

James E. Heffron - 11-12-08 Page 1 JEFFERSON CIRCUIT COURT TOM ROBERTSON PLAINTIFF VS TRANSCRIPT OF THE VIDEOTAPE TESTIMONY OF JAMES E. HEFFRON GARLOCK, etc. DEFENDANTS *** (November 12, 2008) Nancy L. Nunnelley, RMR Kentucky Certification No. 20042B131 4413 Chenwood Lane Louisville, Kentucky 40299 (502) 267-4156 nunnelleys@insightbb.com Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 2 1 APPEARANCES: 2 3 For the Plaintiff 4 Joseph D. Satterley, Esquire J. Robert Shelton, Esquire Sales, Tillman, Wallbaum, Catlett & Satterley 325 West Main Street Louisville, Kentucky 40202 6 7 8 For the Defendants 9 John K. Gordinier, Esquire Pedley & Gordinier 455 South Fourth Avenue, Suite 1150 Louisville, Kentucky 40202 11 12 Rebecca F. Schupbach, Esquire Stites & Harbison 400 West Market Street Louisville, Kentucky 40202 13 14 15 16 *** 17 18 19 20 21 22 23 24 25 Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 3 1 THE FOLLOWING IS A TRANSCRIPT OF THE 2 VIDEOTAPED TRIAL TESTIMONY OF JAMES HEFFRON IN THE 3 ABOVE-CAPTIONED MATTER ON NOVEMBER 12, 2008: 4 *** 5 MR. SHELTON: Your Honor, plaintiff would 6 call James Heffron. 7 MR. GORDINIER: No, please. 8 MR. SHELTON: May we approach? 9 MR. GORDINIER: Mr. Heffron is a witness 10 called by Garlock. He kindly agreed to -- 11 THE COURT: Approach, please. 12 (BENCH DISCUSSION) 13 THE COURT: Yes, sir. 14 MR. GORDINIER: For the last -- excuse me. 15 For the last -- several days ago I asked if it would 16 be agreeable to put on Mr. Heffron out of order. And 17 the plaintiffs agreed that he could be put on out of 18 order today after they finished with their two 19 witnesses. I have Mr. Heffron here. I want to put 20 him on the stand. I've been -- it's been agreed that 21 I could do so. 22 The plaintiffs have been asked again and 23 again and again, who are you going to use today? Who 24 are your witnesses going to be? And they have never 25 mentioned James Heffron. Mr. Heffron is here now. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 4 1 He's being called by Garlock out of order. The 2 plaintiffs have agreed to it. End of story. 3 MR. SHELTON: No, that's not the end of 4 the story, Your Honor. Mr. Gordinier stated that he 5 wanted to bring Mr. Heffron in because he wasn't 6 going to be available when he had his case in chief. 7 MR. GORDINIER: That's right. 8 MR. SHELTON: I said fine. Bring him in. 9 I'll let him bring in a witness in the middle of our 10 case. That doesn't mean, Your Honor, that I cannot 11 call him in my case in chief. I'm accommodating. 12 THE COURT: It sure would seem to be that. 13 I think that's a fair reading of what that means. 14 MR. SHELTON: Your Honor, he's going to be 15 -- we've accommodated as requested Mr. Gordinier by 16 allowing Mr. Heffron to be injected into our case. 17 THE COURT: Right. 18 MR. SHELTON: I never agreed, however, 19 that I would not call him as a witness and ask him 20 questions first. That's all -- this is an issue 21 who's going to direct and who's going to cross him. 22 THE COURT: I think -- I'm assuming you -- 23 you didn't -- 24 MR. SHELTON: Specifically address this, 25 we did not. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 5 1 THE COURT: -- do it on purpose. But I 2 can't imagine -- I'm picturing that conversation in 3 my head, and I can't imagine Mr. Gordinier came away 4 with any impression other than he would be permitted 5 to call his witness out of order -- 6 MR. GORDINIER: And also -- 7 THE COURT: -- and call him as his 8 witness. 9 MR. GORDINIER: Yes. And, also, Your 10 Honor, Mr. Heffron is not on plaintiff's witness 11 list. This is the first that we've been -- 12 THE COURT: I agree. I think I appreciate 13 your accommodating him, but in the spirit of that 14 cooperation, he should be called out of order by the 15 person who's calling him. 16 MR. SHELTON: So now I'm going to have to 17 cross him at 5:15, 5:30? 18 MR. GORDINIER: No. 19 MR. SHELTON: So I'm penalized because -- 20 MR. GORDINIER: If you -- 21 THE COURT: No, wait, whoa, whoa, whoa. 22 Don't talk to each other. Talk to me. 23 MR. GORDINIER: If you will let me start 24 my examination now, it will be finished by 4:30. 25 THE COURT: Okay. Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 6 1 MR. SHELTON: That's fine. 2 MR. GORDINIER: He has a plane to catch. 3 MR. SHELTON: That's fine. 4 THE COURT: Okay. 5 MR. SHELTON: All right. 6 THE COURT: All right. 7 (OPEN COURT) 8 THE COURT: Folks, what we're discussing 9 is Mr. -- and I'm going to say his name wrong. 10 Heffron? 11 MR. GORDINIER: Mr. Heffron, Mr. James 12 Heffron. 13 THE COURT: Mr. Heffron by agreement of 14 the parties is being called out of order. He's 15 actually a witness that Garlock had intended to call 16 during their case in chief, but because Mr. Heffron 17 will not be available by the time we get to that 18 point, Mr. Satterley and Mr. Shelton have agreed to 19 allow him to be called now. So it's a little strange 20 that you're going to have a -- a -- going to have 21 Mr. Gordinier do the direct examination before his 22 case actually begins. 23 But I remind you of something. And again, 24 I'm sorry that I can't keep straight what I've told 25 you-all because I didn't do my usual spiel about Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 7 1 witnesses. But the truth is it doesn't matter who 2 calls a witness because it's not who calls them or 3 who asks them questions. It's only the answers that 4 they give that are important, and they're only 5 important to the extent that you think they're 6 important. And you'll figure out how they fit in, if 7 at all, in the overall picture when you're figuring 8 out your decision in this case. So with that 9 understanding and with appreciation for the courtesy 10 shown by both counsel in allowing this to take place, 11 it's my understanding that Mr. Heffron will be the 12 next witness. 13 MR. GORDINIER: Yes. Thank you, Your 14 Honor. 15 MR. SATTERLEY: Your Honor, Doctor Dodson, 16 may he remain in the courtroom? 17 THE COURT: Absolutely. 18 MR. SATTERLEY: Thank you. 19 THE COURT: Please come forward, sir. 20 That's fine. Go ahead and -- go ahead and climb up 21 there first. There you go. 22 (WITNESS SWORN) 23 THE COURT: Thank you, sir. Please make 24 yourself comfortable. Once you've done so, if you 25 will state your full name and spell your last name Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 8 1 for the record. 2 MR. HEFFRON: James E. Heffron, 3 H-E-F-F-R-O-N. 4 THE COURT: Thank you, sir. 5 MR. GORDINIER: Judge, to make you feel a 6 little bit more comfortable, and I know to make the 7 jury feel a little bit more comfortable, Mr. Heffron 8 has a plane to catch to go back to Rochester. So I'm 9 going to keep my direct examination as brief as 10 possible. 11 EXAMINATION BY MR. JOHN K. GORDINIER 12 MR. GORDINIER: Mr. Heffron, where do you 13 live, sir? 14 MR. HEFFRON: Geneva, New York. 15 Q. And by whom are you employed? 16 A. Garlock Sealing Technologies, LLC. 17 Q. Okay. And how long have you worked for 18 Garlock? 19 A. Approximately 35 years. 20 Q. What is your present position with the 21 company? 22 A. Senior marketing manager, voice of the 23 customer. 24 Q. And over the last, oh, 35 years that you 25 have worked for Garlock I assume that you have had a Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 9 1 variety of positions with the company? 2 A. Yes. My time's been spent about a third 3 with sales, a third in marketing and a third in 4 manufacturing management. 5 THE COURT: Mr. Gordinier, can I get you 6 to move again to your left? 7 MR. GORDINIER: Sure. 8 THE COURT: There you go. That's perfect. 9 Thank you. 10 MR. GORDINIER: How's this? 11 THE COURT: Perfect. 12 Q. Okay. And where is Garlock located? 13 A. In a small town by the name of Palmyra, New 14 York, which is in upstate New York east of Rochester 15 and west of Syracuse. 16 Q. Is that the same area that you live? 17 A. I live about 20 miles away from there. 18 Q. Okay. And what is the business of Garlock? 19 A. They manufacture fluid-sealing products, 20 products that are designed to reduce or eliminate the 21 loss of fluids and gases. 22 Q. We've heard the word gasket mentioned over 23 the last few days. 24 A. Yes. 25 Q. Is gaskets a fluid-sealing product? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 10 1 A. Yes. The majority of the business is 2 either a gasket, which typically goes between two 3 pipe flanges, or a packing, which typically goes 4 either in a valve or a pump. There are other forms, 5 of course. 6 Q. Okay. And what else has Garlock made over 7 the years? 8 A. A whole variety of products. It makes 9 elastomeric expansion joints. Those are flexible 10 rubber connectors that go between piping systems to 11 eliminate noise, vibration and so forth. They 12 manufacture mechanical seals. Those are referred to 13 as rotating face seals that are used in things like 14 anything from a washing machine to a car engine. A 15 lot of real special items for OEM customers, rubber 16 molded gate valves that go into water valves, 17 transfer belts for Xerox copiers, a host of different 18 materials. 19 Q. When did the company start business? 20 A. It was started in 1887 in a town close to 21 Palmyra and incorporated in Palmyra in 1905. 22 Q. Okay. And since they began business in the 23 last century have gaskets been one of the products 24 that they have made? 25 A. Yes. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 11 1 Q. Would you briefly tell the jury the purpose 2 of a gasket as used in an industrial setting? 3 A. I'll start by digressing for just a second 4 saying if you think of the rubber gasket that's in a 5 hose, your water hose in your house where you turn it 6 onto the spigot, that's a gasket of sorts. The 7 gasket that's on your refrigerator when you open and 8 shut the door to keep the cold air in. 9 But generally what we're dealing with are 10 industrial applications where we've got a run of pipe 11 or a valve or a compressor or a pump where the gasket 12 is used to help join two machine metal components to 13 make up for the inaccuracies of that and to keep the 14 fluid that's inside, oil, gas, steam, caustic, 15 whatever it might be, from leaking out into the 16 environment. 17 Q. Okay. Has Garlock ever manufactured 18 textiles? 19 A. Yes. Garlock had a textile plant in its 20 main plant in Palmyra, New York, from about 19 -- the 21 early 1919, I think, to 1975. Textiles is anything 22 that is made in a certain manner. It can be cloth, 23 which was incorporated into some of the packings and 24 gaskets that we manufactured, or yarn which was used 25 to braid packing. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 12 1 Q. Was the manufacture of textiles separate 2 and apart from the manufacture of gaskets? 3 A. Yes. Textile manufacturing is a pretty 4 specialized business, and so the equipment which you 5 use for that is unique. It's not the same as what 6 you use to make packing or gaskets. 7 Q. From the, I guess, the time Garlock went 8 into the business of making gaskets for industry had 9 they made asbestos-containing gaskets? 10 A. Yes. They made -- from 1905 until December 11 31st of 2000 Garlock manufactured compressed asbestos 12 gasketing materials. 13 Q. And from 1905 until the present day has 14 gaskets manufactured -- do they still manufacture 15 nonasbestos-containing gaskets? 16 A. Yes. 17 Q. What determines, sir, whether a particular 18 application that is for use in a piping system, what 19 determines whether you use a nonasbestos-containing 20 gasket or an asbestos-containing gasket? 21 A. Well, there's a -- depending on the 22 complexity of the application, but there's a host of 23 different things that you think about. But obviously 24 the customer ultimately decides what it is they're 25 going to use. But we have an acronym that we use Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 13 1 called TAMPs, temperature, application, media, 2 pressure and size when it applies to gasketing. And 3 all those are factors that -- or could be factors in 4 the selection of a gasket material. 5 Temperature, for instance, asbestos was good to 6 750 degrees continuous, and it was used at 7 temperatures higher than that. 8 Application could be, like I mentioned earlier, 9 could be between a pipe flange. It could be a casing 10 gasket on a pump. 11 Media is the fluid that's being sealed. Is it 12 a liquid or is it a gas, is it corrosive, is it going 13 to attack the gasket material and cause it to fail. 14 Pressure obviously is also important. It could 15 result in the gasket blowing out. It also has a lot 16 to do with the integrity of the material to begin 17 with. 18 And size is an issue because not all materials 19 can be made in all sizes that gaskets are required. 20 Q. Okay. Does Garlock now have and have they 21 had in the past an active research and development 22 arm? 23 A. Yes. Sometimes in Garlock's history it's 24 had a -- an area that was exclusively responsible for 25 research and development. But generally in the years Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 14 1 that I've been there it's been part of each small 2 business unit, it's their responsibility to 3 understand customers' needs and develop products to 4 meet those needs. 5 Q. All right. And has Garlock worked with 6 companies in the development of both -- when I say 7 companies, I mean in industry, have they worked with 8 these companies in the development of both 9 asbestos-containing and nonasbestos-containing 10 gaskets? 11 A. Yes. I have most of my familiarity, of 12 course, with nonasbestos materials since they really 13 began to be popular in the late '60s and then in the 14 early '80s. A couple of notable ones, Dupont was the 15 original inventor of a material called Teflon. 16 That's their trade name. It's a chemically inert 17 material that's got a lot of interesting and 18 excellent properties. 19 Garlock worked with Dupont on a process that 20 they developed called the HS10 process which allowed 21 it to restructure Teflon, add filler materials and 22 reduce one of the -- the big issues associated with 23 Teflon, which is its tendency to cold flow, which 24 essentially just means that it would change its 25 thickness over time, which is not what you want to Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 15 1 have a gasket do. 2 Another material would be Blue-Gard, which was 3 the first nonasbestos compressed gasketing material. 4 And, again, we worked with Dupont with their Kevlar 5 fiber to come up with a version with their 6 cooperation that would -- that would work in that 7 manufacturing process. 8 And then maybe perhaps more to the point, also, 9 it's always been a practice for Garlock to ask its 10 customers if they're not satisfied with the 11 performance of their product or in the development of 12 a new product they're not satisfied, that they 13 provide us with samples of the failed material, which 14 we then -- can then kind of do an autopsy on to 15 determine what was the method of failure to see if we 16 can overcome that in the next version of that product 17 or a new product. 18 Q. In the development of the Gylon product, 19 Gylon hyphen Dupont product, what was that -- that 20 particular nonasbestos-containing gasket designed to 21 -- what purpose was it designed to fill? 22 A. Well, it was designed to take care of the 23 media, which is part of that TAMPs, where the media 24 in particular is corrosive. It's -- it's going to -- 25 it's like an acid or a caustic, severe acid or Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 16 1 caustic services. 2 Could I get a glass of water, any chance? 3 Q. Yes, sir, you sure may. 4 A. I'm sorry. 5 Q. Oh, my goodness. That's service for you. 6 Thank you very much. 7 Okay. So if I understand you correctly, the 8 project that Garlock and Dupont entered upon was for 9 the development of a nonasbestos-containing gasket 10 for use in highly caustic process lines and acid 11 lines, is that correct? 12 A. Yes. The areas where Teflon had originally 13 been introduced but had some shortcomings. 14 Q. And when was the Gylon product introduced? 15 A. The first version of Gylon was introduced, 16 actually the first two versions of Gylon was 17 introduced in 1965. And there has been a number of 18 other styles of Gylon developed since then, 19 introduced. The most notable other two were in 1982. 20 Q. Okay. Did you bring an example with you or 21 not an example. Did you bring a Gylon gasket with 22 you? 23 A. Apparently not. 24 Q. Okay. Did you bring a -- you mentioned the 25 word Blue-Gard. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 17 1 A. Yes, sir. 2 Q. Did you bring that with you? 3 A. Yes, I did. 4 Q. Now, what is Blue-Gard again? 5 A. Blue bar -- Blue-Gard is a Garlock trade 6 name. And I wish I'd brought an actual style 3000 7 Blue-Gard gasket because they're colored blue. That 8 was the first gasket that Garlock introduced. 9 But Blue-Gard was trade name that was meant to 10 reflect a family of products, a family of products 11 all of which used Kevlar fiber as the reinforcing 12 fiber in the material. 13 So it's available with a variety of elastomers, 14 neoprene, styrene, butadiene, nitro rubber and so 15 forth, and in a bunch of different colors as well, 16 white, off white, black, gray and so forth. 17 Q. And the Blue-Gard was or is a 18 nonasbestos-containing gasket -- 19 A. Yes. 20 Q. -- is that right? 21 A. That's correct. 22 Q. When was Blue-Gard introduced? 23 A. 1980. 24 Q. 1980. And could you -- could you tell me 25 from the beginnings in 1905 when you started to make Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 18 1 gaskets and in particular nonasbestos-containing 2 gaskets, what sort of applications would apply for 3 the nonasbestos-containing gasket? 4 A. Well, it really depends on what the 5 nonasbestos gasketing material is made of. In the 6 earliest days most nonasbestos materials were either 7 rubber, hom -- what we refer to as homogeneous rubber 8 or, in other words, it's all rubber, there's nothing 9 else, or it might be rubber with some kind of a 10 fabric reinforcement, the word being duck, D-U-C-K, 11 which was a Dacron chlorobutanol type material. 12 There are other -- there are other 13 reinforcements, but most of the -- and vegetable 14 fiber was another material. That's -- vegetable 15 fiber is a product that's also a gasketing product 16 made in a different manufacturing process. Did you 17 want me to describe the more modern ones as well or? 18 Q. Well -- 19 A. Okay. 20 Q. -- let me ask you this question. And do 21 you -- do you have a nonasbestos-containing gasket 22 there? 23 A. Yes. 24 Q. Okay. Do you have an asbestos-containing 25 gasket there? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 19 1 A. It's not a gasket. It's a -- it's a -- 2 Q. Compressed sheet? 3 A. Yes. 4 Q. Okay. With the naked eye can you tell 5 whether a gasket contains asbestos or doesn't contain 6 asbestos? 7 A. Not really. 8 Q. They look the same to you? 9 A. Yes, they do. 10 Q. They feel the same? 11 A. Well, they're the same manufacturing 12 process, and they're designed to look and operate the 13 same, yes. 14 Q. All right. Let me ask you this: You 15 mentioned the manufacturing process. What is the 16 manufacturing process for compressed sheet gasket? 17 A. The manufacturing process is in some 18 respects, if you think about it in terms of making a 19 cake, you put in flour. You put in chocolate 20 perhaps. You put in milk. You put in eggs, and you 21 mix it all up. And obviously the milk is an 22 important part of the ingredient in getting it to -- 23 in the consistency you want. 24 Well, we make a product -- when we make 25 compressed gasketing material, we also make a dough, Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 20 1 but it's not the kind of dough you use to make a cake 2 obviously or a pie, I should say. But what you do is 3 you mix fiber, asbestos fiber, nonasbestos fiber with 4 other fillers, which are elastomers or rubber. It 5 can be clay. And you use essentially gasoline. It's 6 technically known as toluene, but it's basically 7 gasoline. And that acts as a solvent to mix this -- 8 all these different materials together until you've 9 got a very homogeneous consistency. Just like if you 10 made a cake, you wouldn't want a piece of flour that 11 wasn't mixed in with the rest of the ingredients. 12 That material is then -- it's not very 13 sophisticated in many respects. After it's mixed in 14 this big mixing bowl, it's dumped into what's called 15 a dough cart, which is just -- does exactly what it 16 sounds like. It's a cart that's used to transport 17 the dough over to what's called a sheeter. A sheeter 18 is nothing more than two rolling pins, if you will, 19 two revolving metal rolls, one of which is heated and 20 one of which is cooled. 21 Again, it's not very sophisticated. A shovel 22 is taken, and the material, the dough is shoveled in 23 between these two rotating surfaces. And it wants to 24 stick and adhere to the heated roll. It builds up. 25 There's an operator watching a gauge. Some of Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 21 1 the methods are more sophisticated now. An operator 2 basically continues to shovel the material in between 3 these two rotating cylinders until the proper 4 thickness has been built up and the proper amount of 5 time has elapsed so that the sheet is cured. It's 6 then -- the equipment is then stopped. A brass knife 7 is taken and cut across the length of the cylinder. 8 The sheet is pulled off. 9 And it then goes through an operation where the 10 Garlock brand, Garlock's name, the style number, the 11 thickness, any other information that might be 12 necessary is branded on the sheet, transferred by 13 kind of like a printing operation. And then it's 14 treated with an anti stick to help its release from 15 the flange after it's no longer in service. 16 Q. We've repeatedly heard the word 17 encapsulation used in the last week, week and a half. 18 What does the word encapsulation mean to you as a 19 manufacturer? 20 A. Encapsulation certainly -- simply means 21 that the -- you've got to have a good, thorough mix 22 of your material. You don't want to have dry spots. 23 You don't want to have portions where -- that aren't 24 encapsulated with the rubber. So encapsulation is 25 the mixing of the material or -- well, in the case of Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 22 1 gasketing, the mixing of the material so that the 2 dough has a homogeneous appearance and texture, so 3 that the finished product is homogeneous as well. 4 Q. Okay. Are the fibers actually encapsulated 5 in these materials you've been talking about? 6 A. Yes. When you -- when you get done, all of 7 the fibers and the fillers and the pigment and 8 everything else, they're all together in one big 9 composite, and they're covered by the rubber material 10 that's part of that construction. 11 Q. You mentioned that Garlock no longer makes 12 asbestos-containing gaskets, is that correct? 13 A. That's correct. 14 Q. You quit, what, December the 31st, 19 -- 15 2001? 16 A. 2000. 17 Q. 2000? 18 A. Yes, sir. 19 Q. Okay. Why did you quit? 20 A. Lack of business for that type of product. 21 Q. All right. Are asbestos-containing gaskets 22 still used in industry to your personal knowledge? 23 A. Yes. As a matter of fact, Garlock is 24 involved in a development program of its latest 25 nonasbestos material, and I've been in contact with Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 23 1 several customers who continue to use compressed 2 asbestos. In this case it was both -- they were both 3 refineries. But I've talked to chemical plants. 4 I've talked to customers, and Garlock in general has 5 talked to customers that are still using compressed 6 asbestos in some applications. 7 Q. Were any of these companies your customers 8 before you quit making asbestos-containing gaskets? 9 A. Yes. 10 Q. Okay. Was -- for instance, was B.F. 11 Goodrich one of them? 12 A. Yes. 13 Q. To your personal knowledge, does B.F. 14 Goodrich still use asbestos-containing gaskets in 15 some of their applications? 16 A. I understand that in some, yes. 17 Q. Do you know where those people have gone to 18 buy their gaskets since you no longer make them? 19 A. Well, if a customer has to have an asbestos 20 and they're convinced that they need it to operate 21 their plant safely, they're going to go to our 22 competitor. 23 Q. Okay. Are there competitors in the United 24 States still manufacturing and selling 25 asbestos-containing gaskets? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 24 1 A. Technically Durabla is not in the United 2 States, but they sell into the United States. 3 They're a Canadian manufacturer. Donita is a 4 Yugoslavian manufacturer. So they're not U.S. 5 manufactured, but they sell product into the United 6 States. So there are a handful of manufacturers 7 around the world who still produce compressed 8 asbestos sheet and will sell it into the United 9 States. 10 Q. Okay. You -- you mentioned earlier a 11 gasket blow-out. Is that when a gasket fails? 12 A. It's one method of failure. I don't have a 13 flange with me, but perhaps the jury has been shown 14 this before. But basically what allows a gasket to 15 work is the load or force that is placed on the 16 gasket by the two -- two mating metal surfaces. And 17 it's held there and kept in contact through what 18 technical people would call a fastener system, 19 basically nuts and bolts and studs. 20 And I've forgotten your question. But -- oh, 21 if -- if insufficient load exists in one of those 22 areas, the gasket can literally blow out, because 23 there's force inside the pipeline which is trying to 24 blow the gasket out, and it's basically the load 25 that's applied on the gasket that keeps it from -- Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 25 1 from blowing out. 2 Q. Okay. Give me, if you would, very briefly 3 some applications in the United States that still 4 require an asbestos-containing gasket. 5 A. And when you say still require, obviously, 6 again, it's the customer who's made the decision that 7 they still, based on their knowledge of their 8 application, that they've made that -- 9 MR. SHELTON: Your Honor, I'm going to 10 object. May we approach, please? 11 THE COURT: Yes, sir. 12 (BENCH DISCUSSION) 13 MR. SHELTON: Your Honor, relevancy. 14 THE COURT: Okay. 15 MR. GORDINIER: Relevancy? Judge, one of 16 the bases for our motions we'll make at the close of 17 their case is that there has been no evidence as 18 required by Kentucky law that substitute products are 19 available if, in fact, asbestos-containing gaskets 20 are required by industry for certain applications. 21 And we've already established that there's no 22 prohibition in the regulations. That goes directly 23 to that point. 24 We are being accused of making -- and 25 accused is the word -- I'm using that word advisedly. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 26 1 We are accused of making a product that contains 2 asbestos as something that is -- shouldn't be done, 3 that is wrong. And certainly the testimony 4 concerning the fact that industry in the United 5 States still requires asbestos-containing gaskets and 6 uses asbestos-containing gaskets is very relevant. 7 THE COURT: We certainly talked about this 8 same issue with two other witnesses. 9 MR. SHELTON: (Inaudible) Your Honor. 10 THE COURT: The industry need for 11 asbestos -- 12 MR. SHELTON: Mr. Gordinier keeps bringing 13 it up. It remains irrelevant. 14 THE COURT: I think the first person who 15 talked about this -- 16 MR. GORDINIER: No. You brought it up. 17 THE COURT: I think the first person who 18 talked about it was Mr. Satterley questioning 19 Doctor -- 20 MR. GORDINIER: Doctor Hammer. 21 THE COURT: -- Doctor Hammer. 22 MR. GORDINIER: Yes. 23 THE COURT: That's the first time it came 24 up. 25 MR. SHELTON: Is the court ruling we Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 27 1 somehow opened the door for the irrelevant evidence? 2 THE COURT: Well, I'm not sure it's 3 irrelevant anyway, but it was relevant enough that we 4 talked about it with the last two witnesses. 5 MR. GORDINIER: Yeah. 6 THE COURT: So I'll allow it. 7 MR. SHELTON: Okay. 8 (OPEN COURT) 9 Q. Now, sir, I was -- I was asking you if you 10 could tell us -- I believe that's what my question 11 was -- some of the applications here in the United 12 States where industry requires or at least their 13 engineers and architects require the use of an 14 asbestos-containing gasket. 15 A. High-temperature steam, exhaust gas, some 16 chemicals like chlorine, caustics, sodium 17 hypochlorite, sodium chloride. So generally the more 18 -- it's the higher-temperature applications, 19 applications that often are oxidizers. We didn't get 20 into that. So there are selected applications, 21 usually high in temperature or very corrosive where 22 customers still require asbestos. 23 Q. And is there danger of injury and death 24 when a gasket fails? 25 A. Well, certainly there can be. In the early Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 28 1 1980s when I was a regional manager down in Texas, I 2 was called to an account where a gasket surface had 3 been improperly finished, and the gasket blew out. 4 It was hot phenol at 400 and some degrees. And one 5 person was killed, and one person was injured. 6 If you -- you remember a couple of years ago 7 when there was a tank car derailment in Georgia, 8 there was a chlorine leak. I don't know that it was 9 the gaskets that leaked, but those are the type of 10 medias that our gaskets or gaskets in general are 11 often sealing against. 12 So there can be explosions. There can be 13 fires. Super-heated steam in a power plant is strong 14 enough to actually cut a -- an appendage off of a 15 person. So there -- they can be very dangerous 16 applications. 17 Q. Are they a safe -- are they essentially a 18 safety appliance? 19 A. Yes. 20 Q. Are you aware personally of situations, 21 companies where the company has changed from an 22 asbestos-containing gasket to a 23 nonasbestos-containing gasket, suffered a blow-out 24 and returned at the insistence of the company's 25 engineers to asbestos-containing? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 29 1 A. Yes. That was particularly true early in 2 the development, but, yes, it still happens. 3 Q. And are you -- are you -- you mentioned 4 earlier that B.F. Goodrich Company was a customer of 5 Garlock's, is that right? 6 A. That's correct. 7 Q. Okay. And do you know personally whether 8 or not they changed from an asbestos-containing 9 gasket to your Blue-Gard gasket for certain 10 applications? 11 A. Yes. There was a report that they wrote in 12 1993 that discussed that whole issue that I'm 13 familiar with. 14 Q. What was your position at the time with 15 Garlock? 16 A. At the time I wasn't in gasketing. I was 17 in packing. I was the vice-president and general 18 manager of our compression packing division. But we 19 share that kind of information because both business 20 units and all the business units were involved then 21 as they are today in developing new products. And 22 anytime a customer reports back a failure, it's 23 something that has visibility in the company. 24 Q. When this blow-out occurred, did the 25 Goodrich engineers come up to the Garlock plant in Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 30 1 Palmyra? 2 A. I believe so, yes. 3 Q. And was the purpose to investigate the 4 failure, why it occurred? 5 A. Yes. They wanted their engineers to meet 6 with our applications engineering people to better 7 understand why the product failed. 8 Q. All right. 9 A. Because they didn't see a -- they didn't 10 see the gasket being chemically attacked, which was 11 what their concern and our concern originally was. 12 It failed for another reason. It was 13 undercompressed. And that, unfortunately, is one of 14 the truisms that exists in the nonasbestos gasketing, 15 and that is that the techniques that you need to use 16 to install and maintain the gasket is more rigorous 17 than what it was for asbestos. Asbestos was a more 18 forgiving material that could be used in -- more 19 widely in applications. And so that's another reason 20 why customers in some cases continue to use it. 21 Q. In 1993 at the conclusion of this 22 investigation with the Goodrich people and your 23 people what decisions were made with regards to the 24 replacement of the Blue-Gard nonasbestos-containing 25 gasket? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 31 1 A. Well, they decided that in some of the 2 applications they would continue to use Blue-Gard, 3 and in some of the applications where the failures 4 occurred, they would go back to an 5 asbestos-containing product. 6 Q. Whose decision was this? 7 A. Well, it was B.F. Goodrich. 8 Q. Okay. Do you have any other examples that 9 you could quickly tell us about? I don't want to 10 keep you long. 11 A. Specific to what, sir? 12 MR. SHELTON: Objection, Your Honor. 13 THE COURT: Approach, please. 14 (BENCH DISCUSSION) 15 MR. SHELTON: It's cumulative, Your Honor. 16 The risk of wasting the jury's time weighed by its 17 relevancy, Your Honor, I'd ask you exercise your 18 discretion in this line of questioning. 19 THE COURT: Okay. Response? 20 MR. GORDINIER: My response is that I'm 21 certainly entitled to continue my cross-examination. 22 However, in the interest of time and my promise to 23 get him out of here, I'm going to just ask him if 24 he's aware of any others. 25 THE COURT: I think that's what he Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 32 1 objected to. Let's see what his answer is. I mean, 2 I -- I think it's -- he has a right to explore it, 3 and he's not pushing the time very close. I'll 4 overrule your objection. 5 (OPEN COURT) 6 Q. Now, I believe my question to you, sir, was 7 are you aware of -- you've talked about this 8 particular incident at Goodrich in 1993. Are you 9 aware of any other examples where major industries in 10 the United States or major companies have attempted 11 to use a nonasbestos-containing product and have 12 elected to go back to an asbestos-containing product? 13 A. Yes. 14 Q. We don't have the time to go into them, so 15 I'm not. 16 A. Okay. 17 Q. Testing, has -- has Garlock tested its 18 products over the years starting in 1905? 19 A. Yes. Garlock has had a test facility. It 20 does functional testing, and it does chemical 21 analysis. It does a whole variety of tests for its 22 products, yes. 23 Q. Would it be safe to say that every time you 24 work with the engineers at, say, Rohm and Haas or 25 Goodrich or any of the other major industrial Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 33 1 facilities in the country that you're basically 2 testing a product? 3 MR. SHELTON: Object, Your Honor, to -- 4 Q. If I misstate it, you can tell me. 5 A. Well -- 6 THE COURT: Overruled. 7 MR. SHELTON: Your Honor, objection. 8 THE COURT: Overruled. 9 A. There's really two things. First of all, 10 the customer expects that before we approach them, 11 that we're going to have done some type of testing. 12 Usually it's a standard industry test. Sometimes 13 it's special tests that we have designed specifically 14 for that customer or that product. 15 In addition to that while Garlock attempts to 16 test its product, it can't possibly duplicate all of 17 the hundreds and thousands of medias, sizes, 18 applications and specifics of every customer's plant. 19 So, yes, in a way customers are often testing 20 the product for us after we provided them with enough 21 incentive and -- that they should believe that it 22 could work. 23 Q. And let me ask you the same kind of 24 question with regard to the fiber release 25 characteristics of your asbestos-containing gaskets Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 34 1 that you-all used to make. 2 A. Well, the industrial hygienists I'm sure 3 have spoken about that, and they're better equipped 4 than I. But I'm familiar with the industrial hygiene 5 tests that have been conducted for Garlock over the 6 years. I've read some of the tests in their entirety 7 and all of them at their conclusionary or summary 8 part, and it's my understanding from reading this 9 that the fiber release, if any, is below that of any 10 government standard. 11 Q. Okay. Thank you. I believe, Mr. Heffron, 12 that I'm going to turn you over to counsel for 13 plaintiff for cross-examination. 14 One last question before I sit down, and that 15 is, was -- was Garlock ever a member of the American 16 Textiles Institute? 17 A. Yes. 18 Q. And that's when they were making a textile 19 product? 20 A. Yes. 21 Q. Thank you, sir. 22 THE COURT: Thank you. Mr. Shelton. 23 EXAMINATION BY MR. J. ROBERT SHELTON 24 MR. SHELTON: Good afternoon. 25 MR. HEFFRON: Good afternoon. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 35 1 Q. I'm going to do my best to move through the 2 materials I have here as quickly as possible so that 3 you can be on your way and the jury and everyone else 4 in this courtroom. 5 You're here as a corporate representative of 6 Garlock? 7 A. I am. 8 Q. And do you know who the plaintiff in this 9 case is? 10 A. Mr. Robertson. 11 Q. Do you know his first name? 12 A. His estate. I don't. 13 Q. Do you know who this is? 14 A. I believe that's Mrs. Robertson. 15 Q. Do you know her first name? 16 A. I don't. 17 Q. Do you know what Mr. Robertson did for a 18 living? 19 A. It's my understanding he was a pipe fitter. 20 Q. And do you know where -- and where he 21 worked as a pipe fitter? 22 A. I believe he worked in a variety of 23 different places. I know Dupont was one of the 24 facilities. But there were a whole host of 25 companies, it's my understanding, that Mr. Robertson Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 36 1 worked for. 2 Q. As a corporate representative for Garlock 3 you sat through -- you've testified in many different 4 trials where Garlock's been a defendant, correct? 5 A. I have testified in trials previously, yes. 6 Q. And you've sat through those trials with 7 defense counsel before, have you not? 8 A. Well, I've been -- I've sat through part -- 9 portions of trials, yes. I'm not sure what your 10 question is. 11 Q. Okay. But you're here today to testify, 12 and then you'll be gone, correct? 13 A. Yes. 14 Q. Just so the jury's familiar with the size 15 and scope of your employer, Garlock has plants in 16 Palmyra, New York? 17 A. That's correct. 18 Q. Gastonia, New York? 19 A. No. Gastonia, North Carolina, but there's 20 no longer a facility there. 21 Q. I'm sorry. North Carolina. Sodus, New 22 York? 23 A. There was a facility in Sodus, New York. 24 There is not any longer. 25 Q. Sydney, Australia? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 37 1 A. Yes. 2 Q. Mexico City? 3 A. Yes. 4 Q. And they also had one in Toronto, Canada? 5 A. They did. 6 Q. And that closed in the early 1990s? 7 A. That's correct. 8 Q. We've heard testimony in this case about 9 Anchor Packing. Are you familiar with Anchor 10 Packing? 11 A. I am. 12 Q. Garlock purchased Anchor Packing, did they 13 not? 14 A. Yes. Garlock acquired the assets of Anchor 15 Packing in about 1986 or 1970 -- 1986 or 1987. And 16 Anchor was closed as a business in I think '92. 17 Q. Okay. Garlock began making asbestos 18 gaskets and packing approximately 1905? 19 A. That's correct. 20 Q. The manufacturing process remained 21 essentially unchanged from 1905 to 1986? 22 A. I think that's fair. 23 Q. The asbestos content of the gaskets during 24 this period of time was roughly between 75 percent 25 and 85 percent? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 38 1 A. We're talking about compressed asbestos 2 sheet? 3 Q. Yes, sir. 4 A. Yes. That's correct. 5 Q. And that was the Chrysotile asbestos? 6 A. Yes, sir. 7 Q. And the remaining portions was what? Some 8 type of rubber? 9 A. Yes. The -- the compressed asbestos 10 sheet's made out of rubber, fillers, pigment, yes. 11 Q. Okay. You're aware that Tom Robertson 12 worked as a pipe fitter from approximately 1961 to 13 1999? 14 A. That sounds like the dates I read about, 15 yes. 16 Q. You are aware, are you not, sir, that pipe 17 fitters remove gaskets? 18 A. They can depending on their scope of work, 19 yes. 20 Q. Well, generally you would agree that if you 21 sold gaskets -- you used to sell gaskets? 22 A. Yes. 23 Q. You -- Garlock during -- between the period 24 of time 1961 to 1999 sold asbestos-containing gaskets 25 for use in steam lines and acid lines, correct? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 39 1 A. That's correct. 2 Q. Throughout that period of time that 3 Mr. Robertson worked as a pipe fitter? 4 A. Yes. That's one of the options available. 5 Q. And it sold its gaskets to various chemical 6 and manufacturing plants? 7 A. That's true. 8 Q. Including Dupont? 9 A. Yes. 10 Q. Including Dupont in Louisville, Kentucky? 11 A. As far as I know, yes. 12 Q. And Garlock made millions of dollars 13 selling these gaskets during this time, did it not? 14 A. I don't know what Garlock's earnings were. 15 Q. Would you -- I didn't ask you if you know 16 what their earnings were. You would agree with me 17 that it made at least millions of dollars selling 18 these asbestos gaskets between 1961 and 1999? 19 A. Yes. If you look over that time frame, I'm 20 sure that's true. 21 Q. You will acknowledge that Garlock asbestos 22 gaskets were heavily used in the chemical and other 23 manufacturing plants in the Louisville area between 24 1961 and 1999? 25 A. Well, I don't have specific knowledge of Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 40 1 how much of our product found its way into this 2 market in that time frame, but I certainly would 3 expect that Garlock gaskets would have been sold into 4 this market, yes. 5 Q. During that time frame? 6 A. During that time frame. 7 Q. Since 1997 you have acted as Garlock's 8 corporate representative in suits where workers have 9 alleged that Garlock asbestos gaskets injured or 10 killed them, correct? 11 A. My first involvement was actually in 12 September of 1999, but since that period of time I 13 have been acting as the company corporate witness for 14 asbestos litigation, that's correct. 15 Q. And in this capacity you have reviewed 16 numerous documents shown to you by Garlock attorneys 17 and by plaintiffs' attorneys? 18 A. That's correct. 19 Q. Numerous Garlock documents? 20 A. That's correct. 21 Q. Documents reflecting Garlock's knowledge of 22 the dangers of asbestos and -- correct? 23 A. If you're talking about asbestos textile 24 manufacturing, that would be correct, yes. 25 Q. Now, sir, while you would -- in reviewing Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 41 1 these documents you'll agree that by the late 1940s 2 Garlock was already protecting its own factory 3 workers from the dangers of asbestos dust? 4 A. Yes. In Garlock's asbestos textile 5 manufacturing operation as early as the '30s, I 6 believe, there were methods in place to reduce or 7 eliminate, minimize the amount of dust, yes. 8 Q. And you would agree with me back in the 9 1930s and 1940s just as today workers who were 10 injured have the right -- had the right to file -- 11 who were injured on the job for pneumoconiosis or 12 other dust diseases, had the right to file workers' 13 compensation claims against their employer -- 14 A. That's correct. 15 Q. -- correct? 16 A. Yes, that's correct. 17 Q. And, in fact, by the late 1940s Garlock had 18 already begun to receive workers' compensation claims 19 from its factory workers claiming asbestos-related 20 lung diseases? 21 A. Yes. The first workers' compensation case 22 for asbestosis was received by Garlock in about 1946 23 or 1947. That was Vera Clemens. And she worked in 24 the textile department working with raw asbestos 25 fiber. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 42 1 Q. Now, Mr. Gordinier asked you about when 2 Garlock was a member of the asbestos textile industry 3 or institute. Do you recall when your answer -- your 4 answer to that question, sir? 5 A. I don't think he asked me the years. But 6 my answer would be that sometime in the 1940s, and 7 then again I think from 1966 to '40 -- or '82 or 8 something like that. It's in our answers. I don't 9 have that answer memorized. 10 Q. How about as late as 1971? 11 A. Yes, I believe so, yeah. 12 Q. So as late as 1971 when Garlock was clearly 13 making -- during this entire time period they were 14 also making asbestos-containing gaskets, correct, 15 from 1905 through at least 1971? 16 A. Yes, encapsulated asbestos gasket. 17 Q. And just so the jury's clear, the asbestos 18 fibers being used in Garlock's textile factories are 19 the same type of asbestos fibers going in their 20 gaskets, correct? 21 A. Yes. The manufacturing process is much 22 different, but the fiber is the same. 23 Q. Well, it's not the manufacturing process 24 that's been accused of injuring workers, is it? It's 25 the fibers themselves, correct? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 43 1 A. It's the fiber release. 2 Q. Now, can I have the Elmo, please? I'm 3 going to show you, sir, what has been marked as 4 Plaintiff's Exhibit No. 23, which has been admitted 5 into evidence as Plaintiff's Exhibit No. 23. And 6 Dave was so kind as to put these signs on here. 7 Thank you. This, sir, I know you've seen this 8 document before, have you not? 9 A. I have. 10 Q. Through years of testifying. This is the 11 March 7th, 1956, minutes of the Asbestos Textile 12 Institute. We have on there the name of Mr. Howton, 13 correct? You see where that's underlined? 14 A. I do. 15 Q. Garlock Packing Company. And, again, what 16 was his duties at Garlock at this time? 17 A. At that time Mr. Howton was responsible, I 18 think as a supervisor in the textile manufacturing 19 portion of Garlock's plant. 20 Q. All right. And this textile, just to give 21 the jury a little background on this meeting, you'll 22 recall that they were meeting here because at about 23 this point in time in 1956 the various members of the 24 Asbestos Textile Institute had been receiving or 25 continued to be receiving workers' compensation Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 44 1 claims from workers in their factories, correct? 2 MR. GORDINIER: May we approach just 3 quickly, Your Honor? 4 THE COURT: Approach, please. 5 (BENCH DISCUSSION) 6 THE COURT: Yes, sir. 7 MR. GORDINIER: Objection to this line of 8 questioning unless he can relate the manufacture of 9 textiles to the manufacture of gaskets. 10 THE COURT: I think he did with the fact 11 that they contain the same fibers. 12 MR. GORDINIER: Well, were they made in 13 the same state? Were they, you know. 14 THE COURT: I'll let -- save that for 15 cross-examination, but your objection is noted. 16 MR. SHELTON: Thank you. 17 (OPEN COURT) 18 Q. I'm sorry. I don't believe I heard the 19 answer to my question. If you did, I didn't hear. 20 I'm sorry. 21 A. I don't remember the specifics of the 22 meeting. I know that Garlock wasn't a member at that 23 time. Mr. Howton attended to share with the 24 association the Garlock practices in dust 25 minimization in its plant. But as far as the Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 45 1 document itself, I'm -- I've read it, but I don't 2 remember the specifics of it. 3 Q. Okay. Well, in any event, Mr. Howton was 4 at this meeting wherein there was -- this was minutes 5 of that meeting, correct? 6 A. Yes. 7 Q. And you see at the bottom -- do you know 8 who Doctor Heuper is? 9 A. I've heard the name before. 10 Q. And at this meeting that Mr. Howton was at 11 they discussed that Doctor Heuper claims that 12 asbestosis cancer can be found after exposure of six 13 months to 42 years in ages of people 25 to 65 years. 14 He also has a new definition of asbestosis such as 15 one particle of asbestos with the physical conditions 16 surrounding it can be diagnosed as asbestosis 17 according to him. All workers in this industry are 18 susceptible. 19 Now, sir, all workers in this industry, do you 20 interpret that as confined to the asbestos textile 21 workers or all workers in the industry? 22 A. I don't interpret the document. 23 Q. Okay. 24 A. I can tell you what it says. 25 Q. He's further -- he states further that a Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 46 1 minimum of 170,000 dust particles per cubic liter is 2 recognized for the development of asbestosis, cancer 3 in man, and he notes that Doctor Heuper said that 4 asbestosis is compensable in Germany and notable in 5 England and Wales. You've seen this document before, 6 have you not? 7 A. I have. 8 Q. Now, just so we're clear who Doctor Heuper 9 is, look on the second page, it states here that 10 Doctor Smith also advised that there is other 11 damaging information being circulated written by the 12 same Doctor Heuper, who is the chief of the 13 environmental cancer section for the National Cancer 14 Institute, the National Institute of Health, 15 Bethesda, Maryland, correct? 16 A. That's what the article says, yes. 17 Q. Now, you're familiar with, are you not, 18 another meeting held -- well, actually I think this 19 is the very next day, March 8th. Are you familiar -- 20 you've seen these minutes from the follow -- from the 21 second day of this meeting, have you not? 22 A. I may have. 23 Q. What's been marked and admitted into 24 evidence as Plaintiff's Exhibit No. 24. You may 25 have. You have, have you not? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 47 1 A. I probably have. 2 Q. Okay. 3 A. I don't specifically remember it. 4 Q. All right. Well, perhaps, let me try to 5 refresh your memory by returning to the -- again, 6 this shows, just for the jury's edification or 7 knowledge, that there is, again, in attendance as a 8 guest a G.E. Howton, correct? 9 A. That's correct. 10 Q. And on the second page of this Doctor 11 Heuper's name comes up again with a Doctor Holmes, 12 chairman of the air hygiene committee of the ATI, 13 states that -- 14 MR. GORDINIER: Excuse me, please. May we 15 approach quickly? 16 THE COURT: Yes, sir. 17 (BENCH DISCUSSION) 18 MR. GORDINIER: Unless -- unless the 19 witness can -- can state that he has seen the 20 document and is familiar with the document, I think 21 that has to be -- that basis has to be laid before he 22 can question him further. 23 MR. SHELTON: I've got prior sworn 24 testimony he's acknowledged -- he's testified about 25 this document about 12 times. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 48 1 THE COURT: I understand it to be -- 2 MR. GORDINIER: Well, not in this trial. 3 THE COURT: What I understood him to say 4 in an abundance of caution he can't say with 5 specificity that he remembers that particular line 6 from that particular document. But I don't think he 7 would quibble with the fact that he has reviewed that 8 document previously. But technically your objection 9 is sustained. And if you need to have him 10 authenticate it more clearly, you can do that. 11 MR. SHELTON: Well, understand, it's 12 already in evidence. 13 THE COURT: I shouldn't say authenticate 14 it. But if you need -- in order for him to speak 15 about it, he does have to recognize it. But you can 16 use him certainly as you could anyone to bounce off 17 those things. But I think it's -- technically the 18 motion is correct. The motion is sustained. But I 19 don't -- I don't see the harm thus far. Put it that 20 way. 21 MR. SHELTON: All right. 22 (OPEN COURT) 23 MR. SHELTON: Dave, the Elmo, please. 24 Q. Sir, do you recall now that you've seen 25 this paragraph, you've had this paragraph from this Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 49 1 document read to you many times in litigation, have 2 you not? 3 A. I believe so. 4 Q. All right. You're familiar -- now this 5 refresh your memory you're familiar with this 6 document? 7 A. Well, I thought I'd seen it before. I 8 don't know anything more about the article than what 9 it says. 10 Q. All right. Well, what it says, it touches 11 upon Doctor Heuper again, the underlying parts does, 12 the comments of Doctor Smith, the Johns-Manville 13 Corp., related to the report issued by Doctor Heuper 14 on a subject relating asbestosis with lung cancer and 15 heart disease was discussed at great length, and this 16 matter earlier received attention by the board of 17 governors, and it was announced that this body had 18 appropriated sufficient funds to initiate a 19 preliminary survey to investigate the possibility of 20 more concerted action designed to refute the work of 21 Doctor Heuper. 22 Now, this is referring to the concerted action 23 of the Asbestos Textile Institute, correct? 24 A. Well, it's the testimony or the -- or the 25 report given by that gentleman, yes. Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 50 1 Q. All right. Now, sir, can you tell based 2 upon your review of various Garlock corporate 3 documents over your years as testifying as a 4 representative of Garlock, can you fill the jury in 5 at all, do you have any knowledge as to what form or 6 extent that concerted effort to refute Doctor 7 Heuper's work took? Do you know what they did? 8 A. I don't know. As I mentioned, in 1956 9 Garlock was not a member of the Asbestos Textile 10 Institute. 11 Q. Well, let's talk about the time -- let's 12 move on a little bit then when it was a member of the 13 Asbestos Textile Institute. You would agree with me 14 that by 1971 it was a member of the Textile 15 Institute? 16 A. I believe that's correct. 17 Q. Sir, let me show you what I will have 18 marked as Plaintiff's Exhibit No. -- 19 THE COURT: I've got 70. 20 MR. SHELTON: Seventeen. I'm sorry. 21 THE COURT: Seventy, seven zero. 22 Q. Seventy for purposes of identification. 23 And I'm looking for a paper clip. Here we are. Sir, 24 you've certainly seen this document as well. This is 25 the Asbestos Textile Institute minutes, board of Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 51 1 governors meeting dated February 3rd, 1971, that 2 occurred at the Red Carpet Inn. You've seen that 3 document before, have you not? 4 A. I probably have, yes. 5 Q. That's a -- that is a document that you've 6 discussed in litigation many times, is it not? 7 A. I don't know if I've discussed it many 8 times, but I've seen the document before, that's 9 correct. 10 Q. And you will acknowledge that this document 11 evidences that Garlock was, in fact, a member of the 12 Asbestos Textile Institute by the year 1971? 13 A. It shows that we were in attendance, but I 14 don't think we're disputing whether we were a member 15 during this period of time. 16 Q. I'm sorry. You -- may I have this back? 17 A. Absolutely. 18 Q. You are or are not disputing that you -- 19 that Garlock was a member in 1971? 20 A. I'm just saying that the document doesn't 21 indicate that. We did attend it. And we're not 22 disputing whether we were a member at that time. 23 Q. You're not disputing it? 24 A. That's correct. 25 Q. Okay. And at this -- and, again, this Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 52 1 document has been produced -- this document reflects, 2 does it not, a Mr. Sheckler, referring to the 3 Occupational Safety and Health Act of 1970. Do you 4 recall that in this document, sir? 5 A. Not specifically, no. 6 Q. Okay. You see the highlighted portion of 7 this document? 8 A. I do. 9 Q. And have you read this before? 10 A. I probably have. 11 Q. All right. And would you read that to the 12 jury, please? 13 A. Certainly. It's titled Environmental 14 Health Committee, Mr. C.L. Sheckler, Chairman. 15 Mr. Sheckler referred to the new Federal Occupational 16 Safety and Health Act of 1970 and said he had spent a 17 good deal of time analyzing its effect on the 18 operations of his company. Excuse me. The new law 19 becomes effective on April 28th, 1971, said that 20 common law product liability suits are proliferating 21 in the thermal insulation industry. Thinks that our 22 industry must give serious consideration to labelling 23 asbestos products, in other words, a warning label, 24 date label use began. Date label use began could 25 indicate whether a manufacturer had been negligent in Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 53 1 case of a lawsuit. 2 Q. All right. Thank you, sir. Now -- 3 MR. SHELTON: And I would move this into 4 evidence, Plaintiff's Exhibit No. 70 into evidence, 5 Your Honor. 6 THE COURT: Objections? Plaintiff's 7 Exhibit 70 will be admitted without objection. 8 MR. SATTERLEY: What's the date of that 9 document? 10 THE COURT: 1971. 11 MR. SHELTON: February the 4th, 1971. 12 Q. Now, sir, they discuss at this meeting 13 where Mr. Cuznick from Garlock is in attendance, the 14 issues discussed essentially, should we start putting 15 warnings on our products. That's what that document 16 reflects, correct? 17 A. Well, it indicates what Mr. Sheckler said. 18 I don't know what the discussions were. I wasn't 19 there. 20 Q. I understand. I'm just saying this 21 document reflects that Mr. Sheckler, quote, thinks 22 that our industry must give serious consideration to 23 labelling asbestos products, i.e., a warning label. 24 That's what this document states? 25 A. That's correct. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 54 1 Q. My question to you is, sir, have you seen 2 any Garlock documents showing that at -- in 1971 they 3 started to put a warning label on its 4 asbestos-containing gaskets? 5 A. Well, again, this is an article or a 6 document from the Asbestos Textile Institute. And 7 that's textile products, not encapsulated gasketing. 8 So it's a different product completely. 9 Q. Okay. My question was, sir -- 10 A. But I think to answer your question, no. 11 Q. -- do you see any evidence where Garlock 12 considered or began to put warning labels on their 13 asbestos products anytime in 1971? 14 A. No. 15 Q. Anytime in 1972? 16 A. No. 17 Q. '73? 18 A. No. 19 Q. '74? 20 A. No. 21 Q. '75? 22 A. No. 23 Q. '76? 24 A. No. 25 Q. Now, in 19 -- 1977 -- in 1977 Garlock had Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 55 1 what is referred to as a product liability committee, 2 did it not? 3 A. Yes. 4 MR. SHELTON: Anymore stickers, Joe? 5 MR. SATTERLEY: Sure. 6 Q. And, sir, what was the product liability 7 committee? 8 A. A committee that discusses product 9 liability. 10 Q. And I will show you what we marked as 11 Plaintiff's Exhibit No. 71. And could you identify 12 that as a -- a document produced by the Garlock 13 product liability committee? 14 A. Yes, I believe it is. 15 Q. And you're familiar with that document? 16 A. Oh, I'm sure I've seen it. 17 MR. SHELTON: All right. And I would move 18 that into evidence. Permission to publish, Your 19 Honor. 20 THE COURT: Any objections? Plaintiff's 21 Exhibit 71 will be admitted without objection. 22 Permission to publish granted. 23 Q. Now, sir, do you know when OSHA came out 24 with the regulation concerning putting warnings on 25 asbestos-containing products? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 56 1 A. Not specifically. 2 Q. All right. Generally? 3 A. In the early 1970s. 4 Q. All right. Now, this meeting of the 5 product liability committee minutes was July 26, 6 1977, as reflected on this document, correct? 7 A. Yes. 8 Q. All right. And its paragraph three states 9 that biggest area of exposure for now is asbestos. 10 It was agreed that we would work on this particular 11 product first, and through our experiences apply them 12 to our products. Just so the jury's clear, we're 13 talking about asbestos-containing gaskets at this 14 point, correct? 15 A. It doesn't say. 16 Q. Okay. Well, let me ask you this, sir: Was 17 Garlock still making asbestos textile products in 18 1977? 19 A. Yes, I believe so. 20 Q. It was. What asbestos textile products was 21 it making? 22 A. It made woven asbestos cloth which it used 23 in manufacturing some of its packings, and it also 24 made yarn which was consumed in its braiding 25 operation. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 57 1 Q. Okay. But you -- are you stating to the 2 jury that this jury -- that this committee is 3 referring to asbestos textile products and not its 4 gaskets? 5 A. No. I'm saying it doesn't -- it's not 6 specific. 7 Q. All right. Well, let's go on and see if we 8 can figure that out throughout this document. We'll 9 move through it real quickly. In any event, they 10 talk about a particular product first in paragraph 11 three. It says that Mr. Guffy brought up the point 12 that most companies have lost product liability suits 13 because of their failure to warn. That's what he 14 stated, correct? 15 A. It is. 16 Q. And after some discussion it was the 17 unanimous opinion of the committee that they 18 immediately begin to label all advertising of all 19 products that contain asbestos. That would include 20 gaskets, would it not, sir? 21 A. Yes. 22 Q. With the following phrase: Caution: 23 Contains asbestos fibers, avoid creating dust. 24 Breathing asbestos dust may cause serious bodily 25 harm. And then they assign Mr. Stay the Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 58 1 responsibility of seeing this label's put on the 2 products and that the catalogues have the products 3 before they're sent out. And let me ask you, sir, 4 that warning, was that warning ever implemented in 5 1977? 6 A. Yes. 7 Q. All right. That is the standard warning, 8 though, recommended or required by OSHA, though, is 9 it not? 10 A. Yes. It wasn't -- it wasn't required for 11 encapsulated products, but it is the standard OSHA 12 warning, and it is the one that we used. 13 Q. Well, you say the OSHA reg didn't apply to 14 encapsulated products. In fact, sir, that OSHA 15 regulation stated that it does not apply to 16 encapsulated products if with the foreseeable use of 17 that product asbestos fibers are not released into 18 the air. That's what the regulation states, correct? 19 A. It could be. I'm not an industrial 20 hygienist. 21 Q. I'm sorry. I thought you just said that 22 you believe it applied to encapsulated products, and 23 now you're stating you don't know what the regulation 24 states? 25 A. I don't specifically know what the Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 59 1 regulation states, no. I'm not an expert in 2 industrial hygiene. 3 Q. All right. In any event, that is the 4 warning language required by the OSHA regulation, 5 what we just read, correct? 6 A. That's the standard OSHA warning, that's 7 correct. 8 Q. Now, sir, have you brought in any -- is it 9 your testimony here today that Garlock actually put 10 out that warning in 1977? 11 A. Yes. 12 Q. We've had two pipe fitters testify in this 13 case that worked with, by their own testimony, 14 asbestos Garlock gaskets into the '90s and stated 15 they never saw such a warning. Let me ask you this, 16 sir: Did Garlock put that warning on the gaskets 17 themselves? 18 A. They put it on the sheet. The gasket is 19 cut out of the sheet. 20 Q. So you're stating that if it's cut out of 21 the sheet, there would at least be part of that 22 warning on the gasket? 23 A. It depends on the size and the 24 configuration of the gasket. 25 Q. Well, if you cut -- if you cut a gasket -- Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 60 1 and I believe the jury saw you can take a ball pean 2 hammer and knock a hole out of the sheet and you make 3 a gasket, right? 4 A. That's correct. 5 Q. If you did that and the warning's on the 6 sheet, you're going to knock out part of the warning, 7 correct? 8 A. Yes. And if you're doing that, you're 9 looking at a sheet which has a warning on it. 10 Q. All right. Or part of a warning? 11 A. Well, the sheet has the warning on it. The 12 gasket would possibly only have a portion of the 13 warning. 14 Q. And you understand that Garlock also made 15 premanufactured gaskets that you didn't have to take 16 out of a sheet? 17 A. That's correct. We -- 18 Q. Those did not have a warning on them ever, 19 correct? 20 A. Well, the sheet had a warning, and the size 21 and the configuration of the gasket would determine 22 whether or not any of that warning found its way onto 23 the gasket. 24 Q. My question -- my point is, sir, there was 25 also gaskets made by Garlock that did not come in Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 61 1 sheets. They were precut gaskets? 2 A. That's correct. 3 Q. They never had a warning on them, did they? 4 A. Only if it was cut out of a portion of the 5 sheet that had the warning. 6 Q. I'm sorry. I feel like we're going in 7 circles here, but there's certain gaskets made by 8 Garlock that were premanufactured that never were in 9 a sheet, correct? 10 A. No. Well, all compressed asbestos gaskets 11 are cut out of a sheet. 12 Q. Okay. 13 A. So -- 14 Q. But not necessarily cut by the pipe fitter 15 or end user, correct? 16 A. That's correct. 17 Q. All right. And those would never have a 18 warning on them, correct? 19 A. Not unless the portion of the sheet that 20 they used had the warning on it. 21 Q. Okay. So, sir, as far as the language 22 used, Garlock also knew, did it not, in 1997 -- in 23 1977 that pipe fitters would have to remove its 24 gaskets after a certain point in time? 25 A. It certainly knew that pipe fitters were Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 62 1 one of the trades that would replace gaskets. All 2 gaskets have to be replaced periodically. 3 Q. All right. And Garlock knew that in 1961? 4 A. Yes. 5 Q. And it knew it in -- all the way through 6 1999? 7 A. That's correct. 8 Q. And Garlock also knew that when its 9 gaskets, asbestos gaskets were removed, that they -- 10 the gasket had to be removed thoroughly from the face 11 of the flange in order to put in the new gasket, 12 correct? 13 A. That's correct. 14 Q. It was a safety issue, correct? 15 A. It was very important to make sure the 16 gasket seals properly, yes. 17 Q. So Garlock also knew then during this time 18 period that pipe fitters such as Tom Robertson would 19 take a hand wire brush to its asbestos gaskets, 20 correct? 21 A. I believe so. 22 Q. It also knew that from time to time pipe 23 fitters such as Mr. Robertson would take an electric 24 wire brush and remove the rest of the gasket from the 25 flange, correct? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 63 1 A. It may have. 2 Q. But nevertheless, Garlock never warned 3 these hard-marking -- hard-working men such as Tom 4 Robertson not to use a hand wire brush on its gasket, 5 did it? 6 A. Well, Garlock didn't believe then and 7 doesn't believe today that that type of operation 8 releases fibers in such a level as to pose a hazard. 9 But, no, it never told people not to use a wire 10 brush. 11 Q. And it never told them, under no 12 circumstances take an electric wire brush to this 13 asbestos gasket? 14 A. No. Its caution was don't damage the 15 flange. 16 Q. Don't damage the flange. 17 Sir, let me ask you something. Have you seen 18 anything in any Garlock corporate documents 19 evidencing that Garlock was ever concerned whatsoever 20 that pipe fitters were out there essentially 21 obliterating its 75 to 85 percent asbestos fiber 22 gaskets and breathing in that dust? 23 A. No. Garlock always believed then and now 24 that the gaskets, the encapsulated gaskets it made 25 were safe for use. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 64 1 Q. All right. Well, let's talk about the 2 basis of that knowledge. You've testified that 3 Garlock knew that pipe fitters out there were doing 4 this. We've already -- we've already seen documents 5 that Garlock knew by the 1940s that its -- that 6 workers in its factories exposed to asbestos fibers 7 were becoming sick. I, therefore, presume that, say, 8 1950 Garlock knew the pipe fitters were using its 9 gaskets, that Garlock began to test its gaskets to 10 see, in fact, how much asbestos fibers were being 11 breathed by pipe fitters, right? 12 A. No. There was no belief then as today that 13 the removal of an asbestos gasket posed any health 14 issue. 15 Q. All right. But how did Garlock have that 16 belief in 1950, the 1960s if it never tested its 17 products? 18 A. Garlock sold direct to customers from its 19 inception in 1905 to the late 1960s. It constantly 20 worked with customers. And it didn't observe any 21 problems with the removal of its product during that 22 period of time. The testing as far as fiber release 23 did not occur until approximately 1980. 24 Q. I understand that. My point is, sir, my 25 question I'd like for you to tell this jury, what is Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 65 1 the basis of Garlock's belief in the '50s, '60s or 2 '70s that workers such as Mr. Robertson were not at 3 risk when it took a hand wire brush, an electric wire 4 brush to its 75 to 85 percent containing asbestos 5 gaskets if it never tested them during that time? 6 A. Didn't have any scientific data at that 7 time. 8 Q. It had no scientific data, and as we've 9 also established, it never warned the worker to use 10 respiratory protection during that time, correct? 11 A. No, because it wasn't necessary. 12 Q. And that's based upon -- you -- I'm sorry, 13 Mr. Heffron, you keep saying that. Upon what basis 14 are you saying that Garlock had that belief in the 15 '50s, '60s and '70s that it wasn't necessary? 16 A. From its observation of the use of its 17 product. But as I said, there were no -- there was 18 no scientific information at that time. 19 Q. Did Garlock believe that it had a duty to 20 end users such as pipe fitters to test its products 21 to make sure that they wouldn't be dangerous to the 22 end user in the 1950s, '60s and '70s? 23 A. Certainly. And it did those tests to make 24 sure the product performed properly. 25 Q. It didn't do them in the '50s, '60s or Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 66 1 '70s, though, did it? 2 A. It didn't do any industrial hygiene studies 3 until the 1980s. 4 Q. And then in the 1980s it didn't even do 5 those tests in house, did it? 6 A. No. Garlock wouldn't have the expertise to 7 do that type of testing in house. It used certified 8 industrial hygienists. 9 Q. It used a Mr. McCrone, did it not? 10 A. It used a number of companies. 11 Q. And do you know that a Mr. Richard Hatfield 12 worked during -- in that McCrone study in the 1980s? 13 A. Not specifically, no. 14 Q. Well, I want you to assume that 15 Mr. Hatfield came and testified here the other day, 16 Monday, that he did work on that McCrone study. He 17 was asked to duplicate some test results that Mangold 18 had done and that he was using some flanges, and the 19 test results he was getting was higher than the 20 results that Mangold had gotten and that he advised 21 Garlock of this fact and that Garlock told him to 22 stop his studies. My question to you is, sir, do you 23 know why Garlock told him to stop the study? 24 A. I don't know anything about that. 25 Q. Sir, and just so the jury's also aware of Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 67 1 this, certain asbestos manufacturers did step up to 2 the plate in the 1970s and begin -- even before OSHA 3 regulations came out and required it, did step up to 4 the plate and began to put warnings on their asbestos 5 products in the early 1970s, correct? 6 A. No one that I'm aware of that's in the 7 fluid-sealing industry, no. I don't know. 8 Q. Okay. Let me try to refresh your memory. 9 Garlock was buying raw asbestos fibers to use at its 10 factories that made these gaskets, correct? 11 A. Yes. 12 Q. And for example, tell the jury where one of 13 these factories may be. Palmyra? 14 A. The Garlock factory? 15 Q. Yeah. 16 A. Yes. Palmyra. 17 Q. Palmyra. And you'll recall, you'll agree 18 that in the early 1970s these raw asbestos fibers 19 would come in with bags, and these bags would have 20 warnings on them about the dangers of inhaling 21 asbestos dust, correct? 22 A. I don't know when the asbestos fiber 23 manufacturers first began to apply a warning. 24 Q. But they were on there by the early 19 -- 25 by the early 1970s, weren't they? Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 68 1 A. I don't know for sure. 2 Q. You don't know when that was? 3 A. I don't. 4 Q. Well, you'll agree with me, sir, that you 5 did testify in an action known as Dexter versus 6 Triangle Insulation down in Marshall Circuit Court. 7 Do you remember that? 8 A. Not specifically, no. 9 Q. Okay. Well, let's see if -- I will show 10 you a transcript of the trial testimony of James 11 Heffron given February 7, 2006, in Benton, Kentucky. 12 Do you recall being asked these questions and giving 13 these answers at that time? This is page 95. And it 14 states that: And isn't it true, sir, that as of, 15 say, at least 1972, and maybe as early as 1966, these 16 manufacturers of this raw asbestos fiber was already 17 putting warnings on these bales about the dangers of 18 inhaling raw asbestos fibers? 19 Answer: I'm not sure when they began using 20 warnings. 21 Question: It was at least by 1972, was it not, 22 sir? 23 Answer: No response. 24 Question: Was it not, sir? 25 Answer: I'm not certain. Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 69 1 Question: But it was sometime in the early 2 '70s? 3 Answer: I believe so. 4 Do you recall being asked those questions and 5 giving those answers, sir, back in 2006 in western 6 Kentucky? 7 A. I believe my response today is pretty much 8 the same. I don't specifically remember it, but I 9 can read the transcript. That's what it says. 10 Q. All right. And so these bales of raw 11 asbestos fibers are coming into Garlock's factories, 12 and Gar -- with the warnings on them. And then 13 Garlock will undo the bales, take the fibers and make 14 gaskets out of them, correct? 15 A. Yes. It would use the manufacturing 16 process I described earlier. 17 Q. And then these gaskets would have -- would 18 be made of 75 to 85 percent raw fiber, correct? 19 A. Yes. In its gasket form it's no longer a 20 raw fiber. It's part of a composite. But it is made 21 up of 75 to 85 percent asbestos fiber, that's 22 correct. 23 Q. So this fiber comes in one door with a 24 warning from one manufacturer. You guys put it 25 through your process, ship it out the other door to Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 70 1 end users such as Mr. Robertson, and it's 75 to 85 2 percent asbestos, and there's no warning on it, 3 correct? 4 A. That's correct. Again, it's an 5 encapsulated product. It's not a raw asbestos fiber. 6 Q. And let me ask you, sir, when Goodrich came 7 to you and said, you know, we -- we insist upon using 8 -- you would agree with me, sir, that with respect to 9 asbestos gaskets, if they're precut -- there's no 10 question that if asbestos gaskets are precut and put 11 into a flange and flanged up, there's no risk to a 12 pipe fitter inhaling any asbestos dust, correct? 13 A. I believe it's correct, yes. 14 Q. Nothing harmful at all about that process, 15 is there? 16 A. I don't believe so. 17 Q. So if B.F. Goodrich came and wanted their 18 pipe fitters and their maintenance people to do that 19 and put in a flange, nothing harmful or dangerous 20 about that. Now, sir, do you know if B.F. Goodrich 21 was telling their same maintenance people that when 22 you take these Garlock gaskets out, that you better 23 use respiratory protection? 24 A. No, I doubt they were, because it wasn't 25 required then, it isn't required now. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 71 1 Q. Do you know, sir, or are you speculating? 2 A. No, I don't know. 3 Q. By the way, have you brought anything to 4 show the jury today that has a warning on it on an 5 asbestos Garlock gasket? 6 A. Not a gasket. A sheet, a portion of a 7 sheet. 8 Q. You have a portion of a sheet? 9 A. Correct. 10 Q. Can I see that, please? 11 A. Certainly. 12 Q. And what -- this is a -- this is a sheet 13 gasket? 14 A. It's a small sample, about an eight and a 15 half by eleven sample cut out of a sheet of gasketing 16 material. 17 Q. All right. And when was this manufactured? 18 A. I don't know. 19 Q. You don't know when this was manufactured? 20 A. Not specifically, no. 21 Q. Do you know if these gaskets were ever -- 22 these sheet gaskets were ever sold in the Louisville 23 area? 24 A. No idea. It was -- came out of Garlock 25 inventory. So I would say it wasn't sold to anyone. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 72 1 MR. SHELTON: I'll have this marked as 2 Plaintiff's Exhibit No. 2. May I publish -- 3 THE COURT: 72. 4 MR. SHELTON: May I publish 72, Your 5 Honor? 6 MR. GORDINIER: No, you may not. 7 MR. SHELTON: May I publish this to the 8 jury? 9 THE COURT: Approach, please. 10 (BENCH DISCUSSION) 11 MR. GORDINIER: Judge. 12 THE COURT: Yes, sir. 13 MR. GORDINIER: This was not an exhibit 14 that was listed by the plaintiff. And I don't 15 believe that he can walk up, grab something that the 16 witness has that doesn't belong to him, turn around 17 and try to enter it as an exhibit. Now, to satisfy 18 the court, when it comes time for cross-examination, 19 since this belongs to my client, I will mark it as an 20 exhibit and offer it to the court. 21 ATTORNEY: That's improper. 22 THE COURT: I'm going to allow him to do 23 it only because there was this discussion about 24 stamping things out of this and how the warning may 25 or may not end up on the finished product. And so Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 73 1 I'll allow it for that purpose -- 2 MR. GORDINIER: But -- 3 THE COURT: -- and if you want to mark it 4 as a defendants' exhibit, I mean, something else, 5 that's fine, too. 6 MR. GORDINIER: Just so we do things 7 properly, this court directed us to prepare a list of 8 exhibits to be submitted. They did not list this as 9 an exhibit. 10 THE COURT: Right. And -- 11 MR. GORDINIER: And I think it's improper. 12 THE COURT: I disagree only in that, you 13 know, it's not an exhaustive list. And if in the 14 course of the trial something came up and, for 15 example, this came up, it's not inappropriate to add 16 that. 17 MR. GORDINIER: Okay. 18 THE COURT: So -- 19 MR. GORDINIER: I've really got no 20 objection whatsoever for that being marked as an 21 exhibit. 22 THE COURT: Well, you're welcome to put 23 your own sticker on it, too. 24 MR. GORDINIER: And -- 25 THE COURT: It can be defendants' -- Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 74 1 MR. GORDINIER: -- it being published to 2 the jury. I do object with walking up and grabbing 3 something out of someone's hands that doesn't belong 4 to them, turning around and then saying, well, I'm 5 going to use this, and I'm just going to take it. I 6 just think that's wrong, judge. 7 THE COURT: I disagree. But I -- 8 MR. GORDINIER: Okay. 9 THE COURT: -- your motion -- 10 MR. GORDINIER: All right. 11 THE COURT: -- your motion is in for the 12 record. It's overruled. 13 (OPEN COURT) 14 MR. SHELTON: Your Honor, I would move 15 this into evidence and permission to publish 16 Plaintiff's Exhibit No. 72. 17 THE COURT: Granted. That would be 18 admitted as Plaintiff's Exhibit 72 and will likely be 19 retagged as a defendants' exhibit as well at some 20 point. 21 Q. All right. Now, I'm showing this thing -- 22 this document. I've zoomed back. Sir -- 23 MR. GORDINIER: Could we approach just one 24 minute? 25 THE COURT: Okay. Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 75 1 MR. GORDINIER: I apologize. We'll make 2 this quick. 3 (BENCH DISCUSSION) 4 MR. GORDINIER: Judge, I'm having a 5 problem with the idea that counsel can take someone 6 else's property without asking, turn around and just 7 use it for their own purposes. I just think that's 8 wrong. It would have been right if he had -- if he 9 had acquired that in discovery and produced, listed 10 it as an exhibit, and that would be fine. But this 11 doesn't belong to him. And now the idea of him 12 walking up and snatching -- here you go. Why don't 13 you take his glasses and put them in as an exhibit. 14 THE COURT: Well, and I got to tell you, 15 and I understand your objection. But -- and in the 16 grand scheme of things you're right. But in 17 particular this became relevant through the 18 examination. I don't think Mr. Shelton expected it. 19 MR. SHELTON: I didn't know he had it. 20 THE COURT: And I think because he 21 happened to have it and because it's relevant to the 22 specific testimony, then I think it's perfectly 23 appropriate that he adopt that. The example I'll use 24 is, you know, there have been times, Jim Lesousky 25 took a defendant's glasses one time and introduced Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 76 1 them into evidence. I mean, you can do it. I mean, 2 it's -- 3 MR. GORDINIER: Okay. Okay. 4 THE COURT: It's not -- the idea of those 5 exhibit lists is that there aren't surprises. But it 6 doesn't mean -- doesn't preclude you from adapting to 7 the circumstance, and the circumstance in this case 8 was there was extensive discussion -- 9 MR. GORDINIER: And -- 10 THE COURT: -- and it was somewhat 11 contested by the witness as to whether there were 12 gaskets that were made without these sheets and 13 whether the warning label would appear on the sheets. 14 And this is a pretty good -- 15 MR. GORDINIER: Well, I think it is. 16 THE COURT: -- part of that. 17 MR. GORDINIER: And I think it's very 18 relevant from every respect. I don't contest that at 19 all. I just have a problem with counsel grabbing 20 property that doesn't belong to him without asking -- 21 MR. SHELTON: I did ask. I said can I 22 see -- 23 THE COURT: Don't interrupt. 24 MR. GORDINIER: -- and adopting it -- and 25 adopting it as his own. I just think there's Nancy L. Nunnelle, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 77 1 something wrong with that, and it shouldn't be 2 allowed. 3 ATTORNEY: In fact, they moved to exclude 4 or not allow us to take anything off their desk or 5 from them during the course of this trial. That was 6 in one of their motions in limini. 7 THE COURT: But if your objection is in 8 terms of the courtesy aspect of it, I guess I see 9 where you're coming from. But honestly, I just -- I 10 get that you have a problem with it. I honestly 11 don't. And I think it was -- 12 MR. GORDINIER: I mean, what's the limit? 13 THE COURT: Well, he can't pick through 14 your briefcase. He can't go through your car. 15 MR. GORDINIER: Why not? 16 THE COURT: Or the trunk. 17 MR. GORDINIER: Why not? 18 THE COURT: Because, you know, we can 19 argue about it, but I don't choose to. I mean -- 20 MR. GORDINIER: Okay. I don't want to 21 take anymore time. But you see my point? 22 THE COURT: Your record's made, and to the 23 extent that I'm wrong, somebody will tell me along 24 the way, but I honestly don't have a problem with it. 25 MR. GORDINIER: Okay. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 78 1 (OPEN COURT) 2 THE COURT: Yeah. 3 MR. SHELTON: Thank you. 4 THE COURT: You're welcome. 5 Q. Again, just so the jury knows, you brought 6 this -- you brought this with you to the trial here 7 today, but you have no knowledge as to when this 8 product was created, correct? 9 A. When the sheet was produced, no, I don't 10 know specifically, no. 11 Q. Do you know if it's asbestos-containing? 12 A. Yes, it is asbestos-containing. 13 Q. All right. In any event, sir, I'll put 14 this up here so the jury could see, that's the 15 warning that I read earlier. That's the OSHA, 16 standard OSHA warning, correct? 17 A. It is. 18 Q. All right. Now, I'm going to take this off 19 so I can turn it off. I just want you to 20 acknowledge, if you would, that there's pipes out 21 there that may only be that big around with flanges 22 on it, correct? 23 A. That's correct. 24 Q. And you could cut a gasket out of here 25 about that big, could you not? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 79 1 A. Yes, you could. 2 Q. And that pipe fitter that saw that gasket 3 would never see a warning, would he? 4 A. If it was cut out of that portion, that's 5 correct. 6 Q. And you would also agree that Garlock 7 certainly had the technology, did it not, to put that 8 warning sign all over this gasket, correct? 9 A. Yes. And they could have left this name 10 off. 11 Q. And still left the name on? 12 A. The sheet could be covered with nothing but 13 warning. 14 Q. So what do you -- what does Garlock believe 15 is more important, warning workers or advertising its 16 brand name? 17 A. Well, again, as I've stated many times, 18 it's an encapsulated product for which Garlock has 19 always believed it poses no risk. The warning was 20 put on there voluntarily by Garlock, even though its 21 products were exempt. 22 Q. Finally, sir, I just want to ask you a 23 little bit about crocidolite use in gaskets. 24 Crocidolite was used in Garlock's gaskets from at 25 least the 1950s up until 1983, correct? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 80 1 A. Yes. There was -- there was some gasketing 2 that contained crocidolite, that's correct. 3 Q. And that the application for the 4 crocidolite, blue asbestos gaskets was acid lines, 5 among other lines, correct? 6 A. Hot or cold mineral acid. Chrysotile could 7 be used in dilute acid service as well. But the most 8 severe would require either Teflon or compressed 9 asbestos with crocidolite. 10 Q. Crocidolite asbestos fiber? 11 A. Yes, sir. 12 Q. And isn't it true that Teflon was available 13 for use as a substitute for use in acid lines as 14 early as 1968? 15 A. Yes. But only good to temperatures of 16 about 500 degrees. 17 Q. And Garlock still waited until 1938 or 15 18 years after that product was available to stop using 19 crocidolite in its gaskets, correct? 20 A. Customers still wanted to use crocidolite 21 in their most severe high-temperature acid 22 applications. 23 Q. And is it also true, sir, that Teflon was 24 twice as expensive as crocidolite fiber or 25 crocidolite gaskets? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 81 1 A. I don't know what the ratio was, but it's 2 certainly more expensive. 3 Q. And finally, sir, I want to ask you if you 4 can identify what we'll have marked as Plaintiff's 5 Exhibit No... 6 THE COURT: Seven-four. 7 MR. SHELTON: Seventy-three wasn't it, or 8 I screwed up again then, Your Honor. 9 THE COURT: No. You're right. I got 70, 10 71. I skipped to 73. 11 Q. You mentioned on direct examination about 12 the availability of asbestos-free gaskets, I believe 13 you said by the mid 1960s? 14 A. Well, Garlock has always made some 15 gasketing materials that are nonasbestos. If we're 16 talking about gasketing that uses the same 17 manufacturing process, the first nonasbestos 18 substitute was available in 1980. 19 Q. Okay. I'm sorry. I thought you'd 20 testified that -- that there was nonasbestos gaskets 21 available by the mid '60s to early '70s? 22 A. Well, there was -- there was nonasbestos 23 materials like rubber and fabric reinforced rubber 24 available as early as 1905. But the manufacturing 25 process used to produce compressed gasketing, either Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 82 1 asbestos or nonasbestos, no nonasbestos material was 2 available using that process until 1980. 3 Q. All right. In any event, can you identify 4 Plaintiff's Exhibit No. 73? 5 A. Well, it certainly looks like a Garlock 6 gasketing catalogue of some sort or, well, maybe not 7 asbestos gasketing. It says asbestos-free sealing 8 products, and it's dated -- I don't know when it's 9 dated. 10 Q. Well, that was going to be my question. Do 11 you know when that was printed? 12 A. I don't. 13 Q. Do you know what decade? 14 A. I don't. 15 Q. What is your best guess or your best -- 16 what is your -- your most educated guess? 17 A. It references Blue-Gard. Blue-Gard wasn't 18 introduced until 1980. So it would be sometime after 19 1980. 20 MR. SHELTON: All right. And I would move 21 that into evidence, Your Honor, Plaintiff's Exhibit 22 No. 73. 23 THE COURT: Any objections? Could I see 24 that one, please? 25 MR. SHELTON: Oh, yeah, I'm sorry. Your Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 83 1 Honor, let me confer with counsel here. 2 THE COURT: Okay. Plaintiff's Exhibit 73 3 will be admitted without objection. 4 Q. Sir, let me ask you something. You -- I 5 believe you testified on direct examination there's 6 no way to tell whether a gasket has asbestos in it or 7 not just by looking at it, correct? 8 A. I would say that Garlock would want to 9 examine the gasket rather than rely on a visual exam. 10 There are -- there might be some people who claim 11 that they can look and tell the difference. I will 12 tell that you the external appearance is the same. 13 Q. All right. So if we've seen a gasket shown 14 to the jury by defense counsel, Mr. Gordinier, have 15 you ever seen that gasket that Mr. Gordinier carries 16 to trial? 17 A. I don't know. 18 Q. But if you -- how long have you worked for 19 Garlock? 20 A. Thirty-five years. 21 Q. And you can't tell a gasket by looking at 22 it whether it has asbestos in it or not, that's 23 correct? 24 A. No. I would expect most people would say 25 they can't tell. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 84 1 Q. And you can't? 2 A. Probably not. 3 MR. SHELTON: All right. No further 4 questions, Your Honor. 5 THE COURT: Let's see. Actually do you 6 all have questions, Mr. Jones, Ms. Schupbach? 7 MR. JONES: No. 8 THE COURT: No. Okay. Then 9 Mr. Gordinier. 10 MR. GORDINIER: Can we mark this as 11 Garlock's exhibit next for identification only? 12 THE COURT: Yes. It's going to be 16. 13 MR. GORDINIER: And, let's see, we've got 14 Defendants' -- 15 THE COURT: You've got your pen. 16 MR. GORDINIER: I've got my pen. Okay. 17 And the number was? 18 THE COURT: Sixteen. 19 MR. GORDINIER: Sixteen. Okay. 20 FURTHER EXAMINATION BY MR. JOHN K. GORDINIER 21 MR. GORDINIER: I will hand you what has 22 been marked Garlock's Exhibit No. 16 for 23 identification, sir. 24 MR. SATTERLEY: What number was that, 25 Mr. Gordinier? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 85 1 MR. GORDINIER: Number 16. 2 MR. SATTERLEY: Sixteen. 3 Q. And ask you if you recognize that? It's on 4 the back. 5 A. Well, it's Garlock style 7021. It's a 6 compressed asbestos sheet in 1/32nd thickness. 7 Q. Okay. Is there a warning on there? 8 A. Yes. 9 Q. Where's the warning located? 10 A. Well, in this particular case the warning 11 is on the plastic outside wrap. 12 Q. Is that the way those -- that gasket is 13 delivered to the customer, wrapped in cellophane? 14 A. No. 15 Q. Oh, okay. How is it delivered to the 16 customer? 17 A. It's usually delivered to the customer -- 18 well, this is not a gasket. This is a piece of a 19 gasket. 20 Q. Okay. 21 A. The gasket would be delivered in whatever 22 manner the customer wanted it. It could be a single 23 gasket. It could be dozens of gaskets. They would 24 be -- again, it really depends a lot on the size and 25 so forth. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 86 1 Q. Okay. Would the warning be attached to the 2 box or the -- or whatever it was delivered in? 3 A. No, I don't believe there would be a 4 warning on the box. That would apply to braided 5 packing. But gasketing, the warning was affixed or 6 branded on the sheet itself. 7 Q. Okay. Do you remember when the textile 8 operation part of -- division of Garlock placed its 9 first warnings on asbestos cloth pile pads? 10 A. I think it was probably about 1972. 11 Q. 1972? 12 A. Yes, sir. 13 Q. And the -- Garlock placed its warnings on 14 gaskets in 1977, is that right? 15 A. That's correct. 16 Q. And you were in sales at the time? 17 A. I was. 18 Q. You were familiar with your competitors in 19 the gasketing business? 20 A. Yes. 21 Q. Was there any other maker of gaskets in the 22 United States that placed a warning on its products 23 as early as 1977? 24 MR. SHELTON: Objection, Your Honor. May 25 we approach? Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax
James E. Heffron - 11-12-08 Page 87 1 Q. If you know, sir. 2 THE COURT: Approach, please. 3 (BENCH DISCUSSION) 4 MR. SHELTON: It's irrelevant, Your Honor. 5 We're trying Garlock, not other manufacturers. 6 THE COURT: Well, I get the reference. 7 I'll allow it. 8 MR. GORDINIER: Thank you. 9 (OPEN COURT) 10 Q. Sir? 11 A. No, no other manufacturer placed a warning 12 on its products. 13 Q. How many companies, if you can give us an 14 estimate off your -- off the top of your head, made 15 asbestos-containing gaskets for use in American 16 industry in 1977? 17 MR. SHELTON: Same objection, Your Honor. 18 THE COURT: Noted. Overruled. 19 A. I'm not specifically. I can tell you that 20 HHP46, which is a very popular specification for 21 asbestos gasketing, I think lists 14 different 22 manufacturers on it. 23 Q. Okay. And these are competitors of yours? 24 A. Yes, sir. 25 Q. You are familiar with each of the Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 88 1 companies? 2 A. I think so, yes. 3 Q. Okay. And Garlock voluntarily put a 4 warning on its gaskets in 1977? 5 A. That's correct. 6 Q. And no other company in the United States 7 making gaskets put a warning on their product, did 8 they? 9 A. No. 10 Q. Carrying us forward to 1999, do you know if 11 any other company that was making asbestos-containing 12 gaskets in the United States had put a warning on its 13 product by that time? 14 A. I believe so, but I don't know 15 specifically. 16 Q. Do you know that there weren't companies -- 17 there were companies that hadn't? 18 A. Yes. 19 Q. Okay. Would you tell us the name of some 20 of those companies if you remember? 21 A. I'm not sure I can tell you accurately. 22 Q. Okay. But you know there are gaskets being 23 produced, manufactured and sold without any kind of 24 warning in 1999? 25 A. That's my belief, yes, sir. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax

James E. Heffron - 11-12-08 Page 89 1 Q. Okay. Gasket -- but Garlock was still 2 putting a warning on its product? 3 A. Yes. That's correct. 4 THE COURT: I had one clarification. I 5 think you originally said '79. And then you said 6 '99. Are we talking about '79 or '99? That's the 7 way I heard it. 8 A. The question as I understood it was 1999. 9 THE COURT: 1999. 10 MR. GORDINIER: 1999. 11 A. Yes. 12 THE COURT: Okay. Thank you. I may 13 have mis -- I may have misheard. 14 Q. I believe that's all I have, Mr. Heffron. 15 Thank you so much. 16 A. You're welcome. 17 Q. And I'll let you go. 18 THE COURT: Thank you. Mr. Shelton? 19 FURTHER EXAMINATION BY MR. J. ROBERT SHELTON 20 MR. SHELTON: Yes. You're here as the 21 representative of Garlock sealing manufacturer, 22 Garlock -- Garlock today, correct? 23 MR. HEFFRON: That's correct. 24 Q. Its corporate representative? 25 A. I am. Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax	James E. Heffron - 11-12-08 Page 90 1 Q. Mr. Heffron, do you believe that Garlock 2 would be justified in making and distributing and 3 selling a dangerous product just because other 4 manufacturers were doing it? 5 A. Well, that's a hypothetical question. I 6 don't believe Garlock did manufacture, distribute and 7 sell a dangerous product. So -- 8 Q. I didn't ask you if they did, sir. My 9 question again was, as a corporate representative of 10 Garlock do you believe Garlock would be justified in 11 making, distributing and selling dangerous products 12 just because other companies did? 13 A. Of course, not. 14 Q. Do you believe, sir, as a corporate 15 representative of Garlock that two rights -- or two 16 wrongs make a right? 17 MR. GORDINIER: I'll object. Can we have 18 a little clarification on that, judge? 19 MR. SHELTON: I'll withdraw the question, 20 Your Honor. No further questions. 21 THE COURT: Okay. Mr. Heffron, thank you, 22 sir. You may step down and catch your plane. Thank 23 you for your time today. You're relieved from 24 further obligation in this matter. 25 *** ** Nancy L. Nunnelley, RMR (502) 594-1728 (502) 267-4156 Fax