

FILE NAME: RT Vanderbilt (RTV)

DATE: 2000 Mar 2

DOC#: RTV056

DOCUMENT DESCRIPTION: Legal - Deposition of Julius Nemeth

1                   IN THE CIRCUIT COURT  
2                   OF JACKSON COUNTY, MISSOURI  
3                   AT KANSAS CITY  
4                   - - - - -  
5                   PAUL JAMES MARFICE, ET AL., )  
6                   )                   Plaintiffs,                   )  
7                   )                   - v -                   )                   Case Number  
8                   )                   A.P. GREEN INDUSTRIES,                   )                   99 CV 206658  
9                   )                   INC., ET AL.,                   )                   Division 14  
10                   )                   Defendants.                   )  
11                   - - - - -

12                   DEPOSITION OF JULIUS NEMETH  
13                   Thursday, March 2, 2000  
14                   - - - - -

15                   Deposition of JULIUS NEMETH, called by the  
16                   Plaintiffs for examination under the Missouri  
17                   Rules of Civil Procedure, taken before me,  
18                   the undersigned, Grace M. Hilpert, Registered  
19                   Professional Reporter, Notary Public in and  
20                   for the State of Ohio, at the offices of  
21                   Calfee, Halter & Griswold, 1400 McDonald  
22                   Investment Center, 800 Superior Avenue,  
23                   Cleveland, Ohio 44114, commencing at 9:32  
24                   a.m., the day and date above set forth.

25                   - - - - -  
26                   CORSILLO & GRANDILLO  
27                   COURT REPORTERS  
28                   950 Citizens Building  
29                   Cleveland, Ohio 44114  
30                   216-523-1700  
31                   - - - - -

32                   APPEARANCES:  
33                   On Behalf of the Plaintiffs:  
34                   Steven E. Crick, Esquire

23 and add up and then we would know how much  
24 was spent on dust suppression equipment,  
25 correct?

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1 A If the budget exists.

2 MR. IOLA: I will make those  
3 requests for those.

4 MR. BOWERS: Mr. Iola, I will  
5 state that we have provided all  
6 documentation that we could locate  
7 responsive to the requests that have  
8 already been served.

9 MR. IOLA: I'm not sure that  
10 the requests we previously gave would  
11 cover this, but to the extent they  
12 don't cover it, I'm asking you to see  
13 if you have those materials.

14 MR. BOWERS: We will look to  
15 see if we have those materials.

16 Q Now, you talked about -- when you were  
17 talking about the supplier of talc certifying  
18 that the talc did not contain asbestiform  
19 fibers, do you recall that discussion?

20 A Yes.

21 Q Then you turned around and said you  
22 switched suppliers regardless of the fact  
23 that R.T. Vanderbilt told you that their talc  
24 did not contain asbestiform fibers; is that  
25 correct?

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1 A That's correct.

2 Q Why, if they assured you that it didn't  
3 contain asbestiform fibers, did you still  
4 feel compelled to switch suppliers?

5 A Because there was controversy  
6 surrounding their talc and that of others.

7 Q Can you be more specific as to what you  
8 understood to be the controversy regarding  
9 R.T. Vanderbilt's talc?

10 A As to whether or not the Tremolite was  
11 asbestine or not.

12 Q And were you aware that R.T. Vanderbilt  
13 was fighting with the feds over whether or  
14 not to classify their product as an  
15 asbestos-containing product?

16 A Yes.

17 Q Are you aware that R.T. Vanderbilt  
18 spent about \$35 million from 1973 to 1980 to  
19 fight with the government not to classify  
20 their product as an asbestos-containing  
21 product?

22 A I was not aware of that.

23 Q Did you ever ask the R.T. Vanderbilt  
24 Company to provide you any expert reports of  
25 people who helped them make the statement to

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1 you that it did not contain asbestiform  
2 fibers?

3 A No.

4 Q You were aware that the federal

5 government felt that their talc was not clean  
6 talc and it in fact did contain asbestiform  
7 fibers?

8 A That's why we switched, because of the  
9 controversy.

10 - - - - -

11 (Plaintiff's Exhibit 44  
12 marked for identification.)

13 - - - - -

14 Q Now, Mr. Nemeth, I'm going to hand you  
15 what's been marked as Plaintiff's Exhibit 44.  
16 It appears to be a letter or an intra-company  
17 correspondence from you to Clarence Dunbrook  
18 of April 26, 1974. Did I accurately describe  
19 what that is?

20 A Yes.

21 Q And that's a memo from you telling Mr.  
22 Dunbrook that you wanted included some  
23 cautionary language on products that  
24 contained asbestos, correct?

25 A Correct.

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1 Q And then the cautionary language is  
2 reflected in this memorandum, correct?

3 A Yes.

4 Q Where is the word "warning"?

5 A Not in there.

6 Q Where is the word "death"?

7 MR. BOWERS: Object to the form  
8 of the question.