford Motor Company had asbestos in various
22 forms at various plants around the country. If we
23 going to go through all those plants today we're
24 going to be here a very long time.

25 MR. COOK: Do you want to read back the

HENRY LICK

1 question to him?

2

3 (The reporter read the last question.)

4

5 THE WITNESS: Sheldon Road plant,
6 we recommended --

7 MR. COOK: You may need to wait for your
8 lawyer.

9 BY MR. COOK:

10 Q. Which changes did you recommend?

11 MR. KRAUSE: I'm going to instruct this
12 witness not to answer questions about products other
13 than brake linings. We are not here to talk about
14 asbestos throughout the Ford Motor Company in the
15 world. We're here to talk about brake linings and
16 I'm not going to let him answer questions about
17 other types of occupational problems with asbestos
18 throughout Ford Motor Company.

19 MR. COOK: Well, now, sir, I have allowed
20 you to participate in this and I'm willing to allow
21 you to participate in this even though you're not
22 licensed in Texas as long as you follow the Texas
23 Rules and the Texas Rules are apparently not what
24 the rules are in Michigan.

25 This is a discovery deposition. I can ask

HENRY LICK

1 him any question that might lead to discoverable
2 evidence in the case. And it is inappropriate as I
3 understand the law -- and there are lots of other
4 Texas lawyers here so you can consult with them --
5 to instruct the witness not to answer a question
6 unless as I understand the law, I'm violating some
7 type of privilege.

8 There's no motion for protection filed
9 in this to limit this deposition and I think this is
10 important evidence for me to discover in the case.

11 If you are going to instruct the witness
12 not to answer these types of questions, then I would
13 ask that Bernie do that since the Texas court has no
14 jurisdiction over you at this point in time to
15 enforce it and if does that, well, then, that's fine
16 and we will deal with that in front of the Texas
17 court.

18 You put me in a position where I have no
19 remedy if you act inappropriately under Texas Rules
20 and I don't want to be in that position. You can
21 understand that.

22 MR. KRAUSE: I can understand that but I've
23 instructed him not to answer anymore questions about
24 Sheldon Road period.

25 MR. COOK: Bernie, are you going to

HENRY LICK

1 instruct him likewise?

2 MR. GARZA: Well, here's the situation,
3 Russ. When we talked about Bob Krause being allowed
4 to represent the witness at the deposition without
5 having his pro hac vice filed, I was not told that
6 was provided he didn't make any objections.

7 MR. COOK: I think what Lynn told you and I
8 asked her about that was that we follow the Texas
9 Rules.

10 MR. GARZA: The issue here is we don't have
11 a plaintiff who is claiming exposure to insulation
12 at a Ford facility. That's the issue here. You
13 have someone who is claiming exposure to friction
14 products and so we're talking about two totally
15 different things.

16 So what does the Ford experience with
17 workers and insulation products have to do with the
18 plaintiff claiming exposure to a friction product?
19 That's the issue.

20 MR. COOK: Are you going to instruct the
21 witness not to answer?

22 MR. GARZA: At this time, yes.

23 MR. COOK: We're going to recess this
24 deposition and we're going to go to Houston and talk
25 to the judge about it and we will request the

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1 witness be produced in Houston, Texas in regard to
2 finishing this deposition.

3 It is perfectly legitimate for me to ask
4 about Ford's knowledge of asbestos and what they did
5 for their own workers versus what they might have
6 done for brake workers generally. It's a relevant
7 inquiry, it certainly may lead to other discoverable
8 evidence in the case and if your position is going
9 to be obstructive in that regard then we're going to
10 stop and seek appropriate remedies with the court
11 and I assume that's what we're going to do, is that
12 right?

13 MR. KRAUSE: You can do whatever you want,
14 counsel.

15 MR. GARZA: Why don't we take a break and
16 we'll talk about it.

17 THE TECHNICIAN: Off the record at 8:50
18 a.m.

19 MR. COOK: I'm not going to proceed with
20 any depositions if I'm going to be -- if you're
21 going to try to impose some artificial limit on
22 discovery that's not in accordance with the Texas
23 Rules, if that's what going to happen, I don't want
24 to proceed until we have a court ruling. We're
25 coming back in a week and we may as well get some

HENRY LICK

1 guidelines from the court.

2 MR. KRAUSE: You can do what you want. I
3 don't care what you do.

4 MR. COOK: This is just so we're clear.

5 MR. KRAUSE: I understood that from the
6 start. I wasn't confused at all.

7 I think you have different witnesses. I
8 think Mr. Lick has a work history that involves Ford
9 throughout the United States and maybe Canada and
10 maybe other places.

11 Arnie Anderson is limited to brakes. I
12 have no knowledge of Arnie being involved in any
13 asbestos problems related to plants. If you want to
14 proceed with Arnie, we will proceed with Arnie.
15 It's up to you.

16 MR. COOK: If we proceed, are you going to
17 agree to follow Texas Rules?

18 MR. KRAUSE: I'm following Texas Rules now.

19 MR. COOK: No, you're not.

20 MR. KRAUSE: I'm not going to argue the
21 question with you. If you want to file a motion, be
22 my guest, file a motion.

23 I'm asking if you want to proceed with
24 Arnie Anderson.

25 MR. COOK: I will proceed with him until

HENRY LICK

1 there's some type of obstructive behavior and then I
2 will leave.

3 MR. KRAUSE: Fine. He's not going to be
4 here until 11.

5 MR. COOK: That's fine. Can we look at the
6 documents?

7

8 (A recess was taken.)

9

10 MR. COOK: Mr. Garza, we have taken a
11 break while you were going to consult with someone,
12 I guess, and I understand you're not changing
13 your position and you're not going to allow
14 the witness to answer that question and the witness
15 is gone, is that right?

16 MR. GARZA: That's right.

17 (Deposition concluded at 8:45 a.m.)

18 * * * * *

19

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23

24

25

HENRY LICK

CERTIFICATE

STATE OF MICHIGAN)
) SS:
COUNTY OF LIVINGSTON)

I, PATRICIA R. MURRAY, Certified Shorthand
Reporter, a Notary Public, hereby certify that I recorded
in shorthand the examination of HENRY LICK,
the deponent in the foregoing deposition; and that prior
to the taking of said deposition the deponent was first
duly sworn, and that the foregoing is a true, correct and
complete transcript of the testimony of said deponent.

I further certify that no request was made for
submission of the transcript to the deponent for reading
and signature and that no such submission was made.



PATRICIA R. MURRAY, CSR-2155

Notary Public, Livingston County, Michigan

My commission expires: 1/27/01

Dated: This 5th day of May, 1998.