IN THE SUPERIOR COURT OF MORGAN COUNTY
STATE OF GEORGIA

- -X

LAURA W. BUTLER, Individually
and ADMINISTRATRIX of the
Estate of Walter C. Butler, JR.,
Deceased,

Plaintiff,

-vs-

Civil Action
File No. 2008CA114

UNION CARBIDE CORPORATION,
et al.,

Defendants.

- X

DEPOSITION of CARLO MARTINO, taken pursuant to Notice, held at the COURTYARD BY MARRIOTT, 250 Davidson Avenue, Terrance Room, Somerset, New Jersey, 08873, on Thursday, August 6, 2009, at 9:20 a.m. before JEANNETTE MCCORMICK, a Certified Shorthand Reporter, License No. XI00920, and a Notary Public.

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Lee A. Bitman (Videographer)

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THE VIDEOGRAPHER: We are now on the video record. Today is August 6, 2009, and the time is approximately 9:20 a.m.

We are at the location of Courtyard by Marriott, located at 250 Davidson Avenue in Somerset, New Jersey.

My name is Lee Bitman, I'm the legal video specialist of Legal Eyes, Inc. of Denton, Texas.

This case civil action is File Number 2008-CA114 entitled Laura Butler, Administratrix, Individually and for the Estate of Walter C. Butler, Junior, Deceased, versus Union Carbide Corporation, et al.

Our deponent today is Carlo Martino. This deposition is being requested by the plaintiffs. The attorney is William A. Galerston of Waters & Kraus.

Will all counsel at this point please introduce themselves for the record.

MR. GALERSTON: This is Billy Galerston here on behalf of the plaintiffs, the Butler family.

MR. WOODS: Craig Woods on behalf of Union Carbide.

MR. THACKSTON: Robert Thackston on behalf of Reichhold R-E-I-C-H-O-L-D Corporation.

THE VIDEOGRAPHER: At this point will the court reporter kindly swear in the witness.

CARLO F. MARTINO,
having been first duly sworn,
according to law, testified
as follows:

EXAMINATION

BY MR. GALERSTON:

Q. State your full name for the record.

A. Yes. Carlo Francis Martino.

Q. Thank you, Mr. Martino.

Before we get going, we have a couple of housekeeping matters that we want to address. You and I have met on several occasions before, and you have given numerous depositions. As a result, we have entered into an agreement with Union Carbide's attorneys that we will forego any and all general questions, and any and all questions that have been asked in previous depositions in exchange for the

agreement and understanding that we can use that previous testimony and previous transcripts subject to the appropriate objections that were raised at the time and that are appropriate for the jurisdiction that we are going to use this deposition in which currently will be Georgia.

(Whereupon, Plaintiff's Deposition Exhibits Nos. Martino 1 and 2 were marked for Identification.)

BY MR. GALERSTON:

Q. In connection with that, we have attached as Exhibit 1 to your deposition a Notice of Deposition for you personally. Exhibit Number 2 is a 30(b)(6) Notice for a Union Carbide Corporation representatives.

(Whereupon, Plaintiff's Deposition Exhibit No. Martino 3 was marked for Identification.)

BY MR. GALERSTON:

Q. We have attached as Exhibit 3 Elaine Shofner's July 6, 2009 correspondence to Ms. Kyla Cole of Waters & Kraus regarding this deposition.

(Whereupon, Plaintiff's Deposition Exhibit No. Martino 4 was marked for Identification.)

BY MR. GALERSTON:

Q. And as Exhibit 4 we have attached Union Carbide's Written Objections to certain areas of the deposition notice.

MR. GALERSTON: With that understanding, is that pursuant to your understanding, Mr. Woods?

MR. WOODS: Yeah. I just wanted to add that Union Carbide is producing Mr. Martino pursuant to the 30(b)(6) notice only for those topics reflected in the letter from Elaine to Ms. Kyla -- or Kyla Cole.

MR. GALERSTON: Correct.

MR. WOODS: And, other than that, he's here in his personal capacity. So, subject to your representations you just made, we will allow the questioning on those topics.

MR. GALERSTON: Very good.

BY MR. GALERSTON:

Q. Mr. Martino, how are you this morning?

A. Fine. Thank you.

Q. As I indicated on the record a moment ago, I have deposed you I believe two or three times previously, is that correct?

A. That's correct.

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Q. Since last we spoke, which I believe would have been -- I think it was November of last year -- have you given very many depositions?
A. I don't recall if the deposition -- there were several other depositions the end of last year, because I don't recall if they were before or after yours. None this year.
Q. Okay. So this is the first time that you would be giving testimony in 2009?
A. I believe so.
Q. All right. Let's talk briefly about what you had done to prepare yourself to give your testimony today. What have you done?
A. I read the deposition of Mr. Butler, both volumes.
Q. All right. Anything else?
A. I went over the sales scrolls as to what was sold to the Waters -- Watertown, the Georgia location.
Q. Okay. Anything else?
A. I reviewed some of the formulations that might be related to sales to Watertown in Georgia.
Q. All right.
A. And I looked at what correspondence that was in the files in Chicago with regard to Watertown in

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general.
Q. Okay. Anything else?
A. I believe that was it.
Q. Okay. The sales scrolls I'm familiar with and we'll have a copy of those and we'll attach those and we'll talk about those in some detail.
The formulations and correspondence that you reviewed, were those documents that were selected and provided to you by counsel or was that information that you went and found on your own?
A. I requested information on the formulations so that I could refresh my memory as to which might contain asbestos and which did not.
Q. Okay.
A. We jointly requested the information on Watertown.
Q. Okay. All right. Based upon your review of the materials, is it clear to you that Union Carbide sold phenolic molding materials to the Watertown Georgia facility?
A. Now that I have looked at the scrolls, yes.
Q. And based upon your review of the scrolls, is there any doubt that Union Carbide sold asbestos-containing phenolic compounds to Watertown Georgia facility?

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A. There are some small sales of what could be asbestos-containing material.
Q. And when we talk about that, I think we've agreed in the past that when we see references in the scrolls to materials that indicate that it's heat-resistant material, that is indicative of the asbestos-containing, I should say, high asbestos-containing materials. Is that correct?
MR. WOODS: Objection to the form of the question.
THE WITNESS: Most likely than not, we did -- did have some materials that were -- good heat-resistant materials that did not contain asbestos, but most that were used for heat-resistant application did contain asbestos.
BY MR. GALERSTON:
Q. And those were the ones that were in the 30 to 40 percent, right?
MR. WOODS: Objection to the form. Assumes facts.
THE WITNESS: They ranged from anywhere from 10 to 15 percent to 30 percent.
BY MR. GALERSTON:
Q. And we'll go through that in some more

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detail.
As I indicated to counsel before, I have had an opportunity to go back to the Chicago Union Carbide's document repository, and I have some additional documents, that I believe you and I have not discussed before. If in my questioning if you believe that you and I have discussed these documents before, please indicate so, and I will move on. But I have tried to be careful to make sure that I have only brought information that you and I have not talked about before.
Let me mark as Exhibit Number 5 to your deposition the Bakelite Corporation Safety Manual.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 5 was marked for Identification.)
MR. WOODS: Let me just state for the record that this is not one of the topics, presumably not one of the topics that we were offering a 30(b)(6) witness on, but if he has not been questioned on before, you can ask him. I notice the copyright on this document is 1941 and that was before Mr. Martino was employed by Union Carbide.
THE WITNESS: Okay.

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BY MR. GALERSTON:
Q. All right, sir. Exhibit Number 5 indicates that the Bakelite Corporation Safety Manual. Correct, sir?
A. Yes.
Q. Okay. And we were looking -- this is Bates number 3061352 through 3061404, correct? Just look at the last page, on the back side, it's a two-sided copy.
A. Yes.
Q. Okay. Have you had an opportunity to review this document previously?
A. I don't recall seeing this before.
Q. Okay. As counsel indicated, looking at the -- which would be the third page of this exhibit -- Bates number 3061354, this is copyrighted 1941 by the Bakelite Corporation, a unit of Union Carbide and Carbon Corporation, correct?
A. Yes.
Q. Okay. Certainly by the time that this document was produced Bakelite Corporation had been acquired by Union Carbide, correct?
A. Yes.
Q. You started at the company about six years, seven years after this document was published?

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A. Yes. In 1948.
Q. Okay. So by the time you started certainly there was a Bakelite Corporation Safety Manual in existence, correct?
MR. WOODS: Objection. You may answer.
THE WITNESS: I would expect that there would be, yes.
BY MR. GALERSTON:
Q. Do you remember a safety manual when you went to work there?
A. I remember seeing safety manuals, but when I was shown those manuals, I don't recall.
Q. Okay. Certainly by the indication one did exist at least in '41 would be indicative to the best of your knowledge that one existed at the time that you started?
MR. WOODS: Objection to form. Calls for speculation.
THE WITNESS: Yes, I did.
BY MR. GALERSTON:
Q. I believe you indicated that you are generally not familiar with this document.
Do you remember when you started working at Union Carbide what instructions you were given with regards to the hazards associated with asbestos?

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MR. WOODS: Objection to form. Mischaracterizes his testimony.
THE WITNESS: I don't recall any information on asbestos at that time.
BY MR. GALERSTON:
Q. Okay. Sir, if you would look with me at page 18 of the safety manual, which is Bates numbered ending in 366, there is a chart. Do you see the chart, sir?
A. Yes.
Q. Okay. And there is an indication on the left, there is a column of materials and it says "Poisonous." Do you see that, sir?
A. Yes.
Q. We see Acetic Acid followed by Acetone, Alcohols, Aniline, Arsenic Trioxide, Benzol, Carbon Tetrachloride, Chlorine Gas, Cresol, Dowtherm, Dyes, and Formaldehyde. Correct, sir?
A. Yes.
Q. You will notice an absence of asbestos there, correct?
A. Yes.
Q. Certainly at the time of this document it was not -- asbestos was not identified as a poisonous material by Union Carbide?

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MR. WOODS: Objection to the form. Foundation. And calls for speculation.
THE WITNESS: Yes.
BY MR. GALERSTON:
Q. You would agree with that statement, sir?
A. Yes.
Q. You can set that one aside, sir. Sir, I am going to hand you what I am marking as Exhibit Number 6, which is a copy of Union Carbide's Bakelite Review dated November 1965, Bates number 2207918 through 2207937.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 6 was marked for Identification.)
BY MR. GALERSTON:
Q. Bring back some memories, sir?
A. I read most of the literature that was circulated at that time. I probably read -- yes. I see an article here that I have seen before.
Q. All right, sir.
A. Yes, I do recall it.
Q. Okay. In 1965 you were working for Union Carbide in the Bakelite Division, correct?
A. Yes.
Q. Do you know what year Union Carbide started

publishing the Bakelite Review?
A. No, I don't.
Q. Do you know what the last year was that Union Carbide published the Bakelite Review?
A. No, I don't.
Q. What was your understanding of the circulation of the Bakelite Review? Was that internal Union Carbide, did this go to customers? What was its circulation?
MR. WOODS: Objection to the form. Foundation.
THE WITNESS: It's my understanding it was given to customers, as well as internal circulation.
BY MR. GALERSTON:
Q. With regards to the Butler case in 1965, if Watertown was a customer, this would be something that would have been circulated to Watertown as a customer of Union Carbide?
MR. WOODS: Objection to form. Calls for speculation.
THE WITNESS: I don't know how the customers were selected. It was the sales department that would have handled that. Certainly, the large customers would have

gotten copies.
BY MR. GALERSTON:
Q. Looking at the second page of Exhibit Number 6, it says Bakelite Review Contents for October 1965. Do you see that, sir?
A. Yes.
Q. And then it lists the various articles that are contained in this publication.
Do you know, as a general proposition, whether or not these are articles that were written by Union Carbide employees?
A. Whether the employees themselves wrote them or not, I don't know. They certainly would have had to contribute to them.
Q. Do you know what other type of outside employees would be allowed to prepare articles and submit them for publication in the Bakelite Review?
MR. WOODS: Objection to the form. Foundation.
THE WITNESS: We had a department that handled advertising, and I don't know what arrangements they had with outside sources, what they outsourced or what they did in-house.

BY MR. GALERSTON:
Q. Okay. Certainly this is not something that you would expect any of Union Carbide's competitors to be publishing, such as General Electric or Reichhold or Westinghouse, correct?
A. I would expect that they would have something similar on their own products, but not on ours.
Q. And you would not expect them to be sharing their general knowledge with regards to the phenolics and the handling of phenolics, correct?
MR. WOODS: Objection to the form.
MR. THACKSTON: Objection. Calls for speculation.
THE WITNESS: That, I don't know. I have seen correspondence where there were communications between competitors on handling of asbestos, especially in the '70s. But at what time that started, I don't know.
BY MR. GALERSTON:
Q. Have you ever seen correspondence between Union Carbide's competitors regarding marketing of their phenolic compounds?
MR. WOODS: Objection to the form. Overbroad. Vague.
THE WITNESS: If it was information they

distributed to their own customers and the salesperson was able to pick up a copy, they would send it to us.
BY MR. GALERSTON:
Q. Fair enough. So, if somebody else, if General Electric or Reichhold or whomever had their own similar review the Textolite Review or the Mycarter Review or whatever, you might have been able to get ahold of copies of those?
A. Yes.
Q. Specifically, though, have you ever seen correspondence from a competitor directed to Union Carbide regarding the handling or formulations of phenolic compounds?
A. I didn't, no.
Q. In your review of the repository maintained by Union Carbide with regards to the Bakelite materials, have you seen any Bakelite Reviews that would have instructions to molders such as Watertown as to the safe handling of Union Carbide's phenolic molding compounds?
MR. WOODS: Objection. Overbroad. Has he said that he's reviewed them in the repository?
THE WITNESS: Not in the Bakelite

Review, no.
BY MR. GALERSTON:
Q. I am going to hand you a document I have now marked as Exhibit 7 to your deposition. It's a two-page exhibit handwritten, Bates numbers 1731858 and 859.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 7 was marked for Identification.)
BY MR. GALERSTON:
Q. First off, sir, looking at this document, do you recognize this handwriting?
A. No, I do not.
Q. Okay. And looking at this document, I do not find anything that gives a date. I wonder if looking at it you can give us an idea of the likely date of this document?
MR. WOODS: I will object on foundation grounds, and calls for speculation.
THE WITNESS: No.
BY MR. GALERSTON:
Q. In looking at the prices that are associated with the -- excuse me -- not the prices, the amounts that are associated with the production that is reflected on the second page which is RM Purchases

Thru April, Production, 16 million pounds -- do you see that, sir -- does that give you an idea of the time frame that this document would have been produced?
A. No.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 8 was marked for Identification.)
BY MR. GALERSTON:
Q. Let me hand you what I have now marked as Exhibit 8 to your deposition, which is a three-page exhibit, again, handwritten, Bates numbers 1731860 through 862. And I would like to you look at that in conjunction with Exhibit Number 7 and see if they appear to be related from the same time frame.
MR. WOODS: Objection to the form. Foundation. Calls for speculation.
THE WITNESS: And what was your question?
BY MR. GALERSTON:
Q. In looking at Exhibit 8 in connection with Exhibit 7, based upon the Assumptions For Future Years and then listing of '72, '73 and '74 on Exhibit 8, does it appear to you that Exhibit 7 would have been prepared in, sometime in '71 or '72?

A. Well, the handwriting is not the same. So I can't connect the documents. I don't -- I don't know if there is a relationship between the two.
Q. Okay. And I will represent to you that it's unclear to me that there is a relationship other than that they were found consecutively numbered. You will notice the pages are numbered one right after the other. So my assumption is that the two are related, but I appreciate that your observation that the handwriting is different. I will agree with that.
Let me ask you this, sir. Looking at Exhibit 7, it talks about the typical formulations for the blacks, meaning, the black molding compounds, correct?
MR. WOODS: Objection to the form. Foundation. Calls for speculation. Misrepresents what the document says.
THE WITNESS: Yes.
BY MR. GALERSTON:
Q. Looking at the formula that is listed, resin, hexa, lime, nigrosine, coal, carbon black, external lubricators and fillers, you recognize that to be a phenolic compound, correct?
A. Yes.

Q. And in the listing right below it of the Fillers of the Regular WoodFlour, Asbestos, Hard WoodFlour, Flock, Calcium Carbonate and Sisal, those are you fillers that Union Carbide used to manufacture this and other compounds, correct?
A. Those were the largest volume, yes.
Q. Okay. And looking at this, we see that according to the ranking of the fillers here it indicates that Regular WoodFlour would be 40 percent of the fillers that were used in making the blacks, correct?
MR. WOODS: Objection to the form. Calls for speculation. Foundation.
THE WITNESS: Yes.
BY MR. GALERSTON:
Q. And if I -- correct me where I am wrong, we are looking at the top half of the sheet, we see a formulation for a black phenolic compound and fillers take up 40 percent of that compound, correct?
MR. WOODS: Objection to the form. Calls for speculation. Foundation.
THE WITNESS: It shows a line fillers 40 percent, and that appears to be what they say typical. I don't know -- that doesn't imply

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to me that it was average, but it's typical.
BY MR. GALERSTON:
Q. Okay. And then below that we see a breakdown of what those fillers would be in a typical black formula, which would be 16 percent of the total would be regular woodflour, 7.8 percent would be asbestos, 6.1 percent would be hard woodflour, 4.9 flock, 3.2 percent calcium carbonate, and 2 percent Sisal, correct?
A. No.
MR. WOODS: Objection. Calls for speculation. Form. Foundation.
Mr. Martino, wait until I say my objection before you start talking. Thank you.
THE WITNESS: Sure. I'm sorry. Okay.
MR. WOODS: Thank you.
THE WITNESS: This didn't -- this doesn't mean that every formula contained all of these ingredients. This is a total of what was used to make all of the products. You wouldn't combine, for example, carbon black and anything nigrosine in a black. You would use one or the other. The same applies to the other filler, you wouldn't put Sisal in all of them. So this represents a total

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of everything.
BY MR. GALERSTON:
Q. Okay. So this would be like -- it appears that this seems to be something about a calculation for some sort of budgeting or pricing. Agreed?
MR. WOODS: Objection to the form. Foundation. Calls for speculation. And it's outside the scope of the 30(b)(6), for sure.
THE WITNESS: I am not sure whether it would be either budgeting or pricing.
BY MR. GALERSTON:
Q. Fair enough.
A. I can't tell from that. That's --
Q. The second page of Exhibit 7 indicates asbestos use of 1,259 million pounds -- no -- take that back. 1 million 259 thousand pounds.
THE WITNESS: Right.
MR. WOODS: Objection to the form. Foundation. Calls for speculation. Go ahead. Sorry.
BY MR. GALERSTON:
Q. And looking at that, that would be the amount of asbestos used by Union Carbide for the first quarter of whatever year this is related to, correct?

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MR. WOODS: Objection to the form. Foundation. Calls for speculation.
THE WITNESS: Well, I don't know why it would be for a quarter. It would be for the whole year.
BY MR. GALERSTON:
Q. It says "Purchases Thru April"?
A. Oh, okay.
MR. WOODS: Same objection.
THE WITNESS: Okay.
MR. WOODS: Same objection.
BY MR. GALERSTON:
Q. So you would agree that would be --
A. That would be --
Q. -- indicative of a quarter?
A. -- yes.
MR. WOODS: Excuse me. Objection to the form. Foundation. Calls for speculation. Beyond the scope of the PMK notice.
THE WITNESS: That would be more than a quarter. It would be four months.
BY MR. GALERSTON:
Q. I appreciate that a third of the year.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 9 was marked for

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Identification.)
BY MR. GALERSTON:
Q. I'm handing you now what I've now marked as Exhibit Number 9 to your deposition. It's a two-page memo, Bates numbered 1731980 and 81. This is entitled "Class of Materials Produced."
Do you see that, sir?
A. Yes.
Q. Are you familiar with this document, sir?
A. No, I am not.
Q. The second page appears to be an agenda for some meetings that were taking place at the Bound Brook, I should say meetings to discuss the Bound Brook Thermosetting Manufacturing Operations. Would you agree?
A. Yes.
MR. WOODS: Objection to form. Foundation. Calls for speculation.
BY MR. GALERSTON:
Q. Would there be periodic meetings of management to discuss the operations of Bound Brook and handling of materials?
MR. WOODS: Objection to the form. Vague. Overbroad.
THE WITNESS: There would be periodic

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meetings with their staff. It's not clear from this document who they would have included in this meeting.
BY MR. GALERSTON:
Q. Okay. Let me ask you, in looking at page 2 we see the introduction of the first day in the morning, introduction by R.E. Graebert, correct?
A. Yes.
Q. Who is Mr. Graebert?
A. He was the assistant plant manager in charge of that area.
Q. Okay. When you say that area, the thermosetting materials?
A. Yes.
Q. And then we see that the business section of the meeting was going to be handled by A.R. Grover. Who is Mr. Grover?
A. He was the department head.
Q. Okay.
A. Now this is a manufacturing document. So it doesn't -- Graebert was not in charge of the entire business, only the manufacturing operation.
Q. So he ran the plant?
A. Yes.
Q. He wasn't responsible for the sales and

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marketing?
A. That's right.
Q. Turning back to the first page of the document, we see listings of the Prime Materials under Roman numeral I. Then resins under number II, and then Roman III, the molding materials, which is what you get when you take the resins and you add the fillers and you grind it up and then you get the molding materials which you sell to customers like Watertown, correct?
A. Yes.
Q. And here, this appears to be just a general document, it says there is basically four types of molding materials that Union Carbide was selling at this time, the General Purpose, Impact, Heat-Resistant and Specialties, correct?
MR. WOODS: Objection to the form. Foundation. Calls for speculation.
THE WITNESS: That would cover most of it, yes.
BY MR. GALERSTON:
Q. Okay. Certainly General Purpose, Impact, and Heat-Resistant was the major areas of distinction, and then the Specialties would cover any and all other oddballs that would have been requested by

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customers, is that correct?
A. That is correct.
Q. Here it lists that for the General Purpose the primary filler would be woodflour filler, correct?
A. Yes.
MR. WOODS: Objection to the form. Foundation. Calls for speculation.
THE WITNESS: Yes.
BY MR. GALERSTON:
Q. That's consistent with your understanding of the formulation of General Purpose, correct?
A. Yes.
Q. In addition to the woodflour, though, there was asbestos used as an additional filler, correct?
MR. WOODS: Objection to the form. Excuse me.
THE WITNESS: Not at all --
MR. WOODS: I am sorry. Excuse me. Vague and ambiguous.
THE WITNESS: Sorry.
MR. WOODS: Go ahead.
THE WITNESS: No, not all our General Purpose products contained asbestos. The largest volume did not.

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BY MR. GALERSTON:
Q. A portion of the General Purpose --
A. Yes.
Q. -- formulations did, correct?
A. Yes.
Q. The same with the Impact, there was a portion of the Impact formulations that would have cotton flock as well as asbestos, correct?
A. No, not under that category.
Q. Okay.
A. If it did have asbestos, it would probably be under the Heat-Resistant category.
Q. Well, then certainly under the Heat-Resistant category the primary filler that was used in the Heat-Resistant categories would have been asbestos?
A. Yeah, and with cotton flock at that point.
Q. Okay. Sir I'm going to handing what I'm marking as Exhibit Number 10 to your deposition, which is a document that you and I have discussed in part before.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 10 was marked for Identification.)
BY MR. GALERSTON:
Q. Exhibit Number 10 Bates numbered 2207525

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through 2207583, and on the cover it says, "Phenolic Coating Resins Raw Materials Specifications, Union Carbide, Bound Brook, New Jersey," correct?
A. Yes.
Q. I believe in the past you and I have talked about portions of this document, but this is the first time I've found it in its entirety.
Are you familiar with this document, sir, Exhibit 10?
A. This looks like the raw material code book, but it was issued by the coating resins, which I was not a part of. I did see the code books.
Q. All right. Were the code books different for each group?
A. No. The code book applied to all the businesses. It's -- you know, different businesses would focus on some raw materials more than others.
Q. Right. So, some of the materials that are listed in here would be used by some divisions and not by other divisions?
A. Yes.
Q. Okay. Asbestos is treated under -- if we look, I believe, on the second page we have an alphabetical index, and if we look at asbestos we find that it is listed on page 18, or I should say

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section 18.
MR. WOODS: What page are you looking at of the document?
MR. GALERSTON: The second page of the document. It's page 1, alphabetical index.
BY MR. GALERSTON:
Q. Do you see asbestos is listed in the second column?
MR. WOODS: Carlo, you are not looking on the same page.
THE WITNESS: Page 18?
MR. WOODS: Well, no. The second page of the document.
BY MR. GALERSTON:
Q. I'm just looking at the index.
A. Oh, okay.
Q. Looking at the alphabetical index and we go down to asbestos, we see it's listed under 18?
A. Yes.
Q. 18 is a code number for asbestos, correct?
A. Yes.
Q. Okay. So then we don't necessarily go to page 18 to look at asbestos, we go to section 18 which we find on Bates number 539.
A. Yes.

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Q. And there on page 539 we see 18 dash asbestos. Then we see a listing of about eight different grades of asbestos, correct?
A. Yes.
Q. The first five are identified as floats, asbestos fibres grades, and there is provided by various asbestos suppliers such as Asbestos Fibre Distributors, Lake Asbestos, Johns-Manville, Asbestos Corporation, correct, sir?
A. Yes.
Q. Then we see the last three which are code numbers 18239, 18249, and 18259 which are Union Carbide asbestos, correct?
A. Yes.
Q. Okay. Asbestos RG-101-UCC, are you familiar with that material, sir?
A. I do not recall whether that was their Calidria floats or not. I would have to go back in the records to look at RG-101 as to whether that is what it was.
Q. Sir, in looking here at this guide, it does not indicate that is Calidria asbestos, does it?
A. No.
Q. We see that 18249 is Calidria Asbestos Grade-SG-200, correct?

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A. Yes.
Q. This is pelletized?
A. Yes.
Q. And then we see 18259 Calidria Asbestos Grade SG-200X, pelletized, correct?
A. Yes.
Q. Those are the -- that Calidria asbestos, those are the pelletized ones with the type of asbestos that you experimented with in trying to revise Union Carbide's asbestos content in its phenolic compounds, correct?
MR. WOODS: Objection to form. Mischaracterizes the testimony.
THE WITNESS: Initially, I worked with the floats and substitute the nonpelletized asbestos for, substitute what we were buying from Carey Mines with Calidria type, I think that was in '66. And I think from previous testimony I said that I did not approve it. The pelleted products came later when we were trying to reduce asbestos exposure in our own facilities and go to bulk handling of asbestos.
BY MR. GALERSTON:
Q. Okay. Was there a separate group at Union

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Carbide that was responsible for keeping this raw material specifications list?
A. I don't know if it was a group, but there was a person that was responsible.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 11 was marked for Identification.)
BY MR. GALERSTON:
Q. All right, sir. I'm going to hand you what I have marked as Exhibit No. 11 to your deposition. Exhibit 11 is Bates number 2207412 through 2207422, October 3rd, 1969, Union Carbide internal correspondence.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 11 was marked for Identification.)
BY MR. GALERSTON:
Q. Sir, are you familiar with this document?
A. I am not on the distribution list, so I probably did not see this.
Q. All right, sir. In looking at the distribution list, do you see anybody who is on that list who would have been working in Bound Brook in the phenolic molding compounds area?
A. Only two people listed for Bound Brook. Ed

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Haine and Ackart.
Q. Who is Mr. Ed Haine?
A. What was the question?
Q. Who is he? What was his position with Union Carbide?
A. He was in management in manufacturing, what his title was at this particular time, I don't know, '69.
Q. When you say manufacturing, you meaning manufacturing of phenolic compounds, correct?
A. No. He was in the front office. So, he was more, when I first met him he was responsible for new hires. But in '69, I don't know what his position was.
Q. And how about William Ackart?
A. I don't know what his title was.
Q. Did you work with Mr. Ackart?
A. No, I don't recall directly working with him.
Q. Okay. Did the phenolic compound division have people who sat on the group labelling committee at any time?
A. Don Gould, I see he is secretary of the group. So, he was involved in labeling committee. He was in Bound Brook. He was not -- he was located in the manufacturing area, but I don't know within

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the organization who he reported to, whether it was manufacturing or some other function.
Q. Okay. Looking at the second page of this document, Bates number 2207413, we see after discussion of various areas and issues regarded to labeling we see item number 9. Do you see that, sir?
A. Yes.
Q. Item 9 says, "Asbestos is known to cause the disease asbestosis and is believed by some to cause cancer. Thus, all packages must bear the following label. Warning: Breathing dust may be harmful. Do not breathe dust." Do you see that, sir?
A. Yes.
Q. In 1969, were you aware that Union Carbide was aware that asbestos was known to cause asbestosis?
MR. WOODS: Objection to form. I note that you have asked him those questions before as well as to when Union Carbide knew about the hazards of asbestos. We are not offering him as a 30(b)(6) witness or a corporate representative on that topic today. You have done it in the past.
MR. GALERSTON: Fair enough. I have not

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asked him with regards to this statement or this document previously.
BY MR. GALERSTON:
Q. So I repeat my question. Were you aware that the group one labelling committee of Union Carbide was discussing the fact that asbestosis was caused by asbestos?
A. Not this particular, not that it caused asbestosis. I was aware from other sources that asbestos, raw asbestos could be a problem.
Q. Do you recall any correspondence or information that was circulated in the phenolic molding compound group warning of the hazards associated with the asbestos such as it's listed here?
A. I saw a document issued by Safety in New York to manufacturing in one of my recent depositions. No. It was in a document written by the department head of manufacturing to his people notifying them that a survey of, an audit of the manufacturing area would be made to determine whether asbestos was a hazard in the plant or not. That would have been around '68, '67.
Q. All right, sir.
A. But I saw that in a recent deposition. It

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was a manufacturing document.
Q. I hand you what I am now marking as Exhibit 12 to your deposition which is another group one labelling committee activity report.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 12 was marked for Identification.)
BY MR. GALERSTON:
Q. It's dated January 28, 1970, Bates number 2207428 through 2207432.
Are you familiar with this document, sir?
A. I am not on the distribution, so I did not see it. And I don't recall seeing it until now.
Q. Okay. In looking at this document, we see that the phenolic resins operations team members were included in this meeting, that being Mr. E. Bell, Mr. R. H. Bruce, and Mr. R.E. Nicholson, correct?
A. Where do you read that?
Q. Right there.
A. Okay. I see.
Q. Do you see those names, sir?
A. Yes.
Q. Are you familiar with those gentlemen?
A. Yes.

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Q. They were members of the phenolic resins operations team, correct?
A. Yes.
Q. To the best of your knowledge, was this the first time that the phenolic group had somebody meeting with the group on labelling committee?
MR. WOODS: Objection. Foundation. Calls for speculation. Beyond the scope.
THE WITNESS: That, I don't know.
BY MR. GALERSTON:
Q. Under area Number 1 the UCC Label Omission or Alterations section, the second paragraph starts off, "Members of Operation Team 60 Phenolic Resins attended this meeting."
Do you see that, sir?
A. Yes.
Q. Do you know what Team 60 is?
A. No.
Q. That sentence goes on to say that the Phenolic Resins Team attended the meeting to further consider continuation of the practice of shipping phenolic resins in unmarked multiwall bags. Shipments are made to Square-D, Fiberite, Cinch and export customers with no warning of potential irritation hazard, no weight markings, no UCC name,

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and no freight markings, all of which are legally required."
Do you see that, sir?
A. Yes.
Q. Do you recall that there was discussions in the early '70s with regard to the marking of the phenolic resins when they are being shipped?
A. Yes.
MR. WOODS: I am going to object to the form of the question. Just to clarify, Mr. Martino is here to talk about molding compounds. This is resins. And there is a difference. So I just want to object. Go ahead.
THE WITNESS: Yes. This is resin. It had no asbestos in it.
BY MR. GALERSTON:
Q. There was no indication that there was an asbestos issue here, was there?
A. No, there was not.
Q. On the second page of the Exhibit Number 12, continues to discuss the Calidria bags. Do you see third paragraph, it says "Calidria" asbestos bags?
A. Yes.
Q. Calidria Asbestos bags with the new print

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format showing the warning, "Breathing dust may be harmful. Do not breathe dust" were shown. This is a direct result of the Group I Label Committee's effort to include all legally required warnings."
This is a continuation of that same warning that we saw on Exhibit 11, correct?
MR. WOODS: You mean that is the same language?
MR. GALERSTON: Yes.
THE WITNESS: I am not sure there is that connection. Calidria would have been handling its own labeling and --
BY MR. GALERSTON:
Q. Certainly 19 --
A. You know, I don't see where the labeling committee would have anything to do with what Calidria did.
Q. Well, Calidria was a unit of Union Carbide, correct?
MR. WOODS: Objection. Foundation. Beyond the scope.
THE WITNESS: It was a separate division.
BY MR. GALERSTON:
Q. Group I Labeling Committee was for the entire

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company, was it not?
MR. WOODS: Objection to form. Foundation. Calls for speculation.
THE WITNESS: A lot of locations are included here. I don't know just what the jurisdiction of the labeling committee was, whether it crossed over or not.
BY MR. GALERSTON:
Q. All right.
A. Whether they had their own labeling committee in Calidria.
Q. We look at the last page of Exhibit Number 12, we see a new name added for Bound Brook. We saw Mr. Ackart, Mr. Haine. Now Mr. E. Bell is included on the distribution list for Bound Brook. Who is Mr. E. Bell?
A. I knew him, but I don't know what his title was at that time.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 13 was marked for Identification.)
BY MR. GALERSTON:
Q. I hand you what I've marked as Exhibit 13 to your deposition. This is a March 26, 1971 memo Bates numbered 1732118 and 2119 regarding Molding

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Material Production Improvement Program. Do you see that, sir?
A. Yes.
Q. Are you familiar with this document, sir?
A. I was on the distribution, so I must have seen it at the time.
Q. This is a memo from Mr. Graebert to Mr. Albright, Grover, Martino, Potter, Stringer and Thompson, correct?
A. Yes.
Q. This was -- there is numerous documents like this in the repository about these various group meetings and the memos that were generated by them, correct?
A. Yes.
MR. WOODS: Objection. Vague. Overbroad.
BY MR. GALERSTON:
Q. I draw your attention to this document, sir, under Section 4 Asbestos. In 1971, it says, "All standard black products are consolidated. Some additional work will be required to eliminate several special products. We will attempt to discontinue BMZ 5250."
BMZ 5250 is the formulation that we discussed

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before, which was reported to the -- to Congress as being the crocidolite-containing compound, correct?
MR. WOODS: Objection to form. Mischaracterizes prior testimony.
THE WITNESS: No. That -- we thought -- and I thought that it did contain the crocidolite asbestos, but we checked the records several years ago and went back on 5250, back to 1950, and could not show that it was crocidolite. It was the long fiber Vermont, I think Lake Asbestos Fibre that had which is chrysosele not crocidolite.
BY MR. GALERSTON:
Q. Well, the BMZ 5250 is the material that was reported by Union Carbide in the Federal Register as containing crocidolite, correct?
A. Yes. I --
MR. WOODS: Objection.
THE WITNESS: Yes, but I cannot support that because, you know, the records don't -- where they got that information, I don't know.
BY MR. GALERSTON:
Q. Right. No. No. And I recognize that, and we talked about that before that you've investigated

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and you do not believe that the BMZ 5250 contained chrysotile -- I mean crocidolite -- excuse me.
Do you remember why the BMZ 5250, which I understand was a black phenolic, was not rolled into the other black products which had been consolidated at this time?
A. It was -- well, it wasn't just black. It could be also natural. But, it was made by an entirely different process. It did not go through the raw mill process that we made most of our products on. It was a bone-milled mixture of asbestos fiber and resin and a very labor-intensive and dusty operation. Manufacturing been trying to get rid of it, you know, for years. It would not be in a pelleted or granulated form.
Q. What form would it be in?
A. It would be like a fluffy, you know, like insulation.
Q. All right, sir. I am going to hand you what I've now marked as Exhibit 14 to your deposition.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 14 was marked for Identification.)
BY MR. GALERSTON:
Q. This is January 3rd, 1972 memo from

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Mr. Albright, Bates numbered 1733899 to 3900.
Are you familiar with this document, sir?
A. I am on the distribution, so I probably -- I did probably see it at the time.
Q. Okay. I believe you and I have previously discussed page 2 of this document. I don't believe I had the full document last time we talked about this. This appears to be a memo discussing the manufacturing of asbestos-containing phenolics on a going-forward basis, and indicating that they should be manufactured on the C line as opposed to A and B because of the dust protection equipment, correct?
MR. WOODS: Objection. The document speaks for itself.
THE WITNESS: Well, all the lines had good dust protection equipment, but the goal at this time was to put it all on one unit so that that unit could be further upgraded and the use of raw asbestos could be isolated to just one unit.
BY MR. GALERSTON:
Q. Okay. In looking at the list that is on page 2 of Exhibit 14, we see several product lines that are to be manufactured only on unit C, correct?
A. Let's see.

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Q. Such as BMMC-2035?
A. As I read it in the third paragraph, they were putting low concentration asbestos formulas on B, none on A, and the rest on C.
Q. So, in looking at Exhibit 2, I mean page 2 of Exhibit 14, if it was being made on unit A that would indicate that it was non-asbestos, correct?
MR. WOODS: Objection to the form. Foundation. Mischaracterizes his testimony. The document speaks for itself.
THE WITNESS: That's correct.
BY MR. GALERSTON:
Q. Those that are being manufactured on C, on B and C, may contain asbestos, correct?
A. Yes.
Q. In looking at this list, would you agree with me that the majority of the products that are being manufactured on B and C are asbestos-containing?
A. No BMG-5000 and BMM-5000 are large volume woodflour-filled materials, and they are shown on B. BMM-7000 and 7002 are also large volume woodflour-filled materials and they were on B and C.
Q. But 7009 and 7002, since they are being manufactured on A as well would be indicative that they are not asbestos-containing?

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A. Which is that?
Q. 7009 and 7002, in addition to 7000?
A. Well, since they were made on A also, they would not contain asbestos, right.
Q. Right.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 15 was marked for Identification.)
BY MR. GALERSTON:
Q. All right, sir, I hand you what I have marked as 15, a single page memo dated March 30, 1972, Bates No. 1733966, subject matter asbestos.
Have you reviewed this document before, sir?
A. What was your question?
Q. Have you reviewed this document before, sir?
A. I am not on the distribution list, and --
Q. So you were not copied with the document at the time of its creation. Have you had an opportunity to review it since then in connection with litigation?
MR. WOODS: Obviously, Mr. Martino has seen a lot of documents. So, I mean if he remembers.
THE WITNESS: No, I don't recall seeing this before.

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BY MR. GALERSTON:
Q. Okay. I will represent to you that you and I have not discussed this document before. Remind me who Mr. Albright is?
A. He was the department head for the -- of the phenolic molding material manufacturing unit.
Q. In 1972, what was your position under Mr. Albright?
A. What was?
Q. What was your position?
A. I was in Research and Development. He was in Manufacturing. I was the group manager of the R&D group.
Q. And who did you report to?
A. Who did I report to?
Q. Yes, sir.
A. To an associate director in Research and Development.
Q. What was his name?
MR. WOODS: What time frame are we talking about here?
MR. GALERSTON: 1972. The time of the document.
A. I had so many supervisors.
Q. Well, let me ask it this way. Did you report

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to anybody who was copied on this memo?
A. No.
Q. Do you recognize the names of the people that this memo was directed to?
A. Yes.
Q. Who do you recognize?
A. Graebert.
Q. Okay.
A. In '72, I believe he was in New York in charge of safety. Schillinger I remember also, he used to be in the business. I don't know what his title was at that time. The letter was addressed to -- I don't know all of them, but some I recognize as foremen in the manufacturing area.
Q. So, to the best of your knowledge, this was a document that was distributed in the phenolic molding compounds manufacturing facility?
A. Yes.
Q. And the copies to Mr. Graebert and Schillinger in the safety department?
MR. WOODS: Objection to form.
THE WITNESS: Graebert would have been safety, yes.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 15 was marked

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for Identification.)
BY MR. GALERSTON:
Q. Okay. The memo, the letter, Exhibit Number 15, says that, "Attached is my file on asbestos and general dust measurements in Department 014-4."
I will represent to you that, of course, in the file there's no attachments to it.
Have you ever seen any attachments that have been circulated in Union Carbide communicating the hazards of asbestos and general dust to the phenolic molding manufacturers?
MR. WOODS: Objection to form. Foundation. Vague and ambiguous.
THE WITNESS: I don't know. Circulated to the what?
BY MR. GALERSTON:
Q. To the individuals here. I am looking at -- have you ever seen attachments that you believe would have been associated with this memo?
A. No, I haven't.
MR. WOODS: Objection to form. Foundation.
BY MR. GALERSTON:
Q. Okay. And it makes reference here to Department 014-4. Do you know what that department

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is?
A. That would be the phenolic molding material department.
Q. So this is a file that is related to the manufacturer of the phenolic compounds that people like you in R&D were developing, correct?
MR. WOODS: Objection to form. Foundation. He already said he hasn't seen the document before. So, you are asking him to speculate about what the document means.
MR. GALERSTON: I believe I was asking about Department 014-4.
MR. WOODS: You said these --
MR. GALERSTON: He said to Department 014-4 --
MR. WOODS: I thought you said these would be -- referring to the files that were attach, these would be.
MR. GALERSTON: No. No. I was talking about his work in R&D in relationship to the individuals that are in 14-4.
BY MR. GALERSTON:
Q. And if I understand you correctly, R&D would develop the compounds pursuant to either Union Carbide's desires or a customer's requests, and then

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14-4 would then manufacture them and ship them?
A. If they became commercial, yes.
Q. The second paragraph discusses that reference to the attachment. He says, "These are my only copies. Do not let them out of your sight. Do not show them to the wage people, but thoroughly acquaint yourself with this information so you can intelligently handle questions. Do not schedule group sessions to cover this subject. Do answer questions to the best of your ability on an individual basis."
Did I read that correctly, sir?
A. Yes.
Q. Did anybody ever discuss with you the hazards associated with asbestos in the form that is being described here on a one-to-one basis in 1972?
A. I was aware of some of the testing that Dale was doing in the manufacturing department and was aware of some of the results they were getting at different points. I have seen some correspondence with regards to those results in some of the documents in previous depositions.
Q. But in 1972, did anybody sit down and discuss with you on a one-on-one basis the hazards of asbestos?

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A. Well, by that time we knew what they were.
Q. Am I correct in understanding that no one sat down and talked with you about the hazards of asbestos?
MR. WOODS: In 1972 or --
MR. GALERSTON: Right.
THE WITNESS: It's difficult to give you an answer on that one. That was when we were deciding to put labels on our bags. So, you know, whether anybody -- by that time we knew what the hazards were. Whether somebody sat down with me at some point in the past and passed the information on or not, I don't recall.
BY MR. GALERSTON:
Q. Let me hand you what I have now marked as Exhibit 16 to your deposition.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 16 was marked for Identification.)
BY MR. GALERSTON:
Q. This is a two-page exhibit Bates numbered 1732553 and 554. The cover memo dated June 21, 1972, and a draft letter attached to the cover memo is from Mr. Schillinger. Are you familiar with this

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document, sir?
A. No, I'm not. No, I'm not.
Q. Okay. Look at the -- I'm sorry. If you would look at the second page, you are talking about a memo that was being sent out to employees earlier about asbestos. This is a draft of a memo that was being sent out to some of the employees with regards to exposure to asbestos while producing BMGA-3700, BMGB-5418. This is not the memo that you recalled earlier?
A. This is not what?
Q. You talked about a memo that went out to employees earlier about hazards associated with asbestos. Do you recall that?
A. This is not it, no.
Q. This is not it. Okay.
Are you familiar at all with Exhibit 16?
A. I am aware that they had problems meeting OSHA limits in that small unit, and was aware that the plan was to shut that unit down.
Q. Okay. R-1 is clearly different by designation from units A, B and C, correct?
A. Yes.
Q. And was it housed in the same facility, same building?

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A. No. It was a different building.
Q. Is this the rolling mill?
A. It was the same type of process, yes.
Q. Was it the BMZ-5250 manufactured on this unit?
A. No.
Q. Similar process, but different unit?
MR. WOODS: Objection to form.
THE WITNESS: Different process and different unit.
MR. WOODS: Take a break?
MR. GALERSTON: Let's take a break.
THE VIDEOGRAPHER: It's now 10:36. We are going off the video record. This concludes tape number one in the video deposition of Carlo Martino.
(Recess from 10:36 to 10:50.)
THE VIDEOGRAPHER: Back on the video record. It's now 10:50. This begins tape number two in the videotaped deposition of Carlo Martino.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 17 was marked for Identification.)

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BY MR. GALERSTON:
Q. All right, sir, I have handed you what I have marked as Exhibit 17 to your deposition. This is Bates number 1733763 through 765. December 22, 1972 internal memo from Mr. Albright, and I believe it indicates that you are copied on this, and the subject matter is asbestos filler used in the phenolic molding compounds. Correct, sir?
A. Yes.
Q. Are you familiar with this exhibit, sir?
A. Yes.
Q. November 22, 1972, this is a -- this memo is dated shortly after General Electric had announced that it was going to go to asbestos-free phenolic compounds, correct?
A. I don't recall the exact date. It's about that time, yes.
Q. Well, we see referenced -- in the first paragraph there is a reference that --
A. Oh, yes.
Q. -- recent activities by General Electric in the marketplace have directly and indirectly affected our, meaning, Union Carbide's ability to proceed in a timely manner with our bulk handling project.

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That's a reference to GE's announcement to going asbestos-free, is it not?
A. Yes, it is.
Q. Okay. So, this is a time period that I believe that you specifically were tasked with the responsibility of evaluating a new bulk handling process for asbestos in the manufacturing of phenolic compounds, correct?
A. I wasn't, but the manufacturing group took on that responsibility.
Q. Okay.
MR. WOODS: I think you've covered that in prior depositions.
BY MR. GALERSTON:
Q. Just so I'm clear, the bulk handling was being handled by manufacturing, you were responsible for evaluating the use of Calidria?
A. If it was to be used in a product as a substitute, yes.
Q. Okay. In looking at this memo, it discussed, as we read in the first part of the paragraph, is that there is changes in the marketplace, and the question as to what effect the General Electric decision was going to have on the bulk handling which we just talked about. Under Background, the

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second area it says the "use of asbestos." Do you see that, sir?
A. Um-mm.
Q. Background number 2?
A. Oh, 2." Only the use of asbestos"?
Q. Correct.
A. Yes.
Q. So, as of November 22, 1972, the plan was for Union Carbide to, quote, only use asbestos in heat-resistant products 2035, 5303 and 5418, and their cross-over numbers, correct, sir?
A. Yes.
Q. And when we say the cross-over numbers, that means the different formulations which would be for -- I should say the different compounds, if it was for an injection molding versus heat transfer?
A. In some cases, there would be a different number as well. That is usually what a cross-over number is.
Q. Okay.
A. I don't, for these specific products, I don't recall what the cross-over numbers were, though.
Q. Well --
A. But, you know, it would be same class of material.

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Q. Okay. So the, 2 (a) says "Remove asbestos from all low concentration formulas." And that's what I think we talked about before where asbestos was used as a filler in conjunction with other fillers?
A. Yes.
Q. And then (b) says, "Discontinue the concept of a commodity heat resistant compound (6935)."
What does that mean, sir?
MR. WOODS: If you know.
THE WITNESS: I don't recall that we had a commodity heat resistant compound.
BY MR. GALERSTON:
Q. Does "6935" mean anything to you?
A. Yes. That was an asbestos-containing product, but I don't recall that we were going to focus on just that one.
Q. When you say focus on, you mean focus on discontinuing it?
A. No. On the concept. I didn't recall that we ever agreed that we were going to have a commodity heat resistant compound.
Q. At the time of this memo, November 22, 1972, Union Carbide had not begun placing warnings with regards to asbestos on its phenolic compound bags,

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correct?
A. This date coincides with the time I was asked to determine whether there was any problem with the use of the finish compound.
Q. And you did the testing with regards to the drilling and the sanding of the finished product, correct?
A. Well, no. This was when I was asked to determine whether the granular product itself was safe, and that's when I had the bags dumped under the extreme conditions.
Q. Okay. So, the other testing was done even later?
A. Yes.
Q. Where you actually had to cut and drill the phenolic compound?
A. Oh that test, that was probably done before. How much before, I don't recall, but it was before this.
Q. Okay. I apologize. I had that in my mind backwards. So you did the cutting and drilling of the finished, hardened phenolic compounds first --
A. Yes.
Q. -- to determine whether asbestos fibers would be released?

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A. Yes.
Q. And then subsequent to that, you studied, if I understand it, for the first time whether or not the molders who were handling the granulated product would be exposed to asbestos?
A. Yes. We did run one test, as I recall, prior to that in our own laboratory where we poured a bag of material onto a preformer to determine whether it was safe for our own people in the area, and then it turned out it was.
Q. The second page of this memo, number 4, it talks about under Internal Problems, which is in the phenolic molding area, number 4 is with asbestos. Could you read that for us, that paragraph?
A. "Asbestos is harmful and the public is aware of it. Even meeting the letter of the law can result in residual emotional problems on the part of the wage people. These problems can become real problems, e.g., our agreement to supply disposable coveralls (at a cost to us) even though by law we don't have to do it."
Q. Certainly by this time, by its own admission, Union Carbide's phenolic compound division is aware of the hazards associated with asbestos?
A. Yes.

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Q. By this time Union Carbide had shifted some of the production to the more advanced ventilation units to prevent exposure to asbestos to its own personnel, correct?
A. It had started, but we were also removing asbestos. We started removing asbestos in 1970. So, the quantity of asbestos-containing products that we had in '72 was reduced. So, the original plan to move the material to unit C was changed to a plan to move it to unit B, which made lesser quantities.
Q. Well, certainly, even though the process may have started as early as 1970, here in November of 1972 we see from the memorandum on the first page that it's still an effort to discontinue all the low concentration formulas, correct?
A. Yes. Yes.
Q. So it's an ongoing process even still in 1972?
A. Yes. And the goal also was to eliminate, if possible, the asbestos in the high asbestos products, and we did succeed in reducing the amount in 5303.
Q. And when we talk about the high asbestos content, those were the heat resistant formulas,

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correct?
A. Yes. Well, some of the heat resistant formulas contained less than 15 percent asbestos, and those I think we eliminated the asbestos altogether, but the higher ones, 5303, that was more difficult.
Q. And, sir, I want to ask you to turn to the third page of this exhibit. Mr. Albright is writing this under the section see it says, "some alternatives" on the third page?
A. The third page?
Q. Yes. See right there it says "some alternatives"?
A. Yes.
Q. Like you said Number 1, "Find a substitute for asbestos."
A. Yes.
Q. Ongoing efforts. Then it says Number 2, it says, "Discontinue manufacturing of all products containing asbestos"?
A. Yes.
Q. "(60 percent of current product mix)," correct, sir?
A. Yes.
Q. So in 19 -- November of 1972, 60 percent of

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Union Carbide's phenolic resins contained some asbestos, correct?
MR. WOODS: Objection to form.
THE WITNESS: Sixty percent, I don't know how Dale came up with that figure. He probably counted formulations and not pounds. When I come up with a figure, it's the pounds produced. You can count a product that you sell a thousand pounds of as part of that 60 percent and then that skews your figures. We were never, in terms of pounds, we were never that high.
BY MR. GALERSTON:
Q. Okay. I draw your attention back to the second page. At the bottom it talks about External Problems. Do you see that, sir?
A. Yes.
Q. Number 1 it says, "Question: Do our customers come under the OSHA regulations?"
When Union Carbide is talking about their customers, they are talking about molders, correct?
A. Yes.
Q. Do you know did Union Carbide ever answer that question?
MR. WOODS: I just want to make clear

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that is beyond what we were offering him for here today with the 30(b)(6) notice. So, if he knows out of his personal capacity.
THE WITNESS: I am aware that customers -- the question do they come under the OSHA regulation, I don't know why Dale would ask that question. They certainly do.
BY MR. GALERSTON:
Q. Okay. Do you believe you felt that way in 1972?
MR. WOODS: I don't know if he was done answering the last question.
Q. Certainly. I apologize if I interrupted you.
MR. WOODS: Were you done answering the last question?
THE WITNESS: Was I?
MR. WOODS: Were you finished answering the last question? You were still umming, so.
THE WITNESS: The OSHA regulations introduced before this, and I was getting inquiries from the sales department, you know, as to what the testing that we were doing within our department to meet those regulations. So our customers were aware of

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it and were subject to the same regulations we were.
BY MR. GALERSTON:
Q. Okay. My follow-up question was, I think you just answered it, that was your feeling in 1972 is is that the OSHA regulations would apply to the molders?
A. Yes.
Q. Okay. The second question that is asking there, it says, "Do compounds contain free fibers of asbestos greater than 5 microns in length?"
Do you know the answer to that question?
A. That was what I was asked to do.
Q. And in 1972 you began that investigation?
A. The end of the year, yes.
Q. And what was the result of that investigation?
A. We determined that under conditions of no ventilation, pouring the material from one fiber drum and into another, that -- and without taking time-weighted averages -- that under 15 percent asbestos in the product we did not collect any fibers. Over 15 -- that we did not collect fibers that exceeded the OSHA regulation at the time. Over 15 percent, we did exceed the regulation.

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We also did not determine whether or not the asbestos was modified by the phenolic resin. We expect it would have been because there is a bonding between phenolic resin and asbestos. So it could still be a bound asbestos even though it was in fiber form. But based on those results the decision was made to put labels on all bags whether it was less than 15 percent or not.
Q. Okay. And that's the following question here under External Problems it says, "Must we apply warning labels to containers of finished products?"
If I understand you correctly, the answer based upon your response to these types of questions was that products that contained asbestos levels of 15 percent or more required labeling?
A. Well, that was our initial conclusion, but the decision was made that regardless of whether it contained -- if it contained any asbestos at all, it would have a label on it.
Q. Were there any attempts by Union Carbide to communicate to its molding customers with regard, advising them to test the adequacy of their ventilation systems?
MR. WOODS: I am going to object as it's beyond what we were offering him for as a

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corporate representative, but if he knows from his own personal capacity. Also note I think you have covered those topics before.
THE WITNESS: All I'm aware of is that I got questions from the sales department asking how we tested because their customers were interested in doing tests. Who initiated that, whether it was the customer's safety department or whether the salesmen brought up the OSHA test, I don't know.
BY MR. GALERSTON:
Q. In talking with other phenolic compound manufacturers, I became aware that there was a general dusty nature of phenolic compounds in the 1950s and throughout the '60s, correct?
A. Yes.
MR. WOODS: Objection to the form. Vague and ambiguous.
BY MR. GALERSTON:
Q. There was, I believe, an industry-wide effort to reduce the dustiness of the phenolic compounds in the late '60s, correct?
A. I would say we probably started earlier than that. It was probably mid to early '60s.
Q. My understanding is, in large part, the

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efforts was based upon complaints from customers with regards to their necessity for their housekeeping to clean up the dust that was generated by the compounds, correct?

MR. WOODS: Objection to form. Foundation.

THE WITNESS: Well, we had a dust -- all our bags are labeled with regard to dust that it was -- it could be hazardous, and I have the exact wording on this page.

But, in addition to that, we tried to find ways of reducing dust in general, first by eliminating the fines, taking more fines out and by putting additives on just to suppress the dust. But the problem we ran into was that that made the preforms weaker, and then the customers started complaining that their preforms were falling apart.

BY MR. GALERSTON:

Q. Right. Correct me if I'm wrong, you experimented with waxes like carnauba and stuff like that that were added to the granulars?

A. Not waxes. We were adding and hemostatic agents. Thallite was one of the ones that I recall thallite. There were others that we tried, not

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waxes because that would make it even worse. But those efforts were not successful because that led to the BMM designation. The BMM materials means that they are less fines, and BMG is the regular granulation.

Q. Okay. I don't believe I was aware of that. Okay.

(Whereupon, Plaintiff's Deposition Exhibit No. Martino 18 was marked for Identification.)

BY MR. GALERSTON:

Q. So, let me hand you Exhibit Number 18, which is a one-page memo, Bates number 1733956, dated December 4, 1972, subject matter was Dustiness of Phenolic Compounds. This is from Mr. Albright, correct?

A. Yes.

Q. According to this letter he says -- Mr. Albright is writing to the addressees which include yourself, Mr. Grover, Mr. Madestau, Mr. Potter and Thomas, he says, "The addressees of this letter are requested to attend a meeting at 9 a.m. on Thursday, December 21, 1972 in the Building 4 Conference Room to discuss what might be done about the lack of competitiveness of our

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dust-free molding compounds. We have received several customer complaints on dustiness of our products versus competitive products. These are in addition to general feedback along similar lines. It appears that we must respond to this problem if we are to retain our current market share."

Do you recall this being an issue in late 1972?

A. I was on the distribution list, so I got this letter. I don't recall it being quite this bad.

Q. Okay. In 1972, Union Carbide's major competitors were Durez, General Electric, Reichhold and --

A. Plenco.

Q. And Plenco. Based upon your recollection, which of the other products had less dusty products?

A. Though I read this, I did not -- I mean at this point didn't recall this being such an issue, that we were this noncompetitive.

Q. Do you have a feeling for whose products were less dusty?

A. No. No. We were promoting the injection molding process for making phenolic molding materials where preforming was not an issue.

Q. Right. You just poured it in the hopper and

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it takes care of itself?

A. Right. Then you can go to a courser granulation. We did introduce the BMRS granulation which was courser and had less fines and was less dusty. But the particular incident that caused this letter to be written, I don't recall.

(Whereupon, Plaintiff's Deposition Exhibit No. Martino 19 was marked for Identification.)

MR. THACKSTON: Bill?

MR. GALERSTON: Yes.

MR. THACKSTON: Can I get a running objection to your use of the term dusty as vague so I don't have to object each time you use that term?

MR. GALERSTON: You may.

BY MR. GALERSTON:

Q. I am handing you what I've marked as Exhibit 19 to your deposition. This is a two-page memo from Mr. Albright dated February 7, 1973, Bates number 1733730 and 731.

Are you familiar with this document, sir?

A. I am not on the distribution list, so I didn't see it at the time it was written.

Q. All right, sir.

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A. I'm just looking it over to see if it did come up in any previous deposition. I don't recall seeing it.
Q. Okay. This is a document dated February 7, 1973. It's a January Technical Report for Department 014?
A. Did you say '72 or '73?
Q. '73. I am sorry if I misspoke. Exhibit 19 is a February 7, 1973 memo, January Technical Report for Department 014, talking about the formulations and adjusting them to reduce the dependence on asbestos, correct?
A. Yes.
Q. We see here that it lists here formulations for 0425, 2035, and 5000 and their cross-over designations as being the ones that are being worked on to reduce the asbestos content, correct?
A. No. Some of these did not have asbestos in. The 0425/2798 did not. The 5000 did not. 5498 did have a little and we removed it earlier. And the last group were all woodflour filled.
Now, we were going through a program that I was responsible for of reducing the number of formulations that we made in manufacturing and our goal was to take, to have roughly 15, 12 to 15 basic

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compounds that we would offer, and that's it. And this was part of that consolidation. Our goal was to have one formula for each of those, that would be the same for all those products, you know, each category listed.
Q. When we look down under, a couple of paragraphs down it says, "The status of the four bulk handling jobs."
Do you see that, sir?
A. Yes.
Q. The first one is for woodflour, the second one is for CBS recycles, and the third one is for buck handling of asbestos. "Testing was begun to determine system requirements and feasibility for bulk handling UCC pelleted asbestos with our existing equipment. The pelleted asbestos offers an attractive alternative solution to the Flo-Rig bulk livebottom hopper truck for eliminating safety hazards in manually handling asbestos."
Is that the project that was being handled by manufacturing that you were not involved in?
A. We were not involved in the bulk handling planning. We were involved in testing the pelleted asbestos.
Q. When you say you were testing the pelleted

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asbestos, you were talking about the phenolic compound that was manufactured using the pelleted asbestos?
A. Well, we would first -- the first step was to make up the compound with the pelleted asbestos in the laboratory and compare it to the original version which was not pelleted and from a different supplier.
We had previously found we had to reformulate -- if we used the Calidria asbestos, we ran into an additional problem with the pelleted asbestos, that it was very difficult to disperse. It wouldn't break up. You would end up with clumps of asbestos showing up in the finished product.
Q. All right.
MR. GALERSTON: Craig, I am sorry. I do not have an extra copy of this next exhibit.
MR. WOODS: Okay. Could you just show it to me and I will give it back to you. Okay. I've seen that before and you have used this one before too.
MR. GALERSTON: Are you sure? It seems to me that I haven't, but you may be right.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 20 was marked

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for Identification.)
BY MR. GALERSTON:
Q. Mr. Martino, I am handing you now what I have marked as Exhibit 20. Counsel indicates that he believes that you and I discussed this document before --
MR. WOODS: We certainly discussed that topic before.
MR. GALERSTON: Certainly we discussed the topic.
BY MR. GALERSTON:
Q. Exhibit Number 20 is Bates number 1929159, May 1st, 1973, Union Carbide internal correspondence regarding asbestos warning statement, correct, sir?
A. Yes.
Q. This is from Mr. J.F. Kantz to Mr. W.T. Buttel, correct?
A. Yes.
Q. This is coming out of the Group I distribution operation regarding the asbestos warning statement to be printed on labels for phenolic molding compounds, correct?
A. Yes.
Q. When we look at this document, it appears that Mr. Kantz is instructing that the precautionary

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statement, "Caution! Contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause serious bodily harm" be printed on the labels for all of the products that are then listed in the next paragraph, correct?
A. Yes.
Q. All those products BMMC, BMRS, 2035, et cetera, are all asbestos-containing phenolic compounds being manufactured by Union Carbide in May of 1973, correct?
MR. WOODS: Objection to form. Foundation. Calls for speculation.
THE WITNESS: They were being manufactured at that time, but a number were -- and I see there were, we were trying to consolidate to reduce the number, but that is -- that's what were on the books at that time.
BY MR. GALERSTON:
Q. Okay. And they are on the books as being asbestos-containing compounds at that time?
A. Yes. Let's see. '73, the 5440 and the 5441 and 5442, we were developing an asbestos-free version, and that was being tested about that time. So, this was -- I guess they were going to be

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labeling the bags until we were sure that the asbestos-free version was acceptable to our customer.
Q. Okay.
A. But shortly after that the 5440, 5441 and 42 I think were introduced with no asbestos.
Q. Okay.
(Whereupon, Plaintiff's Deposition Exhibits Nos. Martino 21 and 22 were marked for identification.)
BY MR. GALERSTON:
Q. All right, sir. I'm going to hand you two documents that I've marked as Exhibits 21 and 22 to your deposition, which are documents that you authored in 1973. The first is Exhibit 21, Bates numbers 2207949 through 957, subject matter Phenolic Compound Reformulation Program, Part II BMRS-5314. Do you see that, sir?
A. Yes.
Q. Do you recall this document, sir?
MR. WOODS: Before he answers that, you represented that he authored this document. I don't think that is correct.
BY MR. GALERSTON:
Q. I mean -- I'm sorry. It was directed to you.

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I am sorry. You're right. I misspoke, sir.
A. That was Lou Fishberg who wrote this.
Q. Mr. Fishberg wrote this and it was directed to you, correct?
A. Yes.
Q. And this is just a continuation of Union Carbide's efforts to remove the asbestos content from its formulations, correct?
A. Yes.
Q. This is specifically with regards to BMRS-5314 which, correct me if I'm wrong, was a high temperature heat resistant phenolic?
A. 5314, I don't recall whether that was -- let's see the formulation here.
Q. Table one?
A. Here it is in the back.
Q. The third page I believe there's a --
A. I think this was --
MR. WOODS: Look at page 3.
BY MR. GALERSTON:
Q. You see under sample number one asbestos content 10 percent?
A. Yes.
Q. Does that appear to be --
A. No. That is a heat resistant -- well, it has

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heat resistance. It's one of the lower concentration formulas that I referred to earlier.
Q. Okay. And --
A. I'm trying to recall.
Q. Okay. All right. So when we look at the third page and we see the formulations, we see samples one, two and three with the are different formulations of 5314. The first one, it appears to me, and correct me if I am wrong, appears to be the asbestos-containing formulation that had been in production up until then?
A. Yes.
Q. And then samples two and three were asbestos-free formulations that were being recommended to you for being sent out for field testing by a customer, correct?
A. Yes.
Q. When we look at -- if we read on the second page of this, apparently 5314 was being evaluated for Square-D as we see in that last paragraph, is that right?
A. Yes.
Q. All right. So, as of July 5, we still have 10 percent asbestos content compounds that are in production that are still looking at the

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reformulation before it makes it to the next step to be asbestos free, correct?
A. Yes.
MR. WOODS: Objection. Beyond the scope.
BY MR. GALERSTON:
Q. Do you recall how long it was before 5314 was approved for marketing as an asbestos-free compound?
MR. WOODS: Same objection. Foundation.
THE WITNESS: I don't know. Judging from the statement in the last paragraph that the customer's union requested that asbestos be removed from all products, it would have moved fairly quickly after this.
BY MR. GALERSTON:
Q. All right.
A. As I recall Square-D requested we expedite our program.
Q. Well, it does indicate there that Square-D had requested that it be asbestos-free, so -- and they were talking about their union issues. So that would be consistent where with your recollection, right?
A. Yes.

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Q. I want to draw your attention to Exhibit 22, which also appears to relate to 5314, which is, I guess, a similar type of report by Mr. Fishberg to you with regards to the general efforts to replace asbestos in the general purpose and high phenolic compounds, correct?
A. Yes.
MR. WOODS: Objection to form. And vague and ambiguous.
BY MR. GALERSTON:
Q. Sorry. Exhibit 22 is Bates numbered 2208249 through 2208263. This is, again, similar to the previous memo, a memo by Mr. Fishberg to you, correct?
A. Yes.
Q. Here on November 30, 1973, Mr. Fishberg states in the summary that it efforts are to remove the asbestos from all compounds with 12 percent or less, correct?
A. Yes. It also says that BMRS-5314 has been approved by Square-D, the major customer. So that was November. So that confirmed what I said that we moved fairly quickly.
Q. It also talks about BMRS-5440. Would that be considered a general purpose or high impact

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phenolic?
A. That's general purpose.
Q. It also discusses BMMC, BMMS-5333. Would that be a general purpose or a high impact phenolic?
A. I don't know what the impact, I don't recall what the impact, the 5333 is. I think it was similar to 5303 which did have some flock in it. It was higher impact, but it would not -- it would be under the category heat resistant.
5440 also had better heat resistance than the regular general purpose material, but it was not considered a heat resistant material, nor an impact material either.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 23 was marked for Identification.)
BY MR. GALERSTON:
Q. All right, sir. At the same time I am going to hand you what I've marked as Exhibit 23 to your deposition, which is another status report in the R&D department. This one is with regard to the use of the Carey Canadian asbestos. This being Bates number 2207962 through 974, dated August 22, 1973. You are familiar with this, are you not, sir?
A. Yes.

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Q. If I understand it correctly, looking at this document, up until this time Union Carbide had been using -- I guess it's not a combination -- I guess it was using just Carey Canadian 7RF9 floats in the manufacture of BMM-5303, which is a general purpose, correct?
A. Yes.
Q. And that this was going to be an evaluation of a blend of the pelletized Calidria SG-200 with calcium carbonate, correct, sir?
A. Yes.
Q. 5303, its asbestos content was approximately what percentage? Do you know, sir?
A. It was approximately 30 percent, I believe.
MR. WOODS: Let me object to the question as being overbroad and vague and ambiguous since there is no designation as to time frame.
BY MR. GALERSTON:
Q. At the time of this evaluation.
A. Here it is. 18.5 percent.
Q. Where are you looking, sir?
A. Page 12. It's 7973. It shows Carey asbestos 18.5. Now, that's a BMRS-5303.
Q. Okay.

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A. And made for injection molding. That had 18.5 percent Carey and he substituted 15.4 of the Calidria in combination with 6.6 of the calcium carbonate.
Q. And Mr. -- is it Ealer?
A. Ealer.
Q. Mr. Ealer was recommending this formulation for evaluation on a trial basis?
A. He was recommending that we make a production run when they were able to solve the dispersing problem they had with the pellets. The target date was September '73.
Q. Do you recall that we talked about it, you said that the dispersal problem it really was overcome, correct?
A. It was not.
Q. Right. So, do you know whether or not any test batches of any 5303 or other products were ever run using the Calidria?
A. With the Calidria, I think they did a trial on one of the lines to see if in the manufacturing department they could get better dispersion than we got in the lab. And as I recall, that also failed. It was not with the particles of undispersed asbestos showing it would not be a commercial

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product or even saleable for that matter. It does say here, "A cooperative program with the Production personnel is underway to determine how to improve dispersion of the pellets via screen changes in the resin and/or raw mix grinders."
Q. Your recollection that was never really overcome, was it?
A. I don't think they were successful, no.
Q. Let me hand you Exhibit 24 to your deposition.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 24 was marked for Identification.)
BY MR. GALERSTON:
Q. It's another internal memo dated August 13, '73. This appears to be out of production from an R.A. Ream with regards to packaging requirements, correct, sir?
A. Yes.
Q. The cover memo says, "The appropriate products are being packaged with asbestos warning codes." And it talks about the different labels that are being used. On the following page, which is Exhibits 2 and 3 -- pages 2 and 3 of Exhibit 24, have a listing of the products being manufactured by

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Union Carbide's phenolic molding compounds department in 1973, correct, sir?
A. Yes.
Q. And, correct me where I am wrong, the indications are that all the products with asterisks to the left of the designation were asbestos-containing and required the asbestos warning, correct?
A. Yes.
Q. Okay. Consistent with what you said before we see that the 5000 series of products were asbestos-free by this time, correct?
A. Yes. They were always asbestos-free, the 5000 and 5020 and the 7000. We never did put asbestos in those. And the 5440, as you saw in the previous document, that -- the asbestos-free version was being introduced about this time.
Q. I think that that would be a couple of months after this. So we see that the 5303 the general purpose was still asbestos-containing at this time, as well as 5310, 5353, 5333, 5440, 5441, and then 7950, correct, sir?
A. Yes.
Q. The next page indicates that a couple of other formulations still contained asbestos, the

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BMMC-2035 contained asbestos, correct?
A. Yes. Wasn't that on the original list?
Q. I don't believe so. It's not listed here.
A. No, it's not.
Q. That is why I believe it's included on this secondary list. So 2035, and then we see 6935 is included as well, correct, sir?
A. Yes. Yes.
Q. And that's consistent with your recollection that those were still asbestos-containing in August of 1973?
A. Yes.
Q. All right, sir, I am handing you what I've marked as Exhibit 25 to your deposition.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 25 was marked for Identification.)
BY MR. GALERSTON:
Q. And I wonder if you recall Exhibit Number 25, sir?
A. Yes, I do.
Q. Okay. Exhibit 25 was your personal Bakelite Phenolic Molding Materials Guide, correct, sir?
A. Yes.
Q. And if I understand it correctly, this is a

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little three-ring notebook that you would exchange the pages for when they are updated, correct?
A. Yes.
Q. And so each page would be updated periodically, like, when we look at the second page of this exhibit, we see that that page is December of 1973. And as we flip through here, we will others, other pages that are dated '71, and et cetera, et cetera?
A. What page are you looking at?
Q. The second page, that is December 1973?
A. Yes.
Q. And that is the section index. Is that probably the last time this document was updated?
A. I'm not sure because it was so easy to replace pages. For example, if we introduced the asbestos-free version of 5440 and 5441, there would have to be a new sheet inserted. Whether it was done or not, I don't know.
Q. Okay. I will represent to you that the most recent date that I find in going through here comes towards the end, which is July of 1974, which is under the General Information area Bates number 902.
A. What was that page again?
Q. 902, Bates number 902. It says, "General

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Information."
A. Oh, okay. Yes.
Q. Was this a document that you would work with on a daily basis, or is this something that was more of a reference material that was kept on the shelf?
A. Well, it was not only for us, but our customers had copies of this as well.
Q. So you would send it to them so they could update their information, right?
A. Pardon?
Q. You would send it to the customers so they could keep track of what was being manufactured and what the strengths and weaknesses were of the different products, correct?
A. Yes. Yes.
Q. Looking at the second page, which is Bates number 863, that is the back of that first page?
A. Yes.
Q. There we go. Where it says "Section Index," in looking at this, I see that several of the products have checkmarks next to them.
Do you recall why those products would be checked?
A. No, I don't.
Q. In looking at this list, it appears to be --

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continues onto the next page which --
A. Oh, I see here now. No, that is not consistent either. Those are BMMs. No. I don't know why they would be checked.
Q. Okay. In looking at this listing that goes onto the next page, is this your recollection of the, generally, the line of phenolic molding materials that Union Carbide was offering to sell to the general public?
A. Yes. This was our goal, that we would supply only these products and nothing else. That doesn't mean that some of the products that were being obsoleted might still -- were being sold, but our goal was to eliminate those.
Q. Unless it was a significant customer who was ordering such quantities like the 5314 for Square-D?
A. Yes.
MR. WOODS: Objection to form. Foundation. Calls for speculation. Vague and overbroad.
BY MR. GALERSTON:
Q. Sir, I am going to hand you a copy of Union Carbide's Answers to Interrogatories that have been filed in this case, the Butler case. I want to ask you what information, if any --

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MR. GALERSTON: I don't have an extra copy of this, Craig. I am sorry. Interrogatory answers?
MR. WOODS: Okay.
MR. GALERSTON: Do you want to see? I am going to give him my marked copy so to facilitate asking him questions.
MR. WOODS: All right. Okay.
BY MR. GALERSTON:
Q. I will mark this as Exhibit 26 to your deposition. You have not reviewed Union Carbide's answers to interrogatories in this case, correct?
A. No.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 26 was marked for Identification.)
BY MR. GALERSTON:
Q. I have tabbed and turned to page 9 of these answers to interrogatories which is a response to a question with regards to asbestos products that Union Carbide sold specifically with regards to Calidria. Union Carbide lists various Calidria products that it sold and its application/markets.
Do you see that, sir, on page 8 going onto page 9?

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A. Yes.
Q. Okay. RG-144, do you see that, sir?
A. Yes.
Q. We see that it is marketed for a variety of areas, epoxy-maintenance coatings, there's a long list. The last one is phenolic adhesives. Do you see that, sir?
A. Yes.
Q. Do you know of any efforts of your research and development department of the phenolic molding compounds to evaluate RG-144 for use in phenolic compounds?
A. Well, this would be the adhesives business which was not associated with the molding business.
Q. Okay.
A. And so if any work had been done, it would have been an evaluation in one of the adhesive groups. We did not add asbestos to our phenolic resins. So I would -- my conclusion would be that it would be only the service, you know, to Calidria that they would even do it.
MR. WOODS: Carlo, I think he asked you about whether the molding department, your department, whether you knew whether your department did anything on evaluating. Maybe

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we could have that question read back.
(Whereupon, the question was read back as follows:)
"QUESTION: Do you know of any efforts of your research and development department of the phenolic molding compounds to evaluate RG-144 for use in phenolic compounds?"
THE WITNESS: I don't recall whether what I evaluated in 1966 was RG-144 or not. It was a Calidria asbestos, and as far as I know, that and the work with the pelleted asbestos is the only work we ever did with Calidria.
BY MR. GALERSTON:
Q. So with regards to RG-244, which is another grade of Calidria which is also listed as being marketed in the phenolics area, you are not aware of any efforts or usage of RG-244 by Union Carbide's phenolic molding compound group?
A. No, I'm not .
Q. All right, sir. Well, if I understand it correctly, you did evaluate the use of Calidria in its pelletized form for use in molding compounds in the mid '70s?
A. Yes.

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Q. That is what we saw Mr. Ealing --
A. Ealer.
Q. Ealer, excuse me, writing to you. In answers to interrogatories, we see that -- pass that to me for a second. I want to turn your attention to some additional information that is in this answer to interrogatory. The question is asked, "Has Union Carbide at any time published and distributed any printed material including brochures, pamphlets, catalogues, packaging, or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos or asbestos-containing products?"
In response on page 16 we see Union Carbide indicates that in 1964 Union Carbide prepared an asbestos toxicology report which provided comprehensive information about the potential health risks of asbestos. They go on to say that this asbestos toxicology report was updated with a 1969 asbestos toxicology report.
When you were evaluating Calidria for use in Union Carbide's phenolic molding compounds, were you provided with the 1964 or the 1969 asbestos toxicology reports?

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A. No.
Q. Did anyone at Union Carbide provide you with any of their internal investigation with regards to the hazards associated with asbestos when you were evaluating Calidria for use in Union Carbide's phenolic molding compounds?
A. No.
MR. WOODS: Let me make clear that when you are using the term "you," there you are talking about Carlo in his personal capacity because we are not offering him as a corporate rep on these topics.
MR. GALERSTON: Absolutely. That is correct.
BY MR. GALERSTON:
Q. This is you as a personal, as an employee of Union Carbide who is evaluating Calidria for use in Union Carbide's phenolic molding compounds.
Were you provided with Union Carbide's investigation and research with regards to the hazards associated with asbestos?
A. No.
MR. WOODS: Objection to the form.
BY MR. GALERSTON:
Q. Sir, if I can see your copy one more time?

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A. Sure.
Q. Okay. That is all we have for that. Let's do this real quick. You got a -- take a copy.
I'm going to hand you what I've marked as Exhibit 27 to your deposition, which is the Bakelite Story as prepared by Mr. Frank Cozzarelli, 1998.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 27 was marked for Identification.)
BY MR. GALERSTON:
Q. Have you reviewed the document that we marked as Exhibit 27 before?
A. Have I what?
Q. Reviewed it. In the back I will represent to you is copies of a lot of patents.
A. Um-mm. There is no distribution list on this, was there?
Q. No. There was not. That was one of my questions for you, sir.
A. I don't recall seeing this.
Q. It's not something you recall reviewing at the time it was published in 1998 or in preparation of litigation?
A. No.
Q. Okay. Therefore, you don't know why it was

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prepared or what uses it has been put to?
A. That's correct.
Q. Okay. And, therefore, you don't have any comments or thoughts on the accuracy of any of the statements made in this by Mr. Cozzarelli, do you?
MR. WOODS: Well, I am going to object to the question. He hasn't even reviewed the document. He may have comments on it if you read something to him, but I mean if you are asking him does he have any comments without reviewing it, then I guess that's fine.
BY MR. GALERSTON:
Q. That's fine. As a general proposition, you don't have any -- you don't know what it says, therefore, it's not possible for you to comment on it's accuracy or inaccuracy?
A. No. I would like to read a copy and see.
Q. If we attach it to your deposition, sir, and counsel has got an extra copy. I am sure if you need a little light reading, you can make use of it.
A. It's always interesting. You always pick up something new.
Q. Well, that's the purpose. We definitely want to do something new and different each time we meet. All right, sir. I want to talk to you about your

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file. If you would be so kind, just pass me your file, your manila folder.
A. Oh, this one?
Q. Yes sir. I think it will probably be easier for us just to just go ahead and mark pages separately.
I am going to mark your handwritten notes as Exhibit 28 to your deposition.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 28 was marked for Identification.)
BY MR. GALERSTON:
Q. Please confirm for me Exhibit 28, who prepared that?
A. Is that a what?
Q. Who prepared Exhibit 28?
A. Who prepared this?
Q. Yes, sir.
A. I did.
Q. Okay. And it appears that these are notes that you made in reviewing his deposition testimony?
A. Yes.
Q. And what is that first item "worked for" something?
A. Lucent Technology 23 years.

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Q. Okay. Then May 2006 he was diagnosed with mesothelioma?
A. Right.
Q. 1965 Watertown?
A. Started in Watertown and worked there eight years.
Q. He was a preformer, correct?
A. Yes.
Q. And my understanding is that the preformer is the person who takes the granular phenolic molding compound, and in order for it to mold more readily, takes it and puts it into a preformer which takes the powder and compresses it -- I should say takes the granular form and compresses it into various different shapes based upon what the ultimate form is going to be, correct?
A. Well, the shape is usually a pill. You know, that doesn't vary, like a hockey puck, different diameters, different thicknesses.
Q. Okay.
A. And that's then put in a pre-heater, which is like a microwave oven, and then heated up, and then once it's heated up it's put in the press and it's formed into a shape.
Q. And that is because they found that using the

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powder in the form took a lot longer and more -- there was more voids and more problems with it, so they found that this pre-forming process made for a lot better end product, correct?
A. Well, it enabled them -- one of the break-throughs in the industry was the discovery, the development of the pre-heating the -- the radio frequency pre-heating the phenolics. It eliminated the step of heating the material. You could pre-heat it separately and then stick it in the mold. Whereas, when they first started molding, they just scooped material and put it in the cavities, and it was time-consuming and quality wasn't as good.
Q. Okay. So, your understanding is that it was Mr. Butler's responsibility to take the, either the bag or the drum --
A. Um-mm.
Q. -- in which the phenolic resin compound was in and he had to put it into the preformer?
A. Yes.
Q. And it was responsible for him to take the pill or the puck or whatever and transfer it to the pre-heater?
MR. WOODS: Objection to the form.

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Foundation. Are you talking about at every facility?
BY MR. GALERSTON:
Q. No. We are talking about Mr. Butler.
A. The -- most of the preformers were set up so that they automatically discharged into a container. So, I don't -- I don't recall the exact description, but he prepared the preforms for several different shifts. So he would have had to just put it in containers, and then they would have to take it from there.
Q. Okay. He was responsible for disposing of the empty containers or transferring weight from them?
A. That wasn't clear to me that he was responsible for disposing of the product. He did mention broken preforms that were disposed of, but I don't recall whether it was his job to do that or somebody else's.
Q. And my point is that with regards to the bags, he would be the one responsible for dumping the bag, therefore, he would be responsible for getting rid of the bag?
A. I think there was a reference that somebody else picked up the bags afterwards. He would put

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them --
Q. Into a wastebasket?
A. Yes.
MR. WOODS: Let me just object to the question. His testimony speaks for itself. Mr. Martino is not an expert witness commenting on other activities, but he's certainly reviewed the deposition, so.
If Mr. Martino recalls testimony to that effect, that's fine, but the deposition speaks for itself as to what Mr. Butler testified that he did.
BY MR. GALERSTON:
Q. In looking at Exhibit 28, next after it says preformer it says -- what appears to be an abbreviation for American Cyanamid and DuPont?
A. Yes.
Q. "Didn't" what the?
A. Did not make -- didn't make phenolic molding. What I meant there is did not make phenolic molding materials.
Q. Monsanto not in the business in 1967?
A. Yes.
Q. 15 to 20 times a day?
A. He mentioned American Cyanamid in his list of

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companies that he got product from, that the preformed, and he referred to all the products as phenolic molding compounds. They were not all phenolic molding compounds.
Q. Okay. Right below that it says 15 to 20 times a day, what do you have there?
A. He said that he loaded the preformers, two machines, 15 to 20 times a day, and anywhere from 5 to 15 bags at a time. He also said that he would dump drums of material into the preformers hopper.
Q. Okay. What does it say below that, sir?
A. Reichhold, he also said that the Reichhold and Durez materials is what he used the most.
Q. Off to the left there is a note 2 hrs. Two hours?
A. Two hours. That was for me. That is how much time I had spent.
Q. Okay. Then it says, "Used Dow product?"
A. I saw that there was somebody representing Dow and, of course, Dow owns Union Carbide now. I'm not aware of any phenolic holding material that Dow made prior to the purchase of Union Carbide.
Q. Okay. Off to the right see some notations 401, 162 and 522, are those times?
A. Those are times, yes. Then there was --

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Q. There appears to be a listing of the products he recognized?
A. Well, that was a listing in his deposition of the various companies that he recalled supplying phenolic molding compounds to. And, as I said before, American Cyanamid did not make a phenolic compound, and Monsanto made phenolic resins, but they were not in the molding material business during that period of time. DuPont, they were not in the phenolic molding material business. Neither was Koppers. Plaskon did not make phenolic molding compound, but they did make alkide molding compounds. Hercules, I don't know them being in the phenolic molding material business or resinoid. The others did.
Q. All right. Below there is some calculations. What do those calculations represent?
A. I tried to determine how much -- what volume the location was using, and I used those estimates he gave on how much he was adding to the machines. The first one was taking 15 times a day at two machines, five bags at a time, and I came up with little over two million pounds. If I took the 20 times a day, 15 bags as a time, two machines I come up with nine million pounds. So, my conclusion was

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that they were buying millions of pounds of product, but the exact amount, you know, it's hard to determine from that estimate.
Q. Sure. And then what's the calculations to the right of that?
A. To the right, I added up the various amounts of product that were listed in the sales scrolls. And this is over the period of '68 to '74. And the first column is the amounts of heat-resistant product that was purchased over that period of time, and each of those represents a different year. And the total was 28,500 pounds of heat-resistant product.
The second column is the general purpose product that was purchased, and that's for each year, and that totals to about 100,000 pounds of product.
And then there was -- there were 600 pounds of 2080 which was -- had no asbestos in it.
And 2,150 pounds of color molding material one year. So the amount that was purchased was very small, very small percentage of the total that was being consumed.
Q. That is assuming that you have full and complete records from 1968 to 1974, correct?

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A. That's -- I haven't had any reason to believe that they weren't complete.
Q. There is nothing in there for 1973, is there?
A. '73, my understanding if there were no sales there wouldn't be any sheet.
Q. All right, sir. And then what do we see on the second page of your notes?
A. That I put down -- I always forget what the labels, what the warning labels were, and that's what -- I looked it up. We had dust labels on our bags in the '60s. It said avoid prolonged or repeated contact. Use with adequate ventilation. I think it also said it may cause skin --
Q. Irritation?
A. -- irritation, yeah. And the other was the asbestos label that you've already shown me.
Q. Right. Which we discussed from the Group I Labeling Committee notes?
A. Yes. I will put this where I won't forget it. I always have to look it up.
MR. WOODS: I think that is an exhibit to the deposition.
THE WITNESS: What is that?
MR. WOODS: Mr. Martino, that has been marked as an exhibit to the deposition. So

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we can make another copy for you. But you need to keep that with the deposition. Don't put that in your pocket yet.
MR. GALERSTON: The indication is that we have run out of time. Let's go ahead and take a break.
THE VIDEOGRAPHER: Going off the video record. The time is 12:09. This concludes tape number two in the videotaped deposition.
THE WITNESS: Is it time to take lunch?
MR. GALERSTON: That's fine with me.
(Recess from 12:09 to 1:17.)
THE VIDEOGRAPHER: We are back on the video record. The time is 1:17. This begins tape three in the videotaped deposition of Carlo Martino.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 29 was marked for Identification.)
BY MR. GALERSTON:
Q. Sir, I've just handed you what has been marked as Exhibit 29, which are pages from your personal file which are formula sheets or other formula rated documents for the products that you identified that Union Carbide sold to Watertown,

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correct?
A. Yes.
MR. WOODS: Let me just make an objection to form as to vagueness. If this is the sales records you are talking about. I'm sorry.
MR. GALERSTON: 29 is the formula cards.
MR. WOODS: When you said Watertown, I believe those relate to Watertown, Georgia. I just want to make that clear.
BY MR. GALERSTON:
Q. Exhibit 29 are formula --
A. I just wanted to clarify.
Q. Sure.
A. These were documents that came up when a search was done of Watertown. That search didn't separate what went to Georgia and what went to Connecticut.
BY MR. GALERSTON:
Q. Okay. Well, let me hand you what has been marked as Exhibit 34 to your deposition. This is a sales scroll, is it not?
A. Yes.
Q. This is a scales scroll that you used in identifying the products that Union Carbide sold to

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Watertown, correct?
A. Yes.
MR. WOODS: I will object to the form. Again, it doesn't specify between Watertown Connecticut and Watertown Georgia.
BY MR. GALERSTON:
Q. Sir, will you hand that one back to me? My mistake. I am handing you what has marked as Exhibit 32 to your deposition, which is your copy of the sales scrolls for Watertown Manufacturing Company, correct?
A. Yes.
Q. And this is a document that Union Carbide prepared which shows the sales of materials to Union -- I mean Watertown's Connecticut and Georgia facilities, correct?
A. This shows details on the Georgetown -- I mean the Georgia facility. It does show the total for Watertown Connecticut, but it doesn't show the details.
Q. So, if I'm understanding you correctly, Exhibit 32 when we look at the second page, Bates number 2401489, we see at the top it says Watertown Manufacturing," it says, "Molded material heat resistant," correct?

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A. Yes.
Q. And then right below it there's looks like 4225? The numbers are eroded, you can't --
A. What are you looking at?
Q. The second line of numbers, you see it says "Watertown Manufacturing"?
A. Yes.
Q. Right below it says, "Molded material heat resistant"?
A. Right.
Q. And then right below that?
A. Yeah, that would be the price.
Q. So that is point 225 per pound?
A. Right.
Q. Okay. And then we see 341 -- is that 3410?
A. No. That is 341GM, and I'm not -- I don't know what that is.
Q. Okay. So we are not clear what that whole line is referring to there to, correct?
A. Well, it's price because you take the point 225 times the pounds on the upper -- the line just before it, and you will come up with the 1654 in dollars. Take point 225 times 7,350, you should come up with 1656 or 54.
Q. Okay. Got you.

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Now, looking at this, we don't know where that was shipped, do we?
A. That was the -- that was the Georgia location.
Q. Okay. So the next line down when it says "Madison, Georgia"?
A. Right.
Q. And then there is some more numbers there. That refers back to the product above it being sold to the Madison, Georgia facility?
A. Well, the product above it, that was a credit. So, apparently, Georgia must have returned some material and got credit for it.
Q. Okay.
A. Now, the next line is the total that they purchased each month, in other words, the 22 in January was 22,000 pounds. February is 59,000 pounds. March was five. And then at the very end year-to-date year is 87,000 pounds.
Q. Okay. And Watertown Manufacturing Company in total about 299 pounds?
A. Yes.
MR. WOODS: Object to form.
THE WITNESS: That would be the Connecticut facility.

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BY MR. GALERSTON:
Q. It says it's a total?
A. Total -- um -- that -- okay. I'm not sure whether that, you know, whether it was a total or whether the sales to Georgia were included in that or not.
Q. Okay. So, turn with me -- and that was for December of 1968, correct?
A. Yes.
Q. If you would go ahead and turn to the next page, and let's talk about that. This is Bates number 139. This is December '69?
A. Yes.
Q. And it's your understanding that these are sales just to the Georgia facility, correct?
A. Yes.
Q. Okay. In looking at the first, we have molded material regular?
A. Right.
Q. There is not a code for that, is there, a product code?
A. No. This document doesn't -- it shows some numbers later on, but it doesn't show in every entry.
Q. Okay.

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A. And there is a blank there, so that means there was no sales for that product.
Q. Following that we have a heat resistant molded material, correct?
A. Yes. Yes.
Q. And we discussed it before, the majority of the heat resistant phenolic compounds sold by Union Carbide in 1969 were asbestos-containing, correct?
A. Was what? Asbestos-containing, yes.
Q. And that is 15 to 30 percentile depending on which product it is?
A. Right.
Q. We see what the sales of -- in July there was 10,000 pounds?
A. Yes. And August 3,500.
Q. And then what would the number below the 10,000, it says 2350?
A. That would be price.
Q. That is the price?
A. 23 -- that you have the point 235 over on the left which is the price times the 10,000 comes out to 2350, $2,350.
Q. Okay. And next you have the specialty colors material?
A. Right.

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Q. Okay. Without a product code there for the specialty colors material, is it possible to say whether or not it's asbestos-containing or not?
A. That's why I asked for the Watertown search to see if I could find out what that was. And as best as I could determine, it was the, you know, most probably the 2000 --
Q. The 2010 or the 2080?
A. The 2010.
Q. Okay.
A. 2010 brown was one that was made for Watertown. That has no asbestos.
Q. Okay.
A. So the 2010 series, if it was other colors it probably had no asbestos either. This shows Watertown in Connecticut. Whether Georgia bought exactly the same color or not, I don't know.
Q. So we don't know for sure one way or the other if that is 2010. It could be some other product that based upon the research that you did you found that there were product formulations for Watertown for 2010 that would not be asbestos-containing?
A. Right. I can be specific one -- whether that was it, I don't know.

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Q. There could have been others, we just don't know?
A. Yeah. Right. Maybe this other document you have may show the number.
Q. Then we go to the next page, and the next page we just see a reference to Watertown Manufacturing, there is no products listed there, correct?
A. Well, that continues on the next page.
Q. And it appears that would be the Watertown Connecticut sales that are excluded from this sheet on the top page, correct?
A. What is that again?
Q. The part that is blacked out after we see Watertown Manufacturing on Bates number 5389 we see that it's whited out on the bottom of that page than at the top of the next page indicated that would be the Connecticut sales?
A. Yes.
Q. Then we pick up in the middle of the page where we have a portion, that would be again the sales to Georgia, correct?
A. Yes.
Q. Now, we are looking at December of 1970, and we see BMG-27988, correct?

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A. That's right.
Q. And did you have a formula sheets for 2988?
A. I believe so.
Q. Okay.
A. Yes.
Q. Bates number 172. BMG-2798 black 15, and this is asbestos-containing we can tell because --
A. No, it is not.
Q. The 16G -- I'm sorry. It's 18.
A. It's 18. No. This is nonasbestos-containing.
Q. The --
A. And I suspect that the general purpose material that Georgia was buying was this one, for several reasons. The black 15 is carbon black. You would not use that for an electrical application. You use -- you'd probably use it for pot handles where you don't want the color to be extracted, and it's a one-step resin. The two indicates one step. And that is what is good for wet/dry applications, and it doesn't crack as easily as a two-step would, and that would fit the application as well. So, I suspect that that is the general purpose material. But -- oh, wait. It doesn't -- that's -- show up where it, you know, has a number under molded

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material regular later on, but it makes sense that that would be good for pot handles.
Q. Okay. Now, the formulation that we are looking here is dated April 22, 1971, correct?
A. Yes.
Q. So that would have been -- the formulation that we are looking at is a subsequent formulation it could not apply specifically to these sales, is that correct?
MR. WOODS: Objection to form.
THE WITNESS: Well, we would have to go back and see if there is another formulation sheet that precedes this one.
BY MR. GALERSTON:
Q. Sure.
A. This one says '71 supersedes '70. Probably on the '70 sheet it will say what it superceded. So we would have to work our way back.
Q. And we would need to do that particularly in the 70/71 time frame period because this is when Union Carbide is attempting to get the asbestos out of its formulas, correct?
A. Yes.
Q. So certainly this 1970 or predecessor formulations could have been asbestos-containing

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formulas?
MR. WOODS: Objection to form. Calls for speculation.
THE WITNESS: That, I don't know. I don't -- I don't think so, but the only way I could prove it is to go back and ask for more sheets.
BY MR. GALERSTON:
Q. And my understanding is that that 1970, '71 time period is critical when Union Carbide recognized the hazards associated with asbestos, recognized its customers didn't want the asbestos if they didn't need it, and, therefore, Union Carbide was attempting to get the lower percentage formulations to be asbestos-free?
A. Yes.
MR. WOODS: Objection to form. Compound question. Calls for speculation.
THE WITNESS: Whether this was one of -- I don't think this was one of them. But I would, you know -- the only way to prove it is to go back to the records.
BY MR. GALERSTON:
Q. Okay. The next material that is listed here on Bates number 5390 is BMMD-5303, correct?

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A. That's correct.
Q. We talked about 5303 before. 1970s, in early 1970 it still contained asbestos, correct?
A. Yes.
Q. Then it goes on to the next material. It just says mold material regular. Again, we don't know what that is, right?
A. Well, that is what I say. I think that is 2798 black 15.
Q. We see 2798 black 15 listed separately above.
A. That's right.
Q. And then why would it be listed differently right below, two lines lower when it says mold material regular?
A. I don't know why. On these sheets, they don't identify the category, and the only way -- it makes sense that it might be that material, but, you know, maybe this other scroll you have will identify it better.
Q. Okay. The next line we then see the mold material heat resistant and we see the purchases there, and that we understand to be an asbestos-containing or more likely than not an asbestos-containing --
MR. WOODS: Objection to form.

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Mischaracterizes his testimony. Foundation. Calls for speculation.
THE WITNESS: There again, I suspect it was the BMMD-5303.
BY MR. GALERSTON:
Q. And then we have the specialty colors listed again, the same type of specialty colors that you believe we saw in the previous reference, correct?
A. Yes. Yes.
Q. So then we go to the next page and we see again December 1971, we see Watertown, we see parts of it that are blocked off, indicating like those are the Connecticut sales, correct?
A. Yes.
Q. We pick up just like last time we pick up with 27?
A. 2798.
Q. 2798, which is the material that we would -- we saw it's in Exhibit 29?
A. Yes.
Q. Okay. We got 5303 again?
A. Yes.
Q. And then we got the exact same thing, the heat-resistant materials and the specialty colors, correct?

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A. That's right.
Q. The next page we have -- it picks up -- it doesn't say Watertown except at the bottom of the page, but it appears that this is 1972, December 1972, Watertown Georgia sales on 2780, correct?
A. 2798, yes.
Q. Well, on page 5780, the Bates number 5780?
A. Yes.
Q. Okay. And then we see again 2798, 5303. Then it says mold material substandard, what does that mean?
A. That would be an offgrade material supposedly selling at a lower price, although that price is not that much lower.
Q. It's point 335. It's more expensive than the 2798?
A. Yeah, but that is the only interpretation I can make is that it's offgrade material.
Q. Then we go to the next page and we jump from 1973 -- skip over '73 and we go to '74, correct?
A. Yes.
Q. And here we see reference to Siemon Madison Manufacturing Company, and you understand that to be the Watertown Manufacturing Company?
A. Yes.

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Q. And we see reference to BMG-2080, correct?
A. Yes.
Q. That is the first time we seen that listed, correct?
A. Yes.
Q. You had some formula sheets for 2080, correct?
A. Yes.
Q. So we look at Exhibit 29 -- about the fifth page I guess it is, yes -- okay. Are you at 2080. BMG-2080BK 25 from October of '72?
A. Yes.
Q. When we look at this formula sheet, this sheet doesn't tell us one way or the other whether or not it contains asbestos, does it?
A. It shows it does not contain asbestos. There is no 18 -- no raw material designated 18 in the product.
Q. Okay. Let's see.
A. That would be just cotton flock, and this is an impact grade.
Q. Okay.
A. And 16 I think is woodflour, so some woodflour. This is what would what we would call impact compound.

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Q. All right. Then we see 2798 again?
A. Right.
Q. Which we discussed. Then we have BM-425?
A. 0425.
Q. Do you have a formula sheet for 0425?
A. No.
Q. I don't believe you did?
A. No. But this was listed -- this did not contain asbestos in the list that you showed of what was labeled and what was not labeled.
Q. Okay. And then we have BMM-5303, which we discussed?
A. Right.
Q. All right. All the sales that you identified and used in doing your calculations were based off of Exhibit 32, correct?
A. Yes.
Q. When we go back to your calculations and look at them on Exhibit 28, which column did you put 5303 in?
A. Heat-resistant. The second -- the first column.
Q. Okay. I guess now is just as good a time as any. Let's go ahead and talk about Exhibit 33. I am handing you what I have marked as Exhibit 33 to

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your deposition which is a sales scroll.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 33 was marked for Identification.)
MR. WOODS: Let me just state for the record that we are offering Mr. Martino as corporate rep on sales in Georgia. Exhibit 33, I believe, reflects sales of -- and let me step back one -- for just a second. We offering him as a 30(b)(6) witness or a corporate representative to talk about sales of phenolic molding compounds to Madison, Georgia. Exhibit 33 includes information on sales of products other than phenolic molding compounds to Watertown, as well as sales to other Watertown facilities other than Madison, Georgia. He's not being offered as a corporate representative on those topics and he wasn't prepared to address those topics today. So he's looked at your document. I am not going to instruct him not to answer those questions about the document, but I just want to make that clear for the record.
BY MR. GALERSTON:

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Q. All right, sir. Exhibit 33 is -- you had not seen it prior to today, correct?
A. I had not seen what?
Q. Exhibit 33.
A. No.
Q. I gave you a copy of Exhibit 33 so you could review it over the lunch hour, correct?
A. Yes.
Q. Based upon what counsel has said, do you have a general familiarity with the information that is contained in Exhibit 33?
A. Yes.
Q. Okay. Is it your understanding that Exhibit 33 refers to sales of products other than phenolic molding compounds to Watertown manufacturing company?
A. Not on the first page, but on later pages there are -- that you highlighted, that there are sales of thermoplastic resins.
Q. What else -- do you see anything other than phenolic moldings and thermoplastics?
A. Of course, they are the combined sales. So to try to figure out what went to Georgia, we would have to separate out one from the, you know, what went to one location and what went to the other.

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Q. Okay. And in looking at this, when we looked -- let's go to the first page, okay, which is Bates number 61?
A. Yes.
Q. This is a December 31, 1970 page, correct?
A. Yes.
Q. This is coming out of the Boston region, correct?
A. Out of the what region? Oh, Boston, yes.
Q. Boston?
A. Yes.
Q. Sales records were kept by region, correct?
A. Yes.
Q. Look at the second page of this exhibit we can see there is report from the Atlanta region with the same date?
A. Yes. That helps.
Q. When we look at the first page, which is the December 31st, 1970 Boston region sales, we see customer number 93140 which is Watertown Manufacturing, correct?
A. Yes.
Q. Do you know one way or the other whether customer 93140 refers to Watertown Connecticut, Watertown Georgia, or both combined?

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A. The Atlanta sheet shows 93140 also. Let's see. There is P-105, P-358. So there is a difference with the P number between the two, but the third line of numbers is the same. So I assume, you know, what I have to do is see if that is consistent that Atlanta is P-358 and Connecticut is P-105.
Q. Let's make it more complicated and we'll go to the third page which is December 31, 1971, Bound Brook, and we see Watertown Manufacturing and we see A-168?
A. No. That is Bound Brook. That is 50 pounds. That is a sample quantity. That is a Watertown number. No, I can't explain that except that it's a small quantity. It would be a sample quantity.
Q. Let's go to the fourth page and look at that.
A. That is Boston.
Q. December 31, 1970, we have another Boston report?
A. Um-mm.
Q. Which appears to be the same type of report. Watertown 93140, but now it's for E-102?
A. No. These materials are thermoplastics.
Q. Okay.
A. Whether that E number has anything to do to

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the type of material or not, I don't know, as well as the P. I have to do a lot of speculating here which I am not supposed to do, maybe P is phenolic -- A, I don't know what that would refer to. E --

MR. WOODS: And I will object that the question as calls for speculation.

THE WITNESS: Yes, I can't tell.

MR. WOODS: At least the witness is speculating.

THE WITNESS: The only consistent thing is the 93140 for Watertown regardless of location.

BY MR. GALERSTON:

Q. And let me go to the next page and just make it one more level confusing. Again, December 31, 1970. It doesn't have a region, but we have molding and extrusion and we have Watertown, and we have it referred to now as P-7791?

A. Yes. And those are vinyls with thermoplastics. I can't say what the number means there. I can't explain it.

Q. All right. All right, sir, if you would I am going to look at Exhibit 32 Bates number 5390, which is the December 1970 sales scroll for phenolics to

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Madison, Georgia. I want to compare that with what we see on page one of Exhibit 33. Okay?

A. Okay.

Q. See if we can walk through this and see if it's reflecting the same thing.

A. You can go to the third page, you can come up with the 8,000 pounds -- the second page, down at the bottom. There is 2,000 pounds of 2798 and 6,000 pounds of 5303. And you go over to this and you get 2,000 pounds of molding material regular, which is the 2798, and you get 6,000 pounds of BMMD-5303, which is molding material heat-resistant. You come up with 8,000 and 8,000.

MR. WOODS: So Carlo was right.

BY MR. GALERSTON:

Q. Okay. So, looking at the second page Bates number 91, that first line says BMG-2798 which is 2,000 pounds for $500?

A. Right.

Q. That corresponds with the mold material regular?

A. Right.

Q. Which shows $2,000 sales in April -- I a mean two thousand pounds sales -- excuse me -- in April and July, correct?

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A. Right.

Q. Okay. Then we see a 4,000 and 2,000 pound sales of the heat-resistant material?

A. Right.

Q. In May and in August, which would correspond with the second line there BMMD-5303?

A. Right.

Q. Okay. For the total of 6,000 pounds?

A. 8,000. Well, 6,000 for the 5303. 8,000 total.

Q. Okay.

A. 8,000 shows up on the Madison, Georgia line.

Q. Okay. So the second page we believe would be reflective of the sales to Madison, Georgia?

A. Right.

Q. The sales that are reflected on page 61 we see the 2798 and we see 5303, but we see very different pounds, like, for 5303 we see a total of a hundred pounds?

A. On one.

Q. Yes, on page one.

A. Yeah. That's why I think that is all sales to Watertown in Connecticut. Now, it would take me time to try to rationalize that with the Watertown number that is on that sheet of 44,000 pounds. That

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shows 23,760 pounds in December. Yet the total for Watertown on the Exhibit 32 is 44,000. So I'd have to look for another 20,000 pounds someplace, which I hadn't haven't done yet.

Q. Okay.

A. Because everything else was thermoplastics up to that.

Q. So page 309, we look at that we are looking at thermoplastic?

A. Page 3?

Q. The third page.

A. Three.

Q. Bound Brook, this is that sample?

A. That, I can't tell because that has no designation. All I can see is that it's a small quantity.

Q. Okay.

A. And it is expensive material.

Q. It's over a dollar a pound.

A. Yes. So it could be a specialty thermoplastic.

Q. Okay. All right. And the fourth page we look and we see --

A. Those are thermoplastics. These are vinyls and, as I recall, the RMDA was a styrene

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acrylonitrile copolymer, but I would have to check back to be certain of that. It's not very much anyway. Whether this shows up in this total of 44,000 pounds or not, I don't know. I haven't had a chance to try to add that all up. I added up the vinyls on the two pages, came out to 24,000 pounds. That's more than I needed to come up with the 44. It doesn't quite fit.

Q. Okay. If you could turn to with me now to page Bates number 1395, it's about 7 or 8 pages in there is a change in the format. 1395. They are not consecutively numbered. They are in order, but not consecutively. It's only about maybe 10 pages in.

A. Got it.

Q. This is a sales report March 31, 1971 for the thermoresins and comp or --

A. Thermosetting resins and compositions.

Q. And compositions?

A. And composites, I'm sorry.

Q. And composites. Okay. And here we see Watertown listed for --

A. It just shows a credit.

Q. BMG-5833?

A. Yes. BMGF-8335.

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Q. Oh, BMGF?

A. Yes.

Q. 8335.

A. Yes.

Q. What material is that?

A. That was heat resistant material, and that was on the first page also, BMGF-8335. They got 8,000 pounds. No. That was in '70. This is '71.

Q. This shows 65 -- 6,550 pounds.

MR. WOODS: Is that a question?

BY MR. GALERSTON:

Q. Is that correct? Am I reading this correctly?

A. That looks like a total for that line. That is a total for the line.

Q. Let me ask you: Do you know what kind of a report this is?

A. What kind of a what?

Q. Report.

A. Report?

Q. This is different from what we saw. This is broken down by customer. This is broken down by product it appears, correct?

A. Yes.

Q. Correct?

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A. Yes, but for the Watertown it shows I gave them a credit of $470, and that's all. No pounds or anything. It says sales control report, thermosetting resins and composites. And I am trying to determine -- the first pages look like the sales department's reports. This one looks a little different. This looks like a business team report.

Q. All right. Let's go ahead and look at the next page.

A. A lot of this I would have to really juggle around to try to come up with some -- to make sense out of all of it.

Q. Okay. We will do what we can today, so you have a better chance of making sense of it than I do. Okay. The next page is a continuation it appears. We see Watertown. I have highlighted it for you on your copy, see customer 93140 Watertown Manufacturing 1G, which is --

A. Yes.

Q. -- sales report for BMMA-5138BK 25, right?

A. Yes.

Q. And what type of material is that 5138?

A. That was a low asbestos-containing, heat-resistant product, somewhere around 10 to 15 percent as I recall.

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Q. And this shows a sale of a thousand pounds of BMMA-5138, correct?

A. Yes.

Q. Okay. Looking at this, we can't tell where it was shipped?

A. No. I'm looking at the front. They bought -- again, that is '70. And this is '71.

Q. You haven't seen a summary for '70?

A. Maybe the summary for '71 would make --

Q. More sense. Okay. Of course, you don't know one way or the other how material was handled by Watertown, if it was shipped between the two facilities for whatever reason?

A. No. It wouldn't make sense to have it go there and have it shipped down to Georgia unless it's a specialty material that they, you know, it's a small quantity, but I don't know what their internal arrangements were.

Q. Okay. Now, let's go ahead and turn to the next page, which, correct me if I'm wrong, appears to be a continuation of the same report except now we are under polysulfonates?

A. Polysulfones. Thermoplastics.

Q. So halfway down the page we see 93140, Watertown Manufacturing, we see 50 pounds of

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1700BK 1615, right?
A. Right.
Q. Do you know anything about that material?
A. That would be a polysulfone.
Q. Which is used for what?
A. It's usually a high melting point thermoplastic.
Q. Do you know anything about its asbestos composition?
A. It would not have asbestos in it.
Q. Next page we go back to June 30th of 1970. This is a sales report for the molding extrusion group and we see Watertown Manufacturing 93140. We see 600 pounds of RMDA-4400-CS, correct?
A. That is a thermoplastic also. And I think that is a styrene acrylonitrile copolymer.
Q. All right. Let's go to the next page still June 30th, 1970 sales report now we're into thermoresins and compositions. We see Watertown listed twice.
A. Um-mm.
Q. Both under the 93140 designation. One is 1G G and one is 7A, correct?
A. Yes.
Q. And these are -- 1G bought 1,500 pounds of

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BMG 2798BK 15 and 7A bought 1,000 pounds of BMG 2798BK 15, is that correct?
A. Let's see how that is here. And that is June. So 2798, 1,000 pounds would fit with this one.
Q. So 1,000, which is Watertown Manufacturing 7A --
A. Would be Georgia, and it shows up on this sheet 1,000 pounds, it shows up in July.
Q. It shows that they bought a thousand pounds in both April and July, correct, on Exhibit 32?
A. Yes. Yes.
Q. So the way it would have been settled up until that date if this is a year-to-date calendar, the thousand pounds that was bought in April would be reflected in this June report, correct?
A. Well, this doesn't show that it's year-to-date. Some of these --
Q. It says year-to-date?
A. Where?
Q. Up in the top.
A. Oh, here. Okay.
Q. It says year-to-date. It doesn't show a current sale in the dollars or pounds. It appears that --

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A. That must be the April sales, that thousand pound year-to-date.
Q. Which we understand to be 7A, which would appear to be Watertown, Georgia, correct?
MR. WOODS: Objection to form. Calls for speculation.
THE WITNESS: And the thousand pounds in July would then show up on a later sheet say a July 30 sheet, if there is one.
BY MR. GALERSTON:
Q. We will keep plowing along and see what we find.
On the next page we see a sale to Watertown Manufacturing 1G 500 pounds of BMG 5000BK 25, and we don't have --
A. 500 pounds?
Q. 500 pounds. Do you see that, sir?
A. Yes.
Q. And we don't see that reflected on our 1970 sales chart for Georgia, do we?
A. Let's see. 5000, not on Georgia.
Q. Right. We also notice that is for 1G?
A. Now, the Connecticut location did buy 500 pounds of BMG 5000. That is on the first page in 1970. That jives with that.

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Q. We don't know -- it appears that we were starting to get an idea that 1G is Connecticut?
MR. WOODS: Objection to the form. Calls for speculation.
THE WITNESS: 1G, that lines up so far. We will see if we have an exception.
BY MR. GALERSTON:
Q. Okay.
A. But that is accounted for on that first page Connecticut.
Q. Right. And we see next to it it's got the 1G reference on page one as well?
A. Yes. Um-mm.
Q. So it appears that that column might be referring to locations, the various locations?
MR. WOODS: Objection to the form. It calls for speculation.
THE WITNESS: It appears, but we will have to see whether it works out that way.
BY MR. GALERSTON:
Q. Next page we have a Watertown 1G reference to 9,000 pounds of BMMA 5138BK 25?
A. What page is that?
Q. Bates number 1821, right in the middle, BM BMMA 5138?

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A. You skipped one.
MR. WOODS: I don't think he's there yet.
BY MR. GALERSTON:
Q. I skipped one?
A. Yes.
Q. The BMM 7002?
A. Right.
Q. Sale to Watertown 1G 3,500 pounds. We see that reflected there on the first page?
A. Yes.
Q. Okay. Go to the next page 1821?
A. If you are right about the 1G, then Georgia would be 7A.
Q. Right. And so for -- let's see -- we have a 7A sale on Bates number 1822?
A. What page are you on now?
Q. 1822.
A. Yes.
Q. We have 4,000 pounds of 5303. We look at our 1970 summary on Exhibit 32 and we see 4,000 pounds being sold in May of heat-resistant molding material?
A. Yes.
Q. So, it does appear that 1G refers to the

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Connecticut facility and the 7A refers to the Georgia facility, correct?
MR. WOODS: Objection to the form. Calls for speculation.
THE WITNESS: Yes.
BY MR. GALERSTON:
Q. Okay. I think the next numerous pages are going to be self-explanatory. They are following in similar reports.
All right, sir. If you could, let me see -- let me -- I want to ask you a question. I want to jump forward to December '67 summary report, but it might be easier if I could turn to the page for you, so we can -- 32137. Okay. There you go. Okay. I've turned your attention to Bates number 32137, which is a sales control report for December 31, 1967, correct, sir?
A. Yes.
Q. Okay. We go down to the bottom, I've highlighted it for you, we see the Watertown sales. Starting on the -- at the bottom of the page -- and I guess next page is unrelated. Okay. We see customer 93140 Watertown Manufacturing. And then we see product BMG 0425, 2010, 2080, 2798, 5498, 8052, 5138 and 2080, correct?

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A. Yes.
Q. We see there that there are sales to 1G and then we also see a sale to 7A. 1G being Connecticut and 7A being Georgia, correct?
MR. WOODS: Objection to form. Calls for speculation.
THE WITNESS: Yes.
BY MR. GALERSTON:
Q. That is BMG 5498, and if we follow it over it shows that there's 2,000 pounds of that being sold to Georgia, correct?
A. Yes.
Q. You did not include any 1968 numbers in your calculations?
MR. WOODS: You misspoke.
THE WITNESS: This is '67.
MR. WOODS: Objection to form.
BY MR. GALERSTON:
Q. Correct. I am sorry. You didn't include any 1967 sales in your --
A. No. I didn't have any sheet for '67.
Q. Okay. So if we were to add those 2,000 pounds from 1967 for BMG 5498, which column would that go into?
A. Well, that is general purpose, but that did

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contain some asbestos, so, as I recall, so I would start another column. That it's 2,000 pounds. It would be GP with asbestos. It had a small amount, less than 10 percent I think.
Q. The next page appears to be another sales report, but this one apparently broken down by product, and we see that Watertown Manufacturing 1G about 5,300 pounds of it. Looking here, we can't tell what product that was, can we?
A. No.
Q. When we look at the following it says DYHN3 and then next section is DYNH4. Do you know what those type of products are?
A. Wait a minute. Where is the previous --
Q. The previous page is not here. It wasn't produced. But do you know what the DYNH3 is?
A. That's a polyethylene.
Q. So, if it followed in pattern, it would be DYNH2 which would not be a phenolic molding compound, would it?
A. No, it would not. Anything that starts with a D is a polyethylene.
Q. Okay. If you go ahead and turn forward a couple pages to 33579?
A. I'm on that.

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Q. Again, we are now looking at the December '66 sales report for thermosetting. We see the Watertown Manufacturing facilities, and we see customer 93140 and then we see sales to both 1G and to 7A, correct?
A. Yes.
Q. 7A was buying -- what do we got here -- it's hard to tell. I can't get this lined up --
A. That's the BMG 5000 was sold there.
Q. And 50 pounds?
A. 50 pounds, yeah, and that is no asbestos.
Q. Okay. And then we got 6950 BMGA 6950, a hundred pounds?
A. Yes. That, I don't recall. I would have to look at the sheet to see whether it had asbestos in it or not.
Q. Okay. And BMM 7017?
A. Yes, that is 50 pounds also. It I'd have to look.
Q. Is it 50 pounds -- okay. Yes.
A. I would have to look a the sheet.
Q. Those are sample quantities, very low?
A. Yes. I am surprised you were even charged for it. Maybe you weren't. It doesn't show dollars.

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Q. Regardless, these aren't included on your calculations because you didn't have this information?
A. No. No.
Q. We have October '68 on Bates number 36445 several pages forward. Towards the back. 36445. I suspect you are --
A. Maybe I went too far.
Q. I don't think so. Why don't you -- I will see what I can do. Okay. Here we are. All right.
We are now looking at Exhibit 33 Bates 36445. October 31, 1968, we had '68 sales in your Exhibit 32, correct?
A. Yes.
Q. Here we have Watertown Manufacturing, we have 7A buying BMM 7002 a hundred pounds?
A. Yes. Let's see. December '68.
Q. December '68 is the first page and the second page -- I don't see a hundred pounds?
A. No. That shows a total, and I had sales in October -- I don't see any sales in October either.
Q. It's possible it's just not reflected?
MR. WOODS: Objection. Calls for speculation.
THE WITNESS: It's a hundred pounds, so

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I don't know.
BY MR. GALERSTON:
Q. Does the fact that this is now labeled a different type of report, this is a sample control report?
A. Oh, okay.
Q. What does that mean?
A. That means that these were probably free shipments. Samples that were sent out.
Q. So when we look at the following page, we see a sample of, who knows, 1700?
A. That is new polymers. That looks like a polysulfone number.
Q. Okay. So 50 pounds is being sent out?
A. Yes.
Q. So if we look at these sample control reports, these are merely samples that are being sent to the customers for evaluation?
MR. WOODS: Objection. Foundation. Calls for speculation.
THE WITNESS: And there are no charges, so they were sent free. So that may be the reason they don't show up on here because there is no cost associated with them, or no billing that is associated with them.

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BY MR. GALERSTON:
Q. Just turn a couple more pages forward to 3 --
A. 732?
Q. 732. 37732. It should have a large section. This is all Watertown right above my thumb, 37732.
A. That is 36.
Q. We are back to sales control reports. Those small ones, those are all samples.
A. Heres 752. 715 to 752.
Q. We are going to 37732?
A. 732 --
Q. 37732. Keep going a couple more.
A. Yeah, got it.
Q. All right. Okay. This is December 31, 1969 year-to-date sales control report for customer 93140 Watertown Manufacturing, correct?
A. Yes.
Q. Okay. So, this should match up with out -- this indicates our sales by locations. We have 1G and 7A, correct?
A. Yes.
Q. So if we go to the third page of Exhibit 32, we have the '69 sales records, correct, third page of 72 --
MR. WOODS: 32.

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BY MR. GALERSTON:
Q. Third page of 32?
A. Yes.
Q. When we look over here, we see the first listing for location 7A is BMG 8052, 2,150 pounds, right?
A. I show 5,000 pounds.
Q. I think you are off a line?
A. 7A okay. 2,150.
Q. And if we look over at Exhibit 32, we see under the specialty colors 2,150 pounds of the unspecified product which we now would know to be 8052, correct?
A. Yes.
Q. When we looked at the formula sheets, I do not believe we had formula sheets for 8052, correct?
A. That is correct.
Q. Are you familiar with 8052?
A. I don't know -- I don't recall what the composition is.
Q. So, we now know from correlating these two that this is not 2010 or 2080, those brown that we talked about before?
A. Yes.
Q. So possibly it's somewhere in the materials

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that are in the repository or materials that I have already seen we might be able to determine what 8052 is, but as we sit here now we don't know if it's asbestos-containing or not?
A. That's right. We could have to request a formulation sheet.
Q. Okay. Going further down, we get to the very last entry we see BMD 5303 for 7A, which we discussed before and that is asbestos-containing heat-resistant compound, correct?
A. Yes.
Q. And it's 13,500 pounds, correct?
A. Yes.
Q. And we look over here and we see molded material, heat-resistant we see 10,000 pounds in July and 3,500 pounds in September, which would give us 13,000 500 pounds, correct?
A. Yes.
Q. So, as we work through this, it becomes pretty clear that 1G refers to the Connecticut facility and 7A refers to Georgia?
MR. WOODS: Objection to the form. Calls for speculation. Foundation.
THE WITNESS: Yes.
BY MR. GALERSTON:

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Q. Looking at that same page, page 37732 we see that these materials, these phenolic molding compounds are being reported under the bonding and laminating group as opposed to the phenolic compounds group. In '69 was there not a separate phenolic molding compounds group?
MR. WOODS: Objection. Well, go ahead. I'm going to object to the form. There's a lot of unnecessary commentary, but you can answer the question.
THE WITNESS: At some point, the sales of molding materials and the sales of the phenolic resins were combined, and I don't recall exactly when that occurred. It could have been about this time: Why they didn't change the name, I don't know.
BY MR. GALERSTON:
Q. Okay. All right.
A. They took over us, so maybe that is the reason.
Q. Now, if you would go ahead and turn forward two pages to 429344 Bates number. Go ahead and skip that page. All right. This page. We have a new report. This one is for December 1972. This is a profit center thermosetting composites report,

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correct?
A. Yes.
Q. We see a listing of what appears -- I don't know what we have. Can you tell me what we have here?
A. This looks like a planning, a planning for future sales.
Q. Okay.
A. Profit center detail. Yearly, latest yearly forecast, last year forecast, deviation per plan, year-to-date, year-to-date deviation. So it looks like comparing the plan to the actual sales.
Q. Okay. So, if I understand correctly, looking at the far left, this is for BMG 2798BK 15, correct, top left under Description.
A. Yes.
Q. And so, in addition to these other customers, such as the United States Navy, Watertown Manufacturing Company was identified as a potential customer for BMG 2798BK 15 in December 2007 -- I mean 1997 -- excuse me.
MR. WOODS: Excuse me. Objection to form.
THE WITNESS: 1972.
BY MR. GALERSTON:

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Q. What date did I use?
MR. WOODS: 1997.
BY MR. GALERSTON:
Q. Let me -- in looking at this page Bates number 429344, this appears to be an identification of potential customers for BMG 2798BK 15, correct?
A. Yes.
Q. Watertown is identified, actually, I guess specifically the Watertown Manufacturing Company the Madison, Georgia location is specifically identified and in addition to Westinghouse, Washington Molding, United States Navy, UC Chemical Division, Cartersville, Georgia, Tech Art Plastics, TRW Inc., and Small Business Machines and Designs, correct?
A. Yes. This is correct, that usage of 1,000 pounds should show up on the '71 page.
Q. So that -- and that was reporting what the '71 usage was?
A. Yes. And that is right. Usage in '71 was 1,000 pounds of 2798.
Q. Got you.
A. And that shows 1,000, and they were forecasting the same amount for '72 year-to-date was one. So in '72 they should have sold another thousand pounds.

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Q. So explain to me -- let's go to the next page. It still is the profit center thermosetting composite December '72 report. We still see BMG 2798BK and we have another listing for Watertown, Madison, and there we have different reporting.
A. Well, that is because --
MR. WOODS: Objection. Is that a question?
BY MR. GALERSTON:
Q. What is the difference?
A. Black 25 versus black 15.
Q. Okay. Got you. Different product?
A. Different color.
Q. Right. So they used 3,000 pounds the previous year, and they are projecting usage of 2,000 pounds next year?
A. Yes. It's -- this is '72. Yes. And in '72 they did buy black 25. 750, 1,200 and 500, total of 2,000 pounds they bought in '72 of the black 25. That lines up with the 2,000 pounds here. You will see black 15 column. Nothing there and then there is a black 25.
Q. 75, 1,200, 500?
A. And then year-to-date is 2.
Q. Meaning 2,000 pounds?

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A. Yes, 2,000 pounds. I just rounded it off.
Q. I come up with 2,250 I mean twenty-two five.
A. Yeah.
Q. Okay.
A. Now why they changed from 15 to 25, I don't know. I assume it's because we no longer made the carbon black version.
Q. Then the next page we see BMG 2080BK 25?
A. Um-mm.
Q. We see the Georgia facility being projected for a thousand pounds usage. Next we have BMGF 8335BK 35?
A. That is Watertown Connecticut.
Q. And they didn't have any previous usage and did not predict for any future usage. The next page is for --
A. That is Connecticut also.
Q. And then the next page we have 5303 BK 25 which we have Madison, Georgia reporting 9,000 pounds used in '72?
A. And that fits.
Q. That matches right up?
A. Yes.
Q. And they are projecting that same usage going forward, correct?

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A. Yes. For '73 I think they are predicting --
Q. 9,000?
A. -- 9,000 pounds which apparently they didn't get.
Q. Well, we don't know. We don't have a '73 summary.
MR. WOODS: I objection to the form. Asked and answered. I think Carlo has already answered that question.
THE WITNESS: It could be that there was no sales -- there were no sales in '73, but I don't see a '73 here either.
BY MR. GALERSTON:
Q. '72 time period, we were talking about the 5303 that is an asbestos-containing, heat-resisting compound, correct?
A. What page?
Q. 5303BK 25 that is asbestos-containing, heat-resisting --
A. Right. That's the Georgia. The 9,000 pounds, I think we counted for that.
Q. Yes, we did. The next page is the substandard molding material where 2,000 pounds have been used by Georgia the year previous and they are projecting the use of 2,000 pounds. But we don't

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know anything about that, correct?
A. No.
Q. Okay. If you could go ahead and go to the next page 442626. It's small print -- the other way. There you go. This is a regional managers detailed report dated December 1970 for thermoset resins and compositions, correct?
A. Composites.
Q. Composites?
A. Yes.
Q. Okay. And looking here we see Watertown Manufacturing Company, Watertown Connecticut is listed, do you know what this is for, what material this is?
MR. WOODS: Objection to the form. Foundation.
THE WITNESS: December '70. Last year was 19,000 pounds. 6,000 pounds. I can't tell.
BY MR. GALERSTON:
Q. Okay.
A. I don't see the first page -- December '70 -- no.
Q. There is no mention there of Watertown Georgia. Go to the next page, we see still it's the

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regional managers detailed report dated December 1970 for the thermoset resins and compositions, we see both Watertown and Watertown Connecticut and the Madison, Georgia facilities listed here, correct?
A. Yes.
Q. And we see there's some indications of sales of some type or at least projections of sales?
MR. WOODS: Objection to form. Foundation. Calls for speculation.
THE WITNESS: This could be total sales.
BY MR. GALERSTON:
Q. Here we see it broken down. The first time we saw it, it was just the Watertown Connecticut address. Here we have it broken apart, correct?
A. Yes. So this year-to-date at the end of December it shows 17,000 pounds to Connecticut and 6,000 pounds to Georgia.
MR. WOODS: Objection to form.
BY MR. GALERSTON:
Q. Well, it certainly indicates in December of 1970 that Watertown Manufacturing in Madison, Georgia was a customer of Union Carbide? Would you agree?
A. Yes.
MR. WOODS: Can you read the question

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back and, Carlo, I think you are looking at something else while he's asking you questions. And we need to focus on the questions.
THE WITNESS: Okay.
MR. WOODS: Can we have that question read back?
(Whereupon, the question was read back as follows:)
"QUESTION: Well, it certainly indicates in December of 1970 that Watertown Manufacturing in Madison, Georgia was a customer of Union Carbide? Would you agree?
THE WITNESS: Yes, I would agree that they were. The reason I am hesitating it shows 6,000 pounds, and total sales were 8. It's close, but not a good fit.
BY MR. GALERSTON:
Q. All right, sir. If you go ahead and flip forward several pages and go ahead we will skip past those, same type of data and information from the same time period. I want to ask you about this next form, the same information, same data?
A. December 1970.
Q. Same thing. I haven't compared the numbers,

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but it appears to be the same data. What I'd like to ask you is about page 460090. It's about three forward of that. Go forward several pages to format change. Keep going. Keep going. One more. One more. You haven't got there yet. There we go. I want to ask you about that page. Okay?
A. Um-mm.
Q. We're looking at Bates number 460090. It's a December '70 profit center thermosetting composites report. Profit center is 363. Do you see that, sir?
A. Yes.
Q. And then we see, in the middle we see the Watertown Connecticut sales, and then we see the Watertown Manufacturing Madison, Georgia sales, correct?
A. Yes.
Q. And so, similar to the document that we saw before, we see that looking at the Georgia, it reflects there about 21,000 pounds of material that were bought in 1970, and they were projecting forward what their usage would be?
MR. WOODS: Objection to form. Calls for speculation.
THE WITNESS: You said Georgia.

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BY MR. GALERSTON:
Q. Correct. The second one is Georgia. See Watertown Manufacturing Company Connecticut and then Georgia?
A. I see 6,000 pounds. Let's see. 14,000.
Q. 14,000 followed by 6 by one, I add up that up to get to 21, correct?
MR. WOODS: You are asking whether 14 plus 6 plus one equals 21?
BY MR. GALERSTON:
Q. That's what the forecast for 1970 was, correct?
A. The one is dollars. The -- let's see. There is a code here. LT.
Q. I see what you are saying. Those aren't pounds?
A. And in dollars and then there is a U.
Q. Okay.
A. So the 14 would --
Q. It would appear to be pounds, would you agree, under July and September, 10 and --
A. 10 and 14 --
MR. WOODS: Objection to form. Foundation. Calls for speculation.
THE WITNESS: That is '70 -- July and

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September according to this sheet, it doesn't show any September sales. I don't know what the L stands for.
BY MR. GALERSTON:
Q. Okay.
A. And -- the dollar sign -- again --
MR. WOODS: Speculation.
THE WITNESS: I can't figure it out. That is a code. Sorry.
BY MR. GALERSTON:
Q. Quite all right.
A. Oh, here it is right at the bottom it tells you what the code is. L is last year's pounds. T is this year's pounds. Dollars is this year's dollars. U where shown this year's unit per.
Q. That would be the cost?
A. So we look at that, 14,000 would have been last year's pounds. That would be '69.
Q. And 6 would be this year's pounds?
A. Right.
Q. Got you. Okay.
A. And dollars, and then this unit per, we don't show anything for that.
Q. Okay. I wanted to jump forward and see if we can't finish this up.

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MR. GALERSTON: Let's go ahead and take a break.
THE VIDEOGRAPHER: We're going off the video record. The time is 2:39. This concludes tape number three of the videotaped deposition of Carlo Martino.
(Recess from 2:39 to 2:47.)
THE VIDEOGRAPHER: We are now back on the video record. It's now 2:47. This begins tape number four of the videotaped deposition of Carlo Martino.
BY MR. GALERSTON:
Q. We are getting towards the end of this exhibit. I have turned you to page 547281. This is a S.A.R phone book dated December 1969. Do you see that, sir?
A. Yes. I have -- the page you gave me was 7957.
Q. This one? I gave you the wrong one then. Okay. Let me put you on the right page. I appreciate you keeping me honest there. We are looking at 547281, and I've highlighted all of the Watertown Manufacturing Company references. The last three are specific to the Madison, Georgia, facility, correct?

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A. Yes.
Q. Are you familiar with this document, this format of a document?
A. No, I'm not.
Q. So, when we look at the first line for Madison, Georgia we see molding material dash re we don't know what type. It indicates that in the prior year it was 95,000 pounds of material, correct?
MR. WOODS: Objection to form. Compound question. Assumes facts.
THE WITNESS: Yes. And that fits because in '68 the total of molding material of regular molding material was 95,500.
BY MR. GALERSTON:
Q. And then we see for the heat-resistant material for the prior year there was a 7,000 pound credit?
A. Yes.
Q. And then in '69 there was 14,000 pounds used?
A. The credit, that fits also.
Q. '69 I believe 14,000?
A. 14,000 -- let's see -- that fits also. 14,000 pounds in '69.
Q. Actually, it's 13,500, so it appears that

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they rounded up. We see also this is consistent with the information that we saw before?
A. Yes.
Q. Okay. So, again, this indicates to us that while the reports that we looked at here that you had were from 1969 that the relationship between Madison, Georgia and Union Carbide did exist back in 1968?
A. Yes.
Q. Then we go forward a couple of pages to that page I gave you before 567957?
A. Yes.
Q. Then we see the Watertown and then here we look at the Madison, Georgia and we see as of December '68 it's reporting that in 1967 Watertown Georgia was using 15,000 pounds of heat-resistant material and 2,000 pounds of the other material, correct?
A. Yes.
Q. So, according to this, we see evidence that the relationship goes back to 1967?
A. Yes. But they must have returned some of that 15,000 pounds to get the credit. They must have returned half of it. They did because it would be 7,000 some pounds that they got a credit for.

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Q. Again, those would be the '67 and the '68 numbers are not included in your calculations, correct?
A. Yes.
MR. WOODS: Objection to form. Mischaracterizes his testimony.
THE WITNESS: The '67 are not included. The '68 are.
BY MR. GALERSTON:
Q. I apologize. You are right.
A. So the '67 would add another, if you take what they returned out, another 10,000 pounds.
Q. Okay. If we go to the next page, Bates number 568530 another report dated December 1970. It's a Group I analysis D-5 List III alphabetic list of 100,000 dollar customers, correct, sir?
A. Yes.
Q. Is there a listing for Watertown and then there is information with regards to their materials and their pounds and dollars spent and projections, correct?
A. Yes.
MR. WOODS: Objection. Foundation. Calls for speculation.
THE WITNESS: And that is Connecticut

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because that 44 shows up on the '70 sheet. I think. Yes, on the '70 sheet, it shows 44,000 pounds for Watertown, and that fits this 44,000 this year-to-date for Watertown -- that is Connecticut, I believe.
BY MR. GALERSTON:
Q. Let's go ahead and look at the last page of this document Bates 575285 Chemical and Plastics Customer Master Listing as of December 1974. Do you see that, sir?
A. Yes.
Q. And looking at this, we see that the first name on this list is the Water Master Company. And then we see Margaret Waterston, Water Associates, Waters Manufacturing, then we see Watertown Supply Company, and then we see Watervliet Paper Company?
A. Yes.
Q. Watervliet Arsenal. Watertown Manufacturing is not listed here. Do you know why they would be omitted from this list?
A. I don't think there were any sales.
Q. If we look at the last page of Exhibit 32, we will see that there were 1974 sales, the last page has sales in 1974?
A. Is this for --

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Q. Chemicals and plastics customers?
A. Depends on whether there was a cut-off in terms of total sales. Madison, Georgia location there were some sales, but very little, 600 pounds of 200 and a thousand pounds of 2798.
Q. Looks like some sales to Connecticut because the part above it has been omitted. It's under Siemons. They didn't give me Siemons. You got it?
A. What happened?
Q. Counsel figured it out. In 1974 the name was changed Siemons.
A. Oh, okay.
Q. And so it Siemons Madison is what we were looking at here, and it appears that whoever prepared this document did not pull -- they pulled this to show that Watertown wasn't there, but it probably was not included because it was now being included listed under Siemon.
A. Okay.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 30 was marked for Identification.)
BY MR. GALERSTON:
Q. All right, sir. I marked these before, but we haven't talked about them. I show you Exhibit

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30. This is correspondence from your file which relates to Union Carbide's correspondence with Watertown Manufacturing. If I understand it correctly, all of this relates to BMG 0750, correct?
A. Yes.
Q. BMG 0750, according to your documents that you have, indicates that it was a nonasbestos-containing material, correct?
A. That's correct.
Q. It appears that there was some questions as to the use of a handling of this, and this correspondence that we see here in Exhibit 30 reflects that Union Carbide is working with Watertown to make this a usable material, correct?
A. That's correct.
MR. WOODS: I will object to the form of the question as being ambiguous. I think he testified earlier that the documents relate to Watertown, Connecticut.
(Whereupon, Plaintiff's Deposition Exhibit No. Martino 31 was marked for Identification.)
BY MR. GALERSTON:
Q. I am going hand you what I have marked as Exhibit 31 to your deposition. This is a memo dated

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March 19, 1968 regarding a sample of kneel light. Correct sir?
A. Yes.
Q. Are you familiar with Neillite?
A. I wasn't until I saw this letter.
Q. What is Neillite to the best of your knowledge?
A. It appears that Watertown was making some of its own molding material.
Q. How do you come to that conclusion?
A. Well, it says here that it is a two-step, 1.45 specific gravity phenolic molding material made by Watertown Manufacturing Company.
Q. And how do you know they weren't obtaining it from others?
A. What?
Q. How did you come to the conclusion they were manufacturing it and not obtaining it from others?
A. Because it says here "made by."
Q. Okay. Do you understand what the use of Neillite was?
A. No.
Q. Do you understand what the composition of Neillite is?
A. No.

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Q. BMG 549DBK 25, what type of material is that?
A. That is woodflour-filled material with a small amount of asbestos in it.
Q. Do you know whether or not Neillite was manufactured in Connecticut, Georgia, both or neither?
A. I don't know where it was made.
Q. Do you know whether Mr. Butler ever worked with Neillite?
A. Butler?
Q. Mr. Butler.
A. Oh, the -- your --
Q. The plaintiff in this case.
A. The plaintiff. It doesn't appear as if he did. This was related to Connecticut. I didn't see any, you know, whether he did or not. I wouldn't know whether Connecticut would send some of their molding material to Georgia or not, if they manufactured it only for their use in Connecticut or whether they sent it to their other location as well.
Q. All right. Sir, based upon your review of Mr. Butler's testimony and his description of his work that he did, do you have any reason to doubt that Mr. Butler worked with and around phenolic

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molding compounds?
A. No, not -- I doubted whether all of the materials he worked with were phenolic molding compounds, but he did definitely use phenolic molding compounds.
Q. Do you have any reason to doubt that some of the phenolic molding compounds that he worked with were manufactured and sold to Watertown by Union Carbide?
MR. WOODS: Objection to form. Foundation. Speculation.
THE WITNESS: Some that he used were sold to Watertown Connecticut?
Q. No. Watertown generally?
MR. WOODS: Same objection.
BY MR. GALERSTON:
Q. To Georgia. Let me be more specific. Do you have any reason to doubt that Mr. Butler worked with phenolic compounds sold by Union Carbide to Watertown's Madison, Georgia facility?
MR. WOODS: Objection to form of the question. Foundation. Calls for speculation. Outside the witness' knowledge.
THE WITNESS: He worked with the ones that I listed.

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BY MR. GALERSTON:
Q. Okay. You would agree that based upon his job description and the work that he did, he would have handled Union Carbide's phenolic compounds doing his job?
MR. WOODS: Objection to the form. Excuse me.
THE WITNESS: I'm sorry.
MR. WOODS: Objection to the form. Foundation. Calls for speculation. Outside the witness' knowledge.
THE WITNESS: He would have used the amounts that I came up with and the types I came up with.
BY MR. GALERSTON:
Q. You would agree with me that the amounts and the types that you have found based upon your review of the records some of which were asbestos-containing?
MR. WOODS: Objection to form. Foundation. Calls for speculation.
THE WITNESS: Some were, yes. Best as I could determine, they were 28,500 pounds that he used over a period of '68 to '74. It could be a little bit more because I don't

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have the figures for '67 or '66 or --
BY MR. GALERSTON:
Q. Or '73?
A. Or '73. I don't know whether there were sales. We would have to determine why it's missing from all the documents. But to the extent that we've disclosed what we know about what he was using and what we sold there, we -- it was about 30,000 pounds were heat-resistant and contained asbestos. The remainder -- now, the color, we have to determine. That is 2,000 pounds, whether that contained asbestos or not. The remainder appears to be the 2798, which did not contain asbestos, and that is about 100,000 pounds. And that's a small percentage of what I think they were using, very small.
Q. Between 1968 and 1974, at what time period did Union Carbide start to place warnings with regards to the hazards associated with asbestos on the packages that Mr. Butler would have handled?
MR. WOODS: Objection to form. I think you've already asked these questions before.
THE WITNESS: The labeling began in 1973 about May. We were stamping the bags and the Gaylords, and the drums, if we were using

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drums then. Now we don't show any '73 sales. So whether it would have been '74, whether or not there were additional sales, they would have seen the labels then.
BY MR. GALERSTON:
Q. So at the earliest, based upon the records that we see before us, if you assume that there were no sales in 1973, and based upon the sales pattern and practice up until that point, don't you agree with me that it's unlikely that there were no sales in 1973?
MR. WOODS: Objection to form. Foundation. Calls for speculation.
THE WITNESS: That, I don't know. We had a big, you know, there was a recession in '73, a very severe one. What happened, I don't know. But certainly, you know, if it's important, we would have to look again why those '73 scrolls are not available. It would be easy to do.
BY MR. GALERSTON:
Q. So, assuming there were no sales in 1973, the first time that Union Carbide shipped any products that would have had the asbestos warning would have been in January 1974 based upon the sales records

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that we see on the Exhibit 32?
A. Let's see. '74 they bought --
Q. I said January. It appears the first sales were in March of '74. I take that back.
A. They would not have seen that in '74 either because they didn't buy any products that had asbestos in them in '74. They bought 2080 and they bought 2798. Those wouldn't have had any labels on them.
Q. So, basically, the entire time that Mr. Butler would have worked with and handled Union Carbide asbestos-containing phenolic compounds, none of them would have been stamped with a warning, correct?
MR. WOODS: Objection to form. Foundation. Assumes facts not in evidence. Outside of the witness' knowledge.
THE WITNESS: None that they received in '74, and we have to determine whether there were any sales in '73.
BY MR. GALERSTON:
Q. And certainly all the once between '67 and '72 would not have been marked?
A. No. They would have had dust warnings on them, but not asbestos warnings.

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Q. Do you know if Union Carbide ever offered to go into Watertown's Georgia facility to do asbestos exposure testing for them?
A. I was never contacted to do it for them. I know there is some customers that had asked for us, and our policy was to refer them to some organization outside of our organization to do it for them. I don't know what happened in Georgia, ,whether they talked to our salespeople and got -- they were not one of the companies that I was told about.
Q. Did you see any communication between Union Carbide and Watertown Manufacturing in the Georgia facility advising them of the hazards associated with asbestos from the handling of Union Carbide's phenolic compounds?
A. I didn't see it, but that would have been done by our salespeople. I wouldn't see all the correspondence that they gave their customers.
Q. You haven't seen -- counsel hasn't provided you with and you are not aware of any that are in the repository indicating communications between Union Carbide and Watertown's Georgia facility warning them of the hazards associated with asbestos?

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A. I haven't seen anything, no.
Q. Based upon his testimony and his work practices, do you believe that Mr. Butler did anything that contributed to his exposure to asbestos that he should not have done?
MR. WOODS: Objection to form. Foundation. Calls for speculation. Asking for an expert opinion.
THE WITNESS: I think that he should have been more assertive about the dust in his area, if it was as bad as he described it, he should have done more to, you know, with his own management to reduce the dust in his level or at least complain about it. Apparently -- I mean, he did get a mask, but he said the mask didn't work that well. I think he should have gone back to management and told them about it and tried to get some more help.
Now, he did imply that management was not too receptive, that they complained and they didn't get much response either. To what point do you push and then lose your job, I don't know, but I think he could have done a little more. He seemed to be a very

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articulate person, so I think he -- I was impressed with how -- with his deposition as to how he clearly spoke. So, it was -- if he was articulate there, I couldn't understand why he wasn't more articulate with his own management.
BY MR. GALERSTON:
Q. Of course, 40 years' of life experience might change a man a bit, would you agree?
MR. WOODS: Objection to form. Foundation. Calls for speculation. Vague.
THE WITNESS: Well, yes. More self-confident and more experience at asserting yourself.
BY MR. GALERSTON:
Q. Was there any of his work practices that you found to be inconsistent with your understanding of the handling of Union Carbide's phenolic materials?
A. No. That was pretty common practice to put the material into the hopper. Now, a lot of our customers used air handling facilities and aerate the material up into the hoppers so you didn't have to go up on the platform and dump it in. A lot of them used Gaylords to do that and that certainly reduces exposure to the dust. Most of them had very

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good ventilating facilities. Square-D was, you know, very clean.
I can't speak for Watertown, Georgia. I can only go by what he said. But if it was that dirty, I am surprised he stayed for eight years.
Q. You never were in either one of the Watertown facilities, were you?
A. No.
Q. Well, Mr. Martino, I believe that is all the questions I have. I am going to pass the witness. I may have an few more follow up, sir.
MR. WOODS: Anybody on the phone?
MR. THACKSTON: I do have a couple of followups, if it's my turn.

EXAMINATION

BY MR. THACKSTON: .
Q. Sir, my name Robert Thackston. I represent Reichhold in this. Case can you hear me okay?
A. Yes, I can.
Q. Do you have any information about the work that Mr. Butler did other than his deposition transcript?
MR. WOODS: That is a question to you.
THE WITNESS: Me?

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MR. WOODS: Yes, you are being deposed.
THE WITNESS: Do I have what?
BY MR. THACKSTON:
Q. Do you have any information about the work that Mr. Butler did other than the description he gave in his deposition?
A. Not -- all I know about what he did there was what he described. I wasn't there to see it. I am just comparing it to what I have seen at other locations.
Q. And I believe one -- you consider -- we didn't go over your background in this deposition, but you consider yourself knowledgeable in the field of phenolic molding compounds, is that fair?
A. Well, I worked -- I was the R&D group manager for the molding material business from 1960 to 1974.
Q. And were you generally familiar with the participants in that industry, the manufacturers of phenolic molding compounds?
A. Yes, I was.
Q. I believe you noted earlier that Mr. Butler claimed that work with some phenolic molding compounds made by companies that did not make them at all. Didn't you say that?
A. Yes, I did.

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Q. And he also, from the work that he described doing, are you able to say which or what portion of that work would have involved any asbestos-containing compounds, if any?
MR. GALERSTON: Objection to form. Calls for speculation. Mischaracterizes previous testimony.
THE WITNESS: I can only say that the ones that I identified that we supplied that contained asbestos he probably used. With regard to what our competitors were supplying, I have no information.
BY MR. THACKSTON:
Q. Even with regard to what your records show about your sales, do I understand correctly that they show that Union Carbide supplied some that contained asbestos and some that did not?
A. That's correct.
Q. And with respect to say a percentage of Mr. Butler's overall work that may have involved the asbestos-containing compounds, is there any way for you to tell that as far as you know?
A. No, because I don't know what our competitors supplied, and, you know, whether they, how much asbestos they contained. And where I said that the

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companies like American Cyanamid and Monsanto did not supply phenolic molding materials, they did supply melamine molding compounds, which were light-colored, and it is possible that he just assumed that those were phenolic molding materials. Now, a few that I did mention I don't think we even made the melamine. So I don't know where he came up with those.
Q. He mentioned a couple of companies -- he claimed a couple of companies manufactured phenolic molding compounds that he worked with that you don't know to be participants in the industry at all, is that fair?
A. Oh, I know them, yes. I know American Cyanamid and I know that they made melamine moulding materials. I also know that they did not make phenolic molding compounds. I know the same about Plaskon. I don't think they -- I don't recall them being in the phenolic molding material business either. Hercules, I don't recall them doing any phenolic molding material business, in the business. Koppers also.
Q. I'm sorry. I didn't mean to cut you off.
A. DuPont, they did not make phenolic molding materials.

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Q. So, would your conclusion be based on your education and experience that Mr. Butler was simply mistaken about having worked with those brands of phenolic molding compounds?
A. My conclusion was that he considered everything he was handling phenolic molding materials. Where he got the idea that all of these people were suppliers of those materials, I don't know.
Q. With respect to the name Reichhold, other than what Mr. Butler recalled, you don't have any information about sales of Reichhold of phenolic resins to that plant, do you, sir?
A. No, I don't. The only thing is his statement that Reichhold and Durez were the largest, that he used those the most. But I have no access to any of your sales records or anybody else's sales records.
Q. We believe that he was mistaken with respect to the identification of a lot of molding compounds, don't we?
MR. GALERSTON: Objection. Form. Argumentative.
THE WITNESS: Not molding compounds, just the source of the molding compounds.

BY MR. THACKSTON:
Q. Are you familiar with Durez as a manufacturer of phenolic molding compounds?
A. Yes, I am.
Q. Are you aware of the type of asbestos that Durez used in some of its compounds?
MR. GALERSTON: Objection. Form. Calls for speculation.
THE WITNESS: I don't know where they purchased their asbestos.
BY MR. THACKSTON:
Q. Are you aware that they used crocidolite asbestos in some of their molding compounds?
MR. GALERSTON: Objection. Form. Asked and answered. Calls for speculation.
THE WITNESS: I don't know.
BY MR. THACKSTON:
Q. Has it not been brought to your attention or have you reviewed any materials either while you were working or in the course of litigation that showed that Durez made a type of molding compound that contained crocidolite asbestos?
MR. GALERSTON: Objection. Form. Asked and answered. Argumentative. Repetitive.
THE WITNESS: No, I am not aware. I

don't know the specific formulations that Durez manufactured.
BY MR. THACKSTON:
Q. Are you aware of a use of molded products during the time that you were working that called for crocidolite asbestos as an ingredient of the phenolic molding compound?
A. You mean in anybody's facilities?
Q. Yes, sir.
A. No, I'm not.
Q. And are you aware of anyone putting a warning, any manufacturer of phenolic molding compounds putting any type of warning on those products regarding asbestos prior to 1973?
A. We did.
Q. With respect to general dust?
A. No. With respect to asbestos.
Q. I may have misunderstood you. I thought your testimony was that the first asbestos warning that you would have ever put on one of these compounds would have occurred in 1973?
A. That was correct.
Q. Was I wrong?
A. No. You weren't wrong. That was correct. The dust label -- maybe I misunderstood your

question, but the dust labels we had on in the '60s.
Q. Let me make sure I get it right this time. Are you aware of any manufacturer of a phenolic molding compound putting an asbestos warning on that compound prior to 1973?
A. No, I'm not.
Q. Okay. I believe those are the questions I have. Thank you very much.
A. You are welcome.
MR. WOODS: I don't have any questions.
MR. GALERSTON: No further questions for plaintiffs.
THE VIDEOGRAPHER: It's 3:21. We are now concluded with the videotaped deposition.
MR. THACKSTON: Thank you guys.
MR. WOODS: The witness is going to read and sign the deposition.
(Whereupon, the deposition was concluded at 3:21 p.m.)

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ERRATA

I wish to make the following changes, for the following reasons:

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CARLO MARTINO DATE

ACKNOWLEDGEMENT

I, CARLO MARTINO, the witness herein, having read the foregoing testimony of the pages of this deposition, do hereby certify it to be a true and correct transcript, subject to the corrections, if any, shown on the attached page.

_____
CARLO MARTINO

Sworn and subscribed to before me, this day of , 2009.

_____
Notary Public

CERTIFICATE

I, JEANNETTE McCORMICK, a Certified Shorthand Reporter and Notary Public, certify that the foregoing is a true and accurate Computerized Transcript of the Deposition within.

I further certify that I am neither attorney, of counsel for, nor related to or employed by any of the parties to the action in which the Depositions are taken, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in the action.

JEANNETTE McCORMICK, C.S.R.
My Commission Expires on December 20, 2012
Certificate No. 920