

FILE NAME: Asbestos Cement Pipe and Sheet (ACPS)

DATE: 2016 Feb 26

DOC#: ACPS133

DOCUMENT DESCRIPTION: Legal - Deposition Summary of James Reichert

Summary of Deposition of James Reichert February 26, 2016

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Agreement by which JM sells to JMM and JM A/C says that JMM and JM A/C will not be liable for actions instituted against JM by a former employee of seller or any third party against purchaser and/or seller etc, claims are responsibility of the seller.	22-23
Claims by former employees of seller who are employed by purchaser shall be pro rated depending on relative percentage of total employment with either party.	24
JMM knew from the outset that it could be subject to suits by people claiming injury from asbestos disease.	25-26
12/10/82 memo lists 7 pending claims against JM. Liabilities occurring after closing are JMM's	27-30
JMM knew 21 days before closing of the purchase of the Denison and Stockton plants that there were pending asbestos claims and JMM made the decision to continue the a/c pipe operation rather than just shutting it down and running the PVC operation.	32
23 Mesothelioma cases occurring in workers at Denison and Stockton.	37-39
J-MM understood that there was a history of people using power saws in the 3 filed to cut A/C/ pipe. (this info after Reichert repeatedly won't answer the question and repeatedly says it was against OSHA rules and JMM policy etc)	71
JMM continued to use the name "Transite" stamping it on their pipe	73
June 6, 1983 Memo re training salesmen. The memo tells salesmen to tell customers not to join sections of pipe by "stabbing" one end of the pipe into another "Not recommended."	71 - 74
The training guide does not list the installation techniques not permitted by OSHA.	76
Agrees that OSHA permits power saws if techniques are used to reduce exposure to permissible levels plus respirator use.	77
Kin 1983 JMM knew that EPA was proposing a ban on A/C pipe	78, 79
Agrees that from day one, January 1, 1983, JMM knew that asbestos could cause mesothelioma.	79
JMM knew from day one that blue asbestos was more toxic than white asbestos.	80
In 1983 JMM knew that Johns Manville filed bankruptcy due to 1000s of lawsuits arising out of asbestos disease claims	80-82
JMM had health and safety concerns that it had to address for both its own employees and for the product it was selling.	86
Reichert says that JMM put the same amount of effort into caring for their own employees as they did for making sure that they were providing a product they believes was safe and admonishing about safety and health issues for the product (cf the 2014 Reichert depo where he admits that	87

JMM exhibits a conscious disregard for safety of its employees)	
January 30, 1986, Pronske of JMM re EPA proposed ban. Quotes ACPPA (asbestos cement pipe producers association) statement that no health hazard to those making or installing the pipe. Compare to three years earlier JMM knowledge of 7 mesothelioma cases in employees making AC pipe	89-94
It was JMM Policy that sales people in the field communicate all admonitions regarding the health and safety issues pertaining to a/c pipe as well as the appropriate work practices. (None of the co-workers or employers of Avila ever saw cautions, warnings, safety brochures or saw any JMM sales person at a job site or had any info re: asbestos dangers communicated to them()	94
January 18, 1986 memo from the JMM safety guy E.. E. Wang to all plant managers. Says that there is no known exposure level below which carcinogenic effects would not occur.	96
Never any label on the pipe that said there is no known level under which cancer will not occur.	100
Testimony about the claimed caution label being 2" x 2" on a 13' section of pipe. Reichert agrees that the label could have been bigger and could have been more prominent and could have talked about cancer.	112-115 116-117
In the Hill case, in which this Reichert depo is taken, there are 5 witnesses who will testify that there was no caution label.	115
Before 1986 MSDS were provided on request; after 1986 they were supposed to be sent out with the product. JMM then relied on sales people to distribute it.	122
The 1/16/86 MSDS says that the product may cause "pulmonary disease" and it says nothing about cancer; nothing about fatal disease; nothing about no safe level	124
Agrees that even a snap cutter creates dust.	124
The MSDS says don't use power driven saws but it then also says that if you use power driven saws, use exhaust ventilation.	126
Jan 30, 1987, MSDS says asbestosis, mesothelioma, pleural plaques and lung cancer. First time the cancer info appears on MSDS even though JMM knew about mesothelioma from "day one."	127-130
The 1987 MSDS mentions that hand tools (in addition to power tools) which may produce or release asbestos fibers should have exhaust ventilation. Reichert doesn't know what hand tools are being referred to. Although snap cutters are the only hand tool he can think of commonly used to cut a/c pipe	130
Any method of cutting without wetting the pipe down creates dust.	131- 132, 134
Agrees that there is dust in the air even if you can't see it with the naked eye.	134
From the start of running the a/c pipe business JMM knew that it could	139

put them at risk from lawsuits from those claiming injury from asbestos disease.	
14 Q. BY MR. PANATIER: All right, sir. I've got a 15 few more questions for you. 16 Based on what we've talked about today and the 17 documents we've talked about today, as of 1983 J-MM 18 understood it was at risk from lawsuits where it would 19 have to pay people for their injuries or their deaths, 20 correct? 21 MR. SKEBE: And I'll object based on form and 22 to the extent it invades any privilege that's the subject 23 of a motion in this case. 24 You can answer. 25 THE WITNESS: That it could, yes. Page 147 1 Q. BY MR. PANATIER: Okay. And as of 1983 J-MM 2 knew that mesothelioma took many years to occur, correct? 3 A. Yes. 4 Q. Okay. J-MM as of 1983 understood that there 5 was a latency period between exposure and when the 6 disease actually appeared, right? 7 A. Yes. 8 Q. Okay. And as of 1983 J-MM understood that if 9 somebody wanted to file a lawsuit for payment of 10 mesothelioma, the company knew that that would occur far 11 into the future, correct? 12 MR. SKEBE: I'll object to form and assert 13 privilege to the extent that it's been litigated 14 regarding a particular issue in this case. 15 You can answer. 16 THE WITNESS: That it could, yes. 17 Q. BY MR. PANATIER: Okay. And I'm not asking you 18 with reference to any documents or anything, just the 19 company knowledge. The company understood that any 20 lawsuits from mesothelioma would generally occur way into 21 the future, correct? 22 MR. SKEBE: Same objection, same assertion of 23 privilege. 24 You can answer. 25 THE WITNESS: That it could, yes.	146-147

BEFORE THE ASBESTOS MDL PRE-TRIAL JUDGE

CAUSE NO: 2014-64317

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AMY HILL, Individually and IN THE MULTI-DISTRICT COURT
as Personal Representative
of the Estate of JACKIE DEE
HILL, Deceased and JACKIE
DEE HILL, JR., DAVID WAYNE
HILL and DAPHNE ANN LEE,

Plaintiffs,

v.

11th JUDICIAL DISTRICT

J-M MANUFACTURING COMPANY,
INC. (sued individually and
as parent and alter ego to
J-M A/C PIPE CORPORATION),
et al.,

Defendants. HARRIS COUNTY, TEXAS

DEPOSITION OF JAMES REICHERT

At Manion Gaynor & Manning

201 Spear Street, 18th Floor

San Francisco, California

Commencing at 10:01 a.m.

February 26, 2016

**CERTIFIED
TRANSCRIPT**

Michael E. Hyske, CSR 5244