

FILE NAME: Kentile (KEN)

DATE: 1990 Sept 11

DOC#: KEN028

DOCUMENT DESCRIPTION: Legal - Deposition of Rocco Sergi

UNITED STATES DISTRICT COURT, DISTRICT OF COLORADO

Case No. 87-C-1807

DEPOSITION OF ROCCO SERGI

ST. VRain VALLEY SCHOOL DISTRICT NO. RE-1J and EL PASO
COUNTY SCHOOL DISTRICT NO. 11,

Plaintiffs,

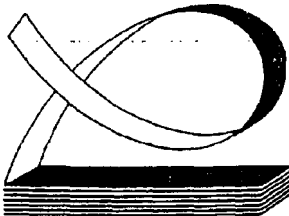
vs.

W. R. GRACE & COMPANY, et al.,

Defendants.

PLAINTIFF'S
EXHIBIT
KEN-721

PURSUANT TO NOTICE and the Federal Rules
of Civil Procedure, the above-entitled deposition was
taken on behalf of Plaintiffs at 1700 Broadway, Suite
1516, Denver, Colorado, on Tuesday, September 11, 1990,
at 9:05 a.m., before Carol Patterson, Registered
Professional Reporter and Notary Public within Colorado.



SP257142

Patterson Reporting

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#060206-000786

DEPOSITION

FILE COPY

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22

23

24

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9	By Mr. James		--
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SP257145

P R O C E E D I N G S

ROCCO SERGI,

having been first duly sworn, was examined and testified
as follows:

EXAMINATION

BY MR. JANSEN:

Q. Would you please state your full name and
address for the record.

A. Rocco, R-o-c-c-o, Sergi, S-e-r-g-i, 9019
69th Avenue, Forest Hills, New York 11375.

Q. Are you currently employed, Mr. Sergi?

A. Yes.

Q. And who are you employed by?

A. Kentile Floors.

Q. How long have you been employed by Kentile
Floors?

A. Since September 1957.

Q. Why don't you just give me a brief rundown
of your work history prior to 1957 when you joined
Kentile and then going on with your different jobs with
Kentile?

A. Prior to Kentile?

Q. Yes.

A. I went to Kentile from Congoleum Nairn.
They made linoleum and sheet goods.

1 Q. Were you employed before that with a
2 different firm, a corporation?

3 A. Before that it was Manhattan Paste & Glue.

4 Q. How long were you with Congoleum Nairne?

5 A. Nairn, N-a-i-r-n.

6 Q. Nairn, okay.

7 A. Six years.

8 Q. Six years. So from 1951 to 1957
9 basically?

10 A. Right.

11 Q. And how about Manhattan Paste & Glue?

12 A. Two or three years.

13 Q. So about 1948, 1949 to 1951?

14 A. I don't remember.

15 Q. How about prior to Manhattan Paste & Glue,
16 who were you employed by?

17 A. Various little outfits. I don't
18 remember. Not in the industry.

19 Q. These are a variety of different jobs or
20 was it basically one type of job with a different
21 company?

22 A. No. It was a variety of different jobs.

23 Q. When you say you were not with the
24 industry, do you consider Manhattan Paste & Glue being
25 with the industry?

1 A. No.

2 Q. And the industry you are referring to is
3 is floor tile?

4 A. Right.

5 Q. What are the different positions you have
6 held with Kentile Floors?

7 A. Well, I went in as a chemist in the R&D
8 department and in around 1970 they gave me the title of
9 research manager which I have held ever since.

10 Q. Were you always employed with Kentile in
11 New York or in Brooklyn or where were you employed with
12 them in these two different positions?

13 A. Always in Brooklyn.

14 Q. Why don't you give me a general overview
15 of your educational history, background and college.

16 A. I have a bachelor of science from Brooklyn
17 College.

18 Q. And emphasis in chemistry?

19 A. Yes.

20 Q. Any master's degrees or anything?

21 A. No.

22 Q. Any education specific to floor tile?

23 A. No.

24 Q. No continuing education classes, those
25 kind of things, as far as your job with Kentile Floors?

1 A. No.

2 Q. As a chemist in the research and
3 development, R&D department, what were your job
4 responsibilities?

5 A. Well, we looked for new raw materials. I
6 always tried to develop new patterns, new processes, new
7 analytical work. And the Kentile R&D is heavily involved
8 in plant production.

9 Q. How about, what are your job
10 responsibilities as research manager in Kentile?

11 A. Develop new products, do analytical work,
12 keep up with--keep current with competition.

13 Q. When you say "analytical work," what are
14 you referring to?

15 A. Well, you know, we want to look at a
16 competitive tile to try to break it down.

17 Q. In 1957 when you joined Kentile, how many
18 manufacturing plants did they have?

19 A. I believe that was three.

20 Q. Where were they located?

21 A. Brooklyn, Chicago, and South Plainfield,
22 New Jersey.

23 Q. At any time during your tenure with
24 Kentile did the number of manufacturing plants change,
25 either increase or decrease?

1 A. They opened the plant in Torrance,
2 California.

3 Q. What year was that?

4 A. I would--I'm going to take a guess. It
5 was early 1960s.

6 Q. Have any of the four plants that you
7 named, either Brooklyn, Chicago, South Plainfield or
8 Torrance, closed?

9 A. The Torrance plant closed after five or
10 six years.

11 Q. What was the reason for that?

12 A. There wasn't enough business to keep it
13 going, I believe.

14 Q. And today, the Brooklyn, Chicago and South
15 Plainfield plants still exist?

16 A. Yes.

17 Q. During your tenure with Kentile, have they
18 produced any products, besides floor tile?

19 A. We produce what we call cove base.

20 Q. Cold?

21 A. C-o-v-e.

22 Q. Cove base?

23 A. Or let's call it wall base, okay. Wall
24 base.

25 Q. Wall base. How long have they produced

1 that product?

2 A. Since maybe 1953, '54.

3 Q. Any other products?

4 A. Not that I recall.

5 Q. Are you familiar with the corporate
6 history of Kentile?

7 A. Slightly.

8 Q. Has it always been Kentile or at some
9 point did it merge with some other tile company or
10 takeover?

11 A. No, it was always Kentile.

12 Q. Do you know when Kentile came into
13 existence?

14 A. I believe it was around 19--1900 or 1908.

15 Q. Have you ever heard of David E. Kennedy
16 Tile Company?

17 A. I think that was the original name of the
18 company.

19 Q. Do you know who David E. Kennedy was? Was
20 he the founder or principal of the business?

21 A. He was the founder of the company.

22 Q. Do you know when the name Kentile was
23 first used?

24 A. No, I haven't the slightest idea.

25 (Discussion off the record, during which

1 Shauna Hilgers, Esq. enters deposition room and James
2 Hinga, Esq. leaves deposition room.)

3 Q. (BY MR. JANSEN) As part of your job
4 responsibilities in 1957 as chemist of the research and
5 development department did you do testing on tile--floor
6 tile?

7 A. Did I do testing?

8 Q. Yes.

9 A. Yes.

10 Q. Did you oversee testing?

11 A. I handed out to laboratory technicians
12 whatever I wanted done.

13 Q. What type of test did you conduct on floor
14 tile?

15 A. We usually run tests that are stated in
16 the federal spec SST312. That is indentation, shrinkage,
17 flexibility, chemical resistance, volatility. That is
18 about it.

19 Q. And those are all part of--those are all
20 tests that are specified by the federal specification
21 that you referred to?

22 A. Yes.

23 Q. And did you test other manufacturers' tile
24 at the same time?

25 A. Yes.

1 Q. During your tenure with Kentile have you
2 ever tested floor tile for release of asbestos fibers?

3 A. No.

4 Q. To your knowledge, is that something that
5 Kentile has ever done?

6 A. No.

7 Q. Have you had an opportunity during your
8 tenure with Kentile to visit all of the manufacturing
9 sites, to personally go there and look at the sites?

10 A. Yes.

11 Q. That includes the Torrance, California
12 site?

13 A. Yes.

14 Q. Do you remember what the first
15 manufacturing plant was that you visited?

16 A. Well, Brooklyn was the oldest plant and I
17 started there.

18 Q. So your offices were at the manufacturing
19 plant in Brooklyn, or at the site?

20 A. Right, right.

21 Q. There wasn't a separate administration
22 building someplace else that wasn't on the premises at
23 Brooklyn?

24 A. No.

25 Q. Do you remember when you first visited the

1 Chicago manufacturing plant?

2 A. What year?

3 Q. Yes.

4 A. I don't remember.

5 Q. Would it have been relatively early in
6 your tenure?

7 A. Let's see. I started in '57. I go to
8 Chicago, let's say, 1960.

9 Q. How about South Plainfield?

10 A. South Plainfield I didn't get involved
11 there for a long time, and I would say '65.

12 Q. What was the reason you weren't involved
13 with the South Plainfield plant?

14 A. Mostly the surface of the tile was not
15 coming out, you know, satisfactorily, and we went down
16 there to look at the process and to look at the raw
17 materials to see if we can try to improve it.

18 Q. So they were--they weren't having problems
19 up until a certain point and then, all of a sudden, they
20 were having problems, and that's why you came in?

21 A. Right.

22 Q. Would that be something that you would be
23 called in for at the various plants, if they were having
24 any production problem or a problem with the tile itself,
25 you would come in and see if you could solve that?

1 A. Yes, either myself or someone else.

2 Q. I would like you to explain to me, if you
3 could, as briefly or as concisely as possible the
4 manufacturing process that Kentile uses to produce floor
5 tile?

6 MR. WEAVER: Have we limited this to
7 commercial floor tile?

8 MR. JANSEN: That's fine, commercial floor
9 tile.

10 A. Well, you have a formula with a certain
11 number of ingredients, and these ingredients are
12 individually weighed carefully into a container. Then
13 the contents of that container is poured into a
14 heavy-duty mixer. And this formula is mixed very
15 thoroughly until it forms a very heavy dough. That heavy
16 dough is dropped out of a mixer onto a two-roll mill,
17 goes through the mill and comes out as a flat sheet--a
18 lump comes out a flat sheet. Then it goes through a
19 series of two-roll mills or calender and it gets reduced
20 in size until the time it gets to the gauge that we are
21 looking for. Goes down the line, gets cooled off, gets
22 cut and put in a box.

23 Q. Since we are talking about commercial tile
24 and you referred to gauges, what gauge is commercial tile
25 or Kentile's commercial tile?

1 A. Most of it is one-eighth-inch gauge.

2 Q. And what would be the gauge for
3 residential for distinguishing purposes?

4 A. One-sixteenth.

5 Q. Does the manufacturing process that you
6 described, does that differ for the different types of
7 tile, say, for example, a through-chip tile versus a
8 marbleized tile?

9 A. No, not really.

10 Q. Now, you say all of the ingredients are
11 weighed out and added at the beginning; is that correct?

12 A. Into a bucket, yes.

13 Q. If there is a reject tile or tiles or--I
14 don't know--a whole series, are they added back into the
15 mix at the end?

16 A. Yes, they are.

17 Q. And then remixed?

18 A. Yes. They are reused, you know.

19 Q. Reused?

20 A. Not necessarily immediately.

21 Q. Let's take the through-chip tile for
22 example. How is the uniformity of the through-chip
23 pattern, how is that provided for in the manufacturing
24 process, or is there any uniformity?

25 A. You want me to tell you what process was



1 used to obtain our through-chip, right?

2 Q. Well, let me ask it this way: I'm just
3 curious if there was a specific process that Kentile
4 would use so that whatever ingredients they mixed for a
5 through-chip tile would be uniform through the tile it
6 sells, an individual 9-by-9 or 12-by-12 or whatever size
7 it was?

8 A. I would say yes, it would.

9 Q. In vinyl asbestos tile; would the asbestos
10 itself be uniformly distributed through the tile?

11 A. Very uniformly distributed.

12 Q. And how would that be? I mean, how do you
13 know that is uniformly distributed throughout the tile?

14 A. Because of the action of this heavy-duty
15 mixer. It's called a Banbury mixer, B-a-n-b-u-r-y. It's
16 the name of the man who invented the mixer.

17 You get such intensive mixing there,
18 whatever comes out is pretty uniform. If it wasn't, it
19 wouldn't go down the tube properly.

20 Q. In the mixing process for this Banbury
21 mixer, was this something that was--I remember talking to
22 one of the other floor tile people in this case, and they
23 were saying that it would be like two floors and the
24 first floor--the second floor they would drop all of the
25 stuff down after weighing it out in the mixer and it

1 MR. WEAVER: For the record, I'm going to
2 object to the question because it does not relate to
3 in-place finish floor tile, but rather is questioning the
4 manufacturing process and the work procedure of employees
5 dealing with the raw asbestos in the manufacturing
6 process, which I do not believe is relevant to this case
7 or material to any of the issues in the case. So we
8 would object to any line of questioning.

9 I will make it a continuing objection, but
10 you can answer.

11 A. I don't think they were, no, but I'm not
12 sure.

13 Q. (BY MR. JANSEN) How about in 1960 when
14 you were at the Chicago plant and had a chance to observe
15 the manufacturing process, do you have any recollection
16 as to whether the workers who were loading asbestos into
17 the bucket that go up in the Banbury mixer were wearing
18 any kind of facial protection?

19 A. I will give you a fair answer. I don't
20 recall. I wasn't looking for that. They might have
21 been.

22 Q. How about South Plainfield in 1965 when
23 you first--

24 A. The South Plainfield plant never used
25 asbestos.

1 Q. How about the Torrance plant; the same
2 question as far as the first time that you were there and
3 made observations of the workers?

4 A. I don't know whether they were or not
5 wearing masks.

6 Q. Are you aware at any time in any of the
7 plants other than the South Plainfield plant whether the
8 workers wore any kind of facial protection while they
9 were working with asbestos?

10 A. At any time?

11 Q. Yes.

12 A. Beginning 1972 after the OSHA standard
13 came out, the company instilled a policy that anyone in
14 the weighing area, what we call the scale area where they
15 weighed the ingredients into the bucket, had to wear a
16 dust mask that was suitable for asbestos and from that
17 point on, they wore it every day. Any time they wanted a
18 new dust mask, they could have it.

19 Q. You mentioned that the South Plainfield
20 plant never used asbestos. What types of floor tile did
21 they produce?

22 A. They produced what is called--what is
23 known as solid vinyl tile. That is an exotic type of
24 tile in the sense that the decoration is entirely
25 different, and the amount of binder is much higher, so

1 you get a lot better weight so that there is no
2 connection between the appearance of the tile or the
3 process.

4 The process and the tile at South
5 Plainfield are entirely different from the vinyl
6 composition or vinyl asbestos at the tile plant.

7 Q. Is that true today, that the South
8 Plainfield plant only produces solid vinyl tile?

9 A. That's all.

10 Q. You brought up the different types of
11 tile. Why don't you tell me what other--besides solid
12 vinyl, vinyl asbestos, what other types of tile Kentile
13 produced.

14 A. Asphalt tile. You said vinyl asbestos
15 and, of course, now everyone is producing vinyl
16 composition tile.

17 Q. Did Kentile ever produce rubber tile?

18 A. Oh, yes, right. They did produce rubber
19 tile for awhile.

20 Q. Why don't you give me the years of
21 production, if you would, for the production of asphalt
22 tile by Kentile.

23 A. Well, they started way back. I don't
24 remember when. Could have been at the very beginning.
25 Asphalt tile sort of went out of the picture maybe

1 mid-1970s.

2 Q. How about the years of production for
3 vinyl asbestos tile?

4 A. You know, I'm guessing now, okay? I don't
5 have firm dates in my mind, but I would say that they
6 started around--vinyl asbestos, 1954-55 through 1986.

7 Q. When did Kentile start producing vinyl
8 composition tile?

9 A. Continuously and solely the vinyl
10 composition tile from January 1987 on. Prior to that,
11 you know, we would be experimenting with trying to
12 get--make vinyl composition tile, which means no
13 asbestos, of course. So we did make some prior to 1987,
14 but they were short runs.

15 Q. Were they basically just for research use
16 or were they actually sold on the market?

17 A. They were both. When we tried something,
18 if the tile came out right and everything was okay, it
19 was sold.

20 Q. How about the years of production for
21 solid vinyl?

22 A. I think that plant opened in 1951 and is
23 still going.

24 Q. How about the years of production for
25 rubber tile?

1 A. I don't know. I know they made it, but I
2 don't know that much about it.

3 Q. Did you have any involvement in testing or
4 designing the rubber tile?

5 A. No.

6 Q. Did you have any involvement in the
7 testing or design, whether it be color pattern or
8 whatever, for solid vinyl tile?

9 A. No.

10 Q. But you did have some input into the
11 production methods and standards that were used for solid
12 vinyl tile?

13 A. Right.

14 Q. Were you involved with the research on the
15 vinyl composition tile?

16 A. Yes.

17 Q. Were you involved with the vinyl asbestos
18 tile as far as design, production?

19 A. Yes.

20 Q. How about the same question for asphalt
21 tile?

22 A. Yes.

23 Q. Did asphalt tile contain asbestos?

24 A. Yes, it did.

25 Q. Can you give me an idea of the percentage



1 of asbestos that was contained in asphalt tile. If it
2 varies over the years, why don't you give me a range?

3 A. I would say--this applies to both asphalt
4 tile and vinyl asbestos tile. To my knowledge, when I
5 went there, it was around--around 20 percent. And we
6 ended up with around 9 or 10 percent.

7 Q. When you say "ended up," would that have
8 been in 1986?

9 A. Yes.

10 Q. And what type of asbestos was used?

11 A. It's a type called chrysotile.

12 Q. Was any other type of asbestos ever used
13 in Kentile floor tile?

14 A. No.

15 Q. That's true for both asphalt and vinyl
16 asbestos?

17 A. Yes.

18 Q. What size did asphalt and vinyl asbestos
19 tile--was it manufactured in by Kentile?

20 A. Asphalt was 9-by-9 and the other was
21 9-by-9 and 12-by-12.

22 Q. Kentile ever manufacture a 12-inch by
23 12-inch asphalt tile?

24 A. No.

25 Q. Can you give me the approximate year when

1 it switched over or the range of years when it
2 became--went from 9-by-9 to 12-by-12?

3 A. I believe in the mid--around 1965 we
4 started making 12-by-12s, but we didn't drop the 9-by-9s
5 for awhile. We made both for awhile. Then eventually,
6 the vinyl asbestos and vinyl composition 9-by-9s faded
7 out of the picture.

8 Q. Do you know approximately what year that
9 was when the 9-by-9s faded out of the picture?

10 A. No.

11 Q. Does Kentile manufacture an asphalt tile
12 today--

13 A. No.

14 Q. --that is nonasbestos-containing?

15 A. An asphalt tile? No.

16 Q. Does Kentile manufacture tile in a 9-inch
17 by 9-inch size today?

18 A. Yes.

19 Q. How long has it--I guess, when did it go
20 back to the 9-inch by 9-inch?

21 A. Well, we call a 9-inch--the 9-by-9 tile
22 today asphalt styling tile.

23 Q. Okay.

24 A. Okay. We don't call it asphalt tile
25 because it wouldn't meet federal specs type 1, okay, but



1 we wanted to hold onto the word "asphalt" and we have
2 asphalt styling tile and those are the 9-by-9s.

3 Q. And when did the asphalt styling tile go
4 back into production? Maybe I'm assuming that they did.
5 Did you mix them all along, the 9-inch by 9-inch asphalt
6 styling tile?

7 A. The asphalt tile gradually developed into
8 the asphalt style tile, and I would say in '80--1980.

9 Q. Is that the asphalt style tile, does that
10 contain asbestos?

11 A. Now it doesn't, no. Prior to 1986 it
12 did. After 1986 it did not.

13 Q. Do you know if Kentile is the only company
14 that manufactures 9-inch by 9-inch tile at the present
15 time?

16 A. I believe there are--I'm not--I don't
17 know.

18 Q. Does the present asphalt style tile, does
19 it carry over the patterns from the old asphalt tile?

20 A. Yes, it does.

21 Q. Would those patterns or styles be what
22 would be described as a marbled pattern?

23 A. Yes, they are marbled tile.

24 Q. Give me the patterns or the styles, like
25 through-chip, marbled and that, that Kentile

1 manufactured vinyl asbestos tile?

2 A. There is marbleized, there is through-chip
3 and we had what we call architectural marbles. There is
4 some surface pattern tiles that we used commercially.

5 Q. Would that have been Avanti series?

6 A. Avanti, no. Which one? Which one do you
7 mean would that have been? Which one?

8 Q. I'm sorry, the surface pattern tiles.

9 A. No, no. I was thinking of cork tile.

10 Q. So cork tile--Kentile's cork tiles were
11 surface pattern, but they were available in a commercial
12 grade?

13 A. They were used for commercial, yes.

14 Q. Then the four that you have listed are
15 marbleized, through-chip, architectural marble and
16 surface pattern tiles. Of those which ones were also
17 produced for asphalt tile or used for asphalt tile?

18 A. Just marbleized.

19 Q. Just marble. What is Kentile Avanti
20 series considered of those four?

21 A. I guess it would be considered a
22 through-chip.

23 Q. Since we are on the Avanti series, when
24 did the Avanti series first start, was first produced by
25 Kentile?



1 A. I'm only guessing, okay? If you had given
2 me these questions ahead of time, I would have given you
3 the right answer.

4 Avanti, let's say, 1965.

5 (Discussion off the record.)

6 Q. (BY MR. JANSEN) Did Kentile ever make
7 what is called vinyl plastic asbestos tile?

8 A. Well, we never called it that in the sense
9 that it contains vinyl, which is a plastic. Someone
10 could call it that, but we never called it that.

11 Q. Did the marbleized patterns of vinyl
12 asbestos tile, were they the same or basically the same
13 as the asphalt tile marbleized patterns?

14 A. Basically the same, yes.

15 Q. What differences would there be, if any?
16 I mean, generally. I don't need you to take a specific
17 tile. Would the colors be different?

18 A. Yes, from a point of view of aesthetics,
19 vinyl asbestos tile had much brighter and cleaner colors
20 than asphalt tile.

21 Q. Now, what was the reason for that?

22 A. Well, the asphalt binder was dark and if
23 you wanted to make it very white, you have to put too
24 much white pigment in there and it would be uneconomical,
25 while the vinyl asbestos, the vinyl is clear and you need

1 very little pigment, and that made a big difference.

2 Q. What function did asbestos serve in vinyl
3 asbestos tile?

4 A. Well, it did, I guess, two things. It
5 gave the stock, as we call it, hot strength so that
6 during processing, you could convey a sheet down the line
7 and cut the tile. And after you cut the tile, the
8 asbestos held its original shape. In other words, it
9 gave it dimensional stability. There was also a feeling
10 that it gave the tile more durability on the floor.

11 Q. When you say "the stock," is that
12 basically everything that has been mixed and then poured
13 onto the roll?

14 A. Right. Then it's formed into a sheet
15 immediately. Now that sheet is--has to be transported
16 along the line. It's decorated and it's reduced. In
17 that process there are a lot of strings put into it, you
18 know, when you stretch rubberbands and something like
19 that. If you didn't have asbestos in it--I don't think
20 that anyone early on could manufacture vinyl asbestos or
21 asphalt without asbestos. So that the asbestos was a
22 tool for achieving good processing.

23 Q. When did you--obviously, you talked about
24 before finding a substitute for asbestos tile and that
25 has been done. When did you first start working on



1 finding a substitute for asbestos?

2 A. Well, we started, I would say, around
3 1978.

4 Q. And what prompted your wanting to find a
5 substitute for asbestos in floor tile?

6 A. Well, the feeling was--well, first of all,
7 we wanted to get it out of the plant so that the workers
8 wouldn't have to handle it. That was the main reason.
9 The other was that we could see that as federal
10 regulations went on and on and on and got stricter and
11 stricter, that, you know, no one is going to be able to
12 meet them. So it was to everyone's advantage to get rid
13 of asbestos.

14 Q. What was used as a substitute for asbestos
15 in floor tile?

16 A. Well, we tried cellulose fibers or
17 synthetic fibers, like Dacron. Those are some of the
18 materials that we tried.

19 Q. Basically, you were looking for another
20 product that gave it dimensional stability and
21 durability?

22 A. Exactly.

23 Q. Were you personally involved in doing the
24 research on substitutes for asbestos?

25 A. Yes.



1 Q. And what was your involvement?

2 A. Well, we would get these certain fibers
3 in, try them out on a lab basis to see if they processed
4 satisfactorily. Then we would go down into the plant if
5 we thought they did, and try a very short experiment.

6 Q. Let's talk a little bit about plant
7 production standards. Did they vary from plant to
8 plant? And I'm concerned about patterns so that the
9 patterns, let's say in the Brooklyn plant would be
10 somewhat similar to the patterns that were produced in
11 the Chicago plant.

12 A. Oh, yes. We all had the same--all--in
13 other words, Brooklyn, Chicago, and Torrance, when it
14 was open, had standards which they would match during
15 their production. We all had the same standards. In
16 other words, a tile that had to be--when it was produced,
17 would match the standards.

18 Q. What would the standards consist of?

19 A. A standard would consist of a board with
20 several tiles on it that had been approved by management
21 as to what they thought the tile should look like.

22 Q. And so they had to come as close to the
23 actual tiles as they could?

24 A. Well, it wasn't that hard because the
25 process was the same. Just had to watch out for shading.

1 Q. What is shading?

2 A. Color, color variation.

3 Q. And was that a problem between the
4 plants? Was that a problem that came up quite a bit?
5 Shading?

6 A. Shading is a major problem that the
7 industry has as a whole.

8 Q. Not just Kentile?

9 A. Not just Kentile.

10 Q. Let's go back a little bit to the
11 different types of tile. Was asphalt tile available in
12 commercial grade?

13 A. Yes.

14 Q. What was the cost of asphalt tile as
15 compared to vinyl asbestos tile?

16 A. It was cheaper. By how much, I don't
17 know.

18 Q. What was the reason? Why was it cheaper?

19 A. Well, at one point the binder, which is
20 the most expensive part of the formula, was cheaper than
21 vinyl resin.

22 Q. Is asphalt tile more or less durable than
23 vinyl asbestos tile?

24 A. Less durable.

25 Q. And why is that?

1 A. Because the vinyl resin is tougher than
2 the asphalt tile binder. And it is more--the vinyl
3 asbestos tile is more chemical resistant. In other
4 words, you would have problems with asphalt tile in the
5 kitchen where you had spillage because grease and oil
6 would attack it where it does not touch vinyl asbestos
7 tile, does not affect vinyl asbestos tile.

8 Q. Was solid vinyl sold in commercial grade
9 in Kentile?

10 A. There was some Kentile solid vinyl in
11 commercial areas, yes. It's mostly residential, though.

12 Q. Talking about the commercial grade tile
13 that was produced by Kentile, what is the cost comparison
14 between solid vinyl and vinyl asbestos?

15 A. Well, I would say close to maybe three or
16 four times more. Solid vinyl costs three or four times
17 more than vinyl asbestos.

18 Q. Is solid vinyl more durable than vinyl
19 asbestos tile?

20 A. Yes.

21 Q. How about vinyl composition tile; what is
22 the--first, is it produced in commercial grade, I guess?

23 A. Yes, it is.

24 Q. And the commercial grade vinyl composition
25 tile versus vinyl asbestos tile, what is the cost



1 difference between the two? What was it, I guess, at the
2 last time that it was produced?

3 A. I don't know.

4 Q. Is vinyl composition tile more durable
5 than vinyl asbestos tile or was it?

6 A. No.

7 Q. And why is that?

8 A. There is very little difference, I would
9 say.

10 Q. Was vinyl asbestos the most popular tile,
11 as far as Kentile sales?

12 A. Yes, it was.

13 Q. When did Kentile first produce a
14 through-chip tile?

15 A. I will guess at early 1960s.

16 Q. Was the through-chipping, was that a new
17 process in the 1960s?

18 A. Yes.

19 Q. Was that something that was originated by
20 Kentile or one of its competitors?

21 A. The process?

22 Q. Yes.

23 A. When we first started, we had our own
24 process.

25 Q. Did that process come as a result of

1 copying somebody else's or--I guess what I'm trying to
2 figure out if Kentile originally invented the
3 through-chip process, not that it used, but in the
4 general concept?

5 A. No, it didn't originally invent it. I
6 guess we were trying to make something to compete with
7 probably a through-chip that was already on the market.

8 Q. Let's talk a little bit about--we started
9 on through-chip tiles. How do you distinguish Kentile's
10 through-chip tiles from other manufacturers' through-chip
11 tiles? What features are characteristic or pointers for
12 you?

13 A. Well, there is always the color, although
14 you can't depend on that entirely, but also the character
15 of the decoration that is in the tile, mainly.

16 Q. I guess when you say the character of the
17 decoration, I need you to elaborate on that. What do you
18 look for as far as the character?

19 A. Well, the size of the decoration and its
20 shape and its quantity.

21 Q. The size is Kentile--I guess we are
22 talking about--if we are talking about through-chip
23 tiles, are the through-chips larger or smaller or medium
24 sized compared to other tile? What about the size would
25 distinguish it for you?

1 A. Well, offhand, I would say that it would
2 be bigger than some, but smaller than others.

3 Q. I had a feeling you were going to say
4 that.

5 A. Isn't that right?

6 MS. VAGGALIS: You covered all bases of
7 that.

8 A. And some people have more chips in than we
9 have and others have less. Where are we now?

10 Q. (BY MR. JANSEN) Well, I guess I was
11 just--

12 A. I mean, that happens to be the way it is.

13 Q. I understand that. I guess you were
14 talking about how you distinguish it, and I guess I was
15 wondering what basis you have for that when you say it's
16 the size of the through-chip?

17 A. You know, it's pretty distinctive, you
18 know. It has a distinctive character and if you are
19 making it, you know that is yours.

20 Q. Is directionality of the pattern, as far
21 as through-chip, a factor in distinguishing Kentile from
22 other manufacturers' tiles?

23 A. I don't think so, no, not in
24 distinguishing whether it is or it isn't.

25 Q. Let's talk a little bit about the colors

1 of Kentile through-chip tile. Is there a certain number
2 of accents that Kentile has in through-chips? I know
3 there is usually a base color of the tile itself and
4 there is different accent colors going through.

5 Is there a certain number or range that
6 Kentile adheres to that would be one?

7 A. Well, it could vary. We call them a color
8 line, in other words, and we could start out with eight
9 colors and build up to 20 or we could start with 20 and
10 reduce it to eight.

11 Q. What did Kentile actually do? Was there a
12 certain number that they stuck with?

13 A. There is a certain number right now--well,
14 there was always a definite number. What it is, I don't
15 know. Right now, we may have--I don't know--18 colors.

16 Q. But that's something that changed through
17 the years? Each year it could be different?

18 A. Sure.

19 Q. How about on an individual tile itself;
20 would they have a limit, like they would only use four
21 different colors on one pattern of tile?

22 A. Well, if it's--if we are talking about
23 through-chip--

24 Q. Yes.

25 A. --it would have the same amount of accents

1 or colors, except that the colors would be different.

2 Q. I guess that is what I'm trying to get
3 at. I'm not doing a very good job at it.

4 I wanted to know if you had the same
5 amount, what is that amount? Let's say 4, 3? Is there
6 any standard that Kentile goes by, so far through-chip
7 tile they only have four tiles?

8 A. I don't know.

9 Q. How about for marbleized tile; what
10 characteristics allow you to distinguish Kentile's
11 marbleized tile from other manufacturers?

12 A. Well, it's a matter of, you know, having
13 seen it over the years. Marbleized tile has these
14 styractions, and you can go by either color or the
15 character of the styration.

16 Q. When you say "styractions," is that the
17 veining on the tile?

18 A. Yes.

19 Q. What about the veining or the styration
20 that distinguishes Kentile from other manufacturers'
21 tile?

22 A. Well, we sort of started out with a sort
23 of a narrow but feathery type of veining--I guess that is
24 a better word. Eventually, we evolved with pretty sharp,
25 straight veining.

1 Q. When you say you started out with narrow
2 but feathery, what years are you talking about?

3 A. From up until, say, 1975.

4 Q. 1975?

5 A. Then we changed our process, which made it
6 easier to make, but the veining came out a little
7 different.

8 Q. Does the directionality of the veining
9 have anything to do with your identification of Kentile
10 versus other manufacturers' tile?

11 A. Not directionality, no. It's all
12 directional.

13 Q. How about the uniformity of the veining
14 pattern itself?

15 A. That could be a fact that would.
16 Actually, it's the size and the shape of the veining that
17 is important.

18 Q. When you say size, are you talking about
19 the width?

20 A. I'm talking about the width mainly, right.

21 Q. Would you classify Kentile's veining as
22 narrow or wide, let's talk about before 1975?

23 A. Pre-1975. In comparison to competitor's,
24 I would classify it as narrow.

25 Q. How would you describe the shape? You say



1 shape was a key that helped you distinguish it?

2 A. Well, if you picture, say, a vein, so to
3 speak, but around the perimeter it was sort of fuzzy,
4 okay.

5 Q. Did Kentile's veining usually run from one
6 side of the tile to the other or was it broken out?

7 A. For the most part, it ran from one side to
8 the other. If tile came down the line or, you know,
9 unevenly decorated, they would be sorted out by the
10 inspectors.

11 Q. For Kentile's marbleized tile, if we had
12 one base color, was there a maximum number of accent or
13 colors that the veins could be?

14 A. You are talking about marbleized tile?

15 Q. Marbleized, yes.

16 A. As far as I know, the most--most number of
17 colors that we had in there were four.

18 Q. Was that true whether it was asphalt tile
19 or vinyl asbestos tile?

20 A. Yes.

21 Q. Does the base color of tiles, whether it
22 be through-chip or marbleized, help you distinguish
23 Kentile from other manufacturers' tile?

24 A. Yes. Yes, it does.

25 Q. Do you remember that Kentile had certain

1 hues or certain base colors where other manufacturers
2 didn't have that color?

3 A. In some cases, that was so. There were a
4 few colors where we all had, you know, a common--we were
5 all pretty much the same.

6 Q. If that were the case, that there were
7 common colors, how would you determine whether it was
8 Kentile or not?

9 A. By the character of the decoration.

10 Q. Are you familiar with the term as it
11 relates to floor tile, "smudging"?

12 A. Smudging?

13 Q. Yes.

14 A. You are talking about marbleized tile?
15 Any tile?

16 Q. Any type of tile. We will start with
17 marbleized.

18 A. Smudging? I'm not familiar with the term.

19 Q. Does the density of the pattern in a
20 marbleized tile have any relation to your being able to
21 identify this kind of tile?

22 A. Only in the sense that Kentile's tile
23 should be marbleized straight across. In other words, if
24 we saw a tile that had decoration only on half of it, we
25 won't consider it ours.

1 Q. Would looking at the back of a piece of
2 Kentile floor tile help you determine whether it was
3 Kentile or not? Are there any characteristics on the
4 back of the tile that help you distinguish it from other
5 manufacturers' tile?

6 A. No, not really.

7 Q. Kentile didn't put its name on the back of
8 the tile?

9 A. Not on commercial tile, no.

10 Q. Is it common, at least as far as Kentile's
11 process is concerned, for the accent tiles in the
12 marbleized tile to run together on the back of the tile,
13 not be as distinct?

14 A. There is a difference between the top and
15 the bottom of the tile, but I would say it would be
16 mainly in smoothness and the back being rougher may give
17 you the impression that it doesn't look the same as the
18 front of the tile.

19 Q. Any other characteristics that help you
20 distinguish Kentile floor tile from other manufacturers'
21 floor tile?

22 A. Well, we have color, mottle character and,
23 I guess, experience. That's about it.

24 Q. Now, when you say "mottle character," are
25 you referring to the veining on the tile or the



1 through-chip?

2 A. Yes.

3 Q. Is mottle a term that is used both for
4 marbled tile and through-chip tile?

5 A. Yes.

6 Q. What exactly does--when you use "mottle,"
7 what are you referring to?

8 A. You have your base color. Then whatever
9 you add to that, whatever different colors you add to
10 that, that is mottle.

11 MR. JANSEN: You need a five-minute
12 break?

13 (Break taken.)

14 Q. (BY MR. JANSEN) Mr. Sergi, over the break
15 I noticed you had a chance to look at some of the Kentile
16 floor tile product catalogs, or whatever you want to call
17 them. Did you have any input or any responsibility for
18 doing those?

19 A. None.

20 Q. You didn't hire the professional color
21 consultant that they brought in in 1960, whatever it was?

22 A. No, but some of them we ought to shoot
23 them.

24 Q. So as--

25 A. Those were great at the beginning. Then



1 they deteriorated. No connection between the picture and
2 the tile in many cases. I'm sure you have seen that.
3 I'm not telling you anything you don't know.

4 Q. Did you have any input into the coloring
5 scheme or system itself for Kentile tiles? I mean, in
6 research and development, did you develop any colors
7 that--

8 A. No. Whatever the stylist or the designer
9 decided on, we would make those colors.

10 (Deposition Exhibit 1 was marked.)

11 Q. (BY MR. JANSEN) I'm going to hand you
12 what has been marked as Deposition Exhibit 1--it's two
13 pages I have taken from one of the brochures--and have
14 you look at it. I will represent that I tried to find a
15 date on it. And you can look at the original if you
16 want. I can't find the date on the brochure anywhere.
17 It's just two pages. It's not the whole brochure.

18 What I'm curious about is on the second
19 page of Deposition Exhibit 1 under "Durability," you see
20 the last sentence in that paragraph--

21 A. In the first paragraph?

22 Q. Well, there is only one paragraph under
23 "Durability."

24 A. Oh, I'm sorry, okay.

25 Q. Says "Because of its exceptionally high

1 asbestos content, Kentile Vinyl Asbestos Tile provides
2 extra sturdiness and rugged toughness for your floor so
3 that it will stand up under the hardest wear for years
4 and years."

5 Do you see that?

6 A. I heard you. I will have to get my
7 glasses. Go ahead.

8 Q. I was just curious, it says, "exceptionally
9 high asbestos content," do you know whether Kentile used
10 more asbestos in their floor tile than other
11 manufacturers?

12 A. I don't think so.

13 MR. WEAVER: I'm going to, first of all,
14 object to the question because it has no time reference
15 in terms of a comparison between Kentile and any other
16 manufacturers' product. So I would object to any
17 reference to percentages based on comparison unless we
18 can have some reference to the type of tile. You can
19 answer the question if you can.

20 A. What was the question?

21 Q. (BY MR. JANSEN) The question was whether
22 you know whether Kentile had an asbestos content that was
23 higher than other manufacturers, and I believe that this
24 is from the 1950s. Maybe if you look at the original and
25 the styles of the people and the kitchens and--

1 A. My answer to that is I don't know.

2 Q. Mr. Sergi, when I went to South Plainfield
3 plant, I also got some information on maintenance and
4 maintenance methods and those kinds of things that were
5 produced by Kentile for vinyl asbestos floors, and I will
6 show you one just for reference. That is one of the
7 newer ones.

8 Did you have any input into drawing up or
9 anything to do with that publication that you are looking
10 at in front of you, maintenance methods for floor tile?

11 A. Only in the sense of, say, maybe in an
12 advisory capacity and as far as protection is concerned
13 against indentation, you know, we would run tests with
14 these different types of feet to see whether the--how the
15 tile held up. And then we made our recommendation that,
16 you know, the tile could have only--should be limited to
17 only a certain number of pounds per cubic inch on the
18 tile.

19 Q. Would that have been true from 1957 until
20 the present?

21 A. Sure.

22 (Discussion off the record.)

23 Q. (BY MR. JANSEN) I'm going to show you
24 another document that I received from Kentile and it's
25 called a "Technical Handbook for Flooring Salesmen." It

1 says, (For Confidential use by Kentile, Inc. salesmen and
2 distributing personnel.) Look at that if you would.

3 A. Okay.

4 Q. Did you have any input, technical input or
5 otherwise into this document--the document that you
6 looked at?

7 A. This document contains, like, general
8 information as to why certain things can happen. In
9 other words, if you put too much adhesive, you can get a
10 bleeding situation. If the floor is wet, bleeding might
11 get an alkali condition. All these facts were known and
12 whoever put this booklet together just collected those
13 facts and put them there because he thought it would be
14 helpful to the salesmen.

15 As far as putting this together, no, I had
16 nothing to do with it.

17 (Deposition Exhibit 2 was marked.)

18 Q. (BY MR. JANSEN) I'm going to hand you
19 what has been marked as Deposition Exhibit 2. Again,
20 it's Kentile Floors Technical Handbook for Flooring
21 Salesmen (For Confidential use by Kentile Floors, Inc.
22 and Distributor Personnel.)

23 MR. WEAVER: Is there a copyright date?

24 MR. JANSEN: That's what I'm looking for.

25 Q. (BY MR. JANSEN) Why don't you take a look



1 and maybe you can give me an idea of when that was
2 produced.

3 A. You mean what year?

4 Q. Yes.

5 A. This could be '71 considering I see a 71
6 there.

7 Q. You are referring to the 7107?

8 A. Yes.

9 Q. Again, you would have some input in a
10 technical or advisory capacity as far as some of the
11 general information that is contained in there?

12 A. No. This is information that is known to
13 everyone, and it's put in a form like this, I guess, to
14 remind salesmen and to help new salesmen cope with the
15 situations that they meet with in the field.

16 As far as putting this together is
17 concerned, I had nothing to do with it.

18 Q. I would like you to refer to page 16 if
19 you would. I think it's the very last page. Would you
20 take a moment and read those two paragraphs.

21 A. Yes. They are talking about a real cork
22 floor, I believe.

23 Q. That's not floor tile? It's not Cork Tone
24 floor tile that they are referring to?

25 A. No. That is cork, cork granules blended



1 together.

2 Q. So the sanding that they are referring to
3 wouldn't be--it wouldn't be requiring sanding of--

4 A. No.

5 Q. --of floor tile?

6 A. No. That is Kentile cork tile. It
7 isn't--it's not Cork Tone or Random Tone. That's the way
8 I read it.

9 Q. Is sanding something--

10 A. And, by the way, we left out cork tile.
11 We did make cork tile at one time. In the beginning,
12 remember?

13 Q. Okay.

14 A. We did make cork tile. I forgot about
15 that.

16 Q. Do you know the years that Kentile
17 produced cork tile?

18 A. I know they were making it in 1960s and
19 they were making it prior to that.

20 Q. And bleaching was something that would
21 affect cork tile?

22 A. Yes.

23 Q. Was sanding something that you ever
24 personally recommended to bring back vinyl asbestos tile
25 as far as the pattern or the luster of the pattern?

1 A. Never.

2 Q. How about asphalt tile; same question?

3 A. Never.

4 Q. Let me show you another document

5 called "Kentile Floors Specifiers Technical Handbook for
6 Architect, Builders, Designers, Fourth Edition," and have
7 you take a look at that real quick.

8 A. Yes.

9 Q. Did you have any input into that document,
10 whether it be in a technical aspect or advisory aspect?

11 A. I might have some input on, say, adhesive
12 coverage. That would be about it. This is a very old
13 brochure that was carried for a long time, even before my
14 time.

15 Q. Did you have any input into the
16 recommended uses for either asphalt tile or vinyl
17 asbestos tile listed on page 2 of that document?

18 A. That was there before I went to Kentile.

19 Q. That was something that was previously
20 done and just carried over in each edition of this
21 document?

22 A. Right. Same thing.

23 Q. That's on page 4, is looking at commercial
24 uses, and one of those uses is schools and public
25 buildings; is that correct?

1 A. Yes.

2 Q. And is Kentile asphalt tile and vinyl
3 asbestos tile recommended for use in schools and public
4 buildings?

5 A. Yes.

6 Q. Let's talk a little bit about the
7 walk-throughs that you did in buildings in Longmont,
8 Colorado and Colorado Springs.

9 Did you have the opportunity to visit
10 school buildings in the St. Vrain Valley School District,
11 which is basically Longmont, Colorado?

12 A. Yes.

13 Q. Did you also have an opportunity to visit
14 school buildings in the El Paso School District, which is
15 in Colorado Springs, Colorado?

16 A. Yes.

17 Q. Who decided on what buildings you were
18 going to visit in each of the districts?

19 A. Well, as I understand it, we were told
20 that these schools that we visited had Kentile tiles on
21 the floor. And we went to these schools to verify
22 whether that was true or not.

23 Q. Did you inspect all areas in each school
24 that you visited or just certain areas?

25 A. Only certain areas that was supposed to be



1 Kentile.

2 Q. Why don't you give me a general overview
3 of how you conducted an inspection of a school.

4 A. We would go to a school and there was
5 myself, Mr. Weaver, that little girl I saw walking around
6 here, whatever her name is.

7 Q. Laura Welch?

8 A. Yes, and someone else from the school
9 district, probably from the maintenance department. We
10 would look at the floor plans. They were marked off as
11 to where Kentile was. We would go to those areas.

12 Mr. Weaver had his forms, and I would look
13 at the floor and make a determination and convey whatever
14 I found out to him, so that he would put it down on
15 paper.

16 Q. Did you personally take any notes?

17 A. No.

18 Q. Did you have any materials with you for
19 you to review, catalogs, brochures, actual tile samples?

20 A. I had two books with me to help me
21 identify some of the tiles that I thought would be
22 helpful.

23 Q. What books were they?

24 A. I can show them to you.

25 Q. Okay.



1 A. One is for asphalt tile and the other is
2 for vinyl asbestos.

3 Q. And you say that Mr. Weaver had the forms
4 made up; you didn't do the forms that you made your
5 reports on?

6 A. No. I didn't have any forms of my own.
7 He had the forms.

8 (Deposition Exhibit 3 was marked.)

9 Q. (BY MR. JANSEN) I'm going to show you
10 what has been marked as Deposition Exhibit 3 and ask you
11 to identify that for me, if you would.

12 A. This is the form that was used and--

13 MR. WEAVER: For the record, let me just
14 state--and I brought them because you asked me to--we had
15 a handwritten form. I also have a handwritten form from
16 which these typed forms were then typed. They are
17 identical, just for the record. You had asked for them
18 and I have them.

19 Q. (BY MR. JANSEN) Other than the two books
20 that you showed me, did you, prior to the walk-through,
21 did you have any other materials?

22 A. I had made a few notes for myself in the
23 sense that I copied from these books so that I wouldn't
24 have to go through them. In other words, let me take an
25 easy one, like, say, white ivy, you know, had white ivy,

1 white, base white, mottle green, marbleized. That's all.

2 Q. Did you have an opportunity during your
3 walk-through to use samples--floor tile samples that you
4 either found in the building or provided to you by the
5 school district to compare to in-place floor tile?

6 A. Some schools had boxes of Kentile on the
7 premises. There may have been one or two cases where the
8 tile in the box was the same as the box--same as the tile
9 on the floor. In many cases, they had boxes with tile in
10 them, but that tile was not in the building.

11 Q. In the cases where there was tile in the
12 boxes and that tile was in the building, did you use
13 those samples as a basis of your identification?

14 A. No.

15 Q. You went directly from your memory of
16 Kentile, the indications that you have talked about
17 before, and the books that you have shown us today?

18 A. Yes.

19 Q. On the first page of Deposition Exhibit 3,
20 where did the areas in the first one, Boot Storage Area
21 Outside Classrooms, where did that information come
22 from? Was that provided to you or was that just an area
23 that you ended up looking at?

24 A. Well, this was--I presume this information
25 was provided, and this was the area that I looked at.

1 Q. On the first page of Deposition Exhibit 3,
2 there is a square footage calculation. Did you do that
3 calculation yourself?

4 A. We did some calculations, but most of them
5 were just estimates. If we want an accurate one, we
6 would have to go back and do it again.

7 Q. There is also a category that says "Basis
8 for ID." And Deposition 3, page 1, it says, "Rocco
9 Sergi." And the ID comes from you?

10 A. Yes.

11 Q. Now, if there is someplace on here that
12 said, "Sample Tiles: Basis for ID: Sample tile," which
13 you can look at for Rocky Mountain Elementary, what does
14 that mean? About four pages from the back.

15 A. Well, I would say that this means that the
16 tile was identified as Kentile off white, architectural
17 series, and that there was a sample of that tile on the
18 premises in a box.

19 Q. So then you did, in some instances, use
20 the sample tiles from the box to compare to the in-place
21 tile and base your ID on the sample tile?

22 A. Well, I can't say that I did that;
23 identified the tile and they happened to have some of it
24 unused there. That sort of substantiated the
25 identification, but I didn't say, Oh, here is a sample



1 from a box and now I see that is what the tile is on the
2 floor. Understand?

3 In other words, the ID of the tile on the
4 floor came before we saw the tile in the box or the tile
5 in the box had nothing to do with the ID of the tile on
6 the floor.

7 Q. Then I guess I'm lost, then. Why would
8 that be the basis for the identification?

9 A. Well, right. That's a good question.
10 Okay. Let's--we won't make a big mystery out of this.

11 The tile was identified as Kentile. And
12 the fact that a sample tile was there helped in the
13 identification, okay.

14 Q. On page 1 of Deposition Exhibit 3 the
15 school was Central Elementary, and you identified
16 12-by-12 Salerno Cream by Kentile; is that correct?

17 A. Yes.

18 Q. There was no sample tiles in the building
19 that you used for a comparison basis?

20 A. No.

21 Q. And Columbine Elementary, you identified a
22 12-by-12, again, the same Salerno Cream by Kentile, not
23 the same exact tile in Central, but the same pattern and
24 the same tile?

25 A. Right.



1 Q. In Indian Peaks, which is page 3 of
2 Deposition Exhibit 3, there was sample tiles?

3 A. Yes.

4 Q. I see--

5 A. There was sample tile and, as it says
6 here, it was off white architectural series.

7 MR. WEAVER: For the record, Exhibit 3
8 Indian Peak School, where it says, "Information on box,"
9 it should be series INO61D.

10 Q. (BY MR. JANSEN) Did you write that on the
11 exhibit?

12 A. Yes.

13 Q. Okay. What does the INO61D, what does
14 that tell you about Kentile?

15 A. That is the code. It tells you when the
16 tile was made.

17 Q. How does it do that? What would tell you
18 that?

19 A. You know, I would be divulging a
20 proprietary matter in front of competitors if I told you
21 that.

22 Q. But it's a combination of the letters and
23 the numbers that gives you the year?

24 A. Yes.

25 Q. Does it give you also the plant?



- 1 A. Gives you the date and gives you the
2 plant, yes.
- 3 Q. Any other information that it gives you?
- 4 A. That's all.
- 5 Q. If you know, which of the Kentile plants
6 would normally produce the tile that would be shipped to
7 Colorado?
- 8 A. Probably Chicago.
- 9 Q. They would--Chicago is Colorado's sales--
- 10 A. It's not firm, but probably most of the
11 tile is from Chicago.
- 12 Q. The "1250 Off White" is just the style
13 number?
- 14 A. Yes.
- 15 Q. And what is the architectural series?
- 16 What does that mean?
- 17 A. That's a through-chip series.
- 18 Q. How long has the architectural series been
19 around? In what year was it first started?
- 20 A. I will guess and say 1963.
- 21 Q. And does Kentile still produce in vinyl
22 composition tile the architectural series?
- 23 A. Yes.
- 24 Q. So in Indian Peaks Elementary--
- 25 A. I want to change my answer on that.

1 Q. On which one?

2 A. On your last question.

3 Q. Okay.

4 A. I believe it's now called Architectural
5 Criterion.

6 Q. Does the criterion have any specific
7 significance, or is it just a name?

8 A. Just a name.

9 Q. So in Indian Peaks, you identified the
10 same tile that you found in the storage box, the off
11 white; is that correct?

12 A. Yes.

13 Q. And the basis of your ID was a sample tile
14 and the other things that you have talked about?

15 A. Yes.

16 Q. In Lincoln Elementary, did you identify
17 any Kentile tile?

18 A. I guess whatever tile they had there I
19 determined was not Kentile.

20 Q. Do you remember the tile that was in
21 Lincoln Elementary?

22 A. No.

23 Q. Do you remember if it was 9-by-9 or
24 12-by-12?

25 A. No.

1 Q. In the area it says, "See Map." Which map
2 would I see if I wanted to find the area? Do you know?

3 A. It's a map that we had with us during the
4 inspection.

5 Q. That would be Chuck Crippen's map?

6 MR. WEAVER: Van Pollock's.

7 MR. JANSEN: I mean, Van Pollock's?

8 MR. WEAVER: For the record, yes. The
9 reference to the maps were maps provided by Van Pollock
10 or Chuck Crippen depositions which indicated areas where
11 Kentile was believed to be in place. Also for the
12 record, just so that it's clear, reference where it
13 says, "Not same tile in Central Elementary," was
14 referenced to a statement by Van Pollock on his exhibit
15 for Lincoln Elementary.

16 (Deposition Exhibit 4 was marked.)

17 Q. (BY MR. JANSEN) Mr. Sergi, I'm going to
18 hand you what has been marked as Sergi Deposition Exhibit
19 4. It has a label on the back "3-Central-6-14-89" and
20 also says "Kentile vinyl." Look at that if you would for
21 a second. This tile came from Central Elementary.

22 Do you have an opinion as to whether that
23 tile is Salerno Cream Kentile that you identified at
24 Central Elementary?

25 MR. WEAVER: For the record, I'm going to

1 enter an objection. The witness has already been
2 questioned about Central Elementary in which he has
3 admitted that the Kentile in place was, in fact,
4 manufactured by Kentile and it was identified, both the
5 name and the manufacturer. I think it's, I think,
6 improper at this point to ask him based on just a
7 selected piece of tile that is neither in place in the
8 school to come forward at this point then and identify on
9 a single tile basis, what it is or isn't or where it came
10 from which he would have no information concerning since
11 this isn't the tile he obtained from the school himself
12 and, more important, he has already identified it, which
13 is in addition.

14 MR. JANSEN: Are you instructing him not
15 to answer the question?

16 MR. WEAVER: What is the question again?

17 MR. JANSEN: The question is whether he
18 had an opinion as to whether or not that tile is Kentile
19 Salerno Cream.

20 MR. WEAVER: I'm going to instruct him not
21 to answer the question unless there is more basis than
22 whether this specific piece of tile is or is not Salerno
23 Cream by Kentile, since he has already admitted that the
24 tile in place in Central Elementary is, in fact, tile
25 manufactured by Kentile. Unless there is a greater basis

1 that makes identification of this individual tile
2 relevant, then I'm going to instruct him not to answer on
3 the basis of relevancy and, secondly, there really isn't
4 a chain of custody established as to whether this came
5 from other than a label that somebody put on the back in
6 1989 prior to Kentile being a party in this case. And to
7 ask him to identify tile on an individual basis, I think
8 is improper in this case.

9 Unless there is a reason beyond simply
10 asking him to identify, I will instruct him not to
11 answer.

12 MR. JANSEN: Even if he has an opinion?
13 That is all the question goes to at this point: Whether
14 he has an opinion.

15 MR. WEAVER: I will instruct him not to
16 answer the question unless there is a relevant basis for
17 asking the question.

18 Q. (BY MR. JANSEN) Is Salerno Cream that was
19 manufactured by Kentile, is that part of the Avanti
20 series?

21 A. Yes.

22 Q. What characteristics does the Avanti
23 series have that distinguish it in the Kentile line?
24 What mottling? What colors?

25 A. Well, there is a base color, then one or

1 two, what we call deep mottles, and then there is a sort
2 of peppery decoration on top throughout the tile.

3 Q. So, basically, in the Avanti series there
4 are two accent colors and one base color?

5 A. Right.

6 Q. And then there is--when you say peppering,
7 it's not a consistent veining or consistent through-chip;
8 it's somewhat random, small amounts?

9 A. Right, yes.

10 Q. Is the mottling in Deposition--in Sergi
11 Deposition Exhibit 4 consistent with the Kentile
12 mottling--

13 MR. WEAVER: Same objection.

14 Q. (BY MR. JANSEN) --in the Avanti series?

15 MR. WEAVER: Same objection.

16 (Deposition Exhibit 5 was marked.)

17 Q. (BY MR. JANSEN) I'm going to hand you
18 what has been marked Sergi Deposition Exhibit 5. It has
19 a label on. It says, "Indian Peaks 6-14-89 BLV," which
20 stands for Van Pollock. Label "Kentile Off White 1-N061D
21 Architectural Series."

22 I ask you to take a moment to review
23 that.

24 Did you take a sample from Indian Peaks
25 that you kept?

1 A. The form here says yes.

2 Q. Did you bring the sample?

3 A. It says that they were sampled, yes,
4 sampled. Yes, I suppose a sample was taken.

5 Q. Did you personally keep those?

6 A. No.

7 Q. Did you bring those sample tiles with you
8 today?

9 A. No.

10 Q. Do you know where they are located?

11 A. No.

12 Q. You said that the basis for your--part of
13 the basis for your ID was a sample tile from Indian Peaks
14 Elementary School as far as identifying the Kentile that
15 was in place; is that correct?

16 A. Yes.

17 Q. You also say that the architectural series
18 is a through-chip, identifies the through-chip style
19 tile?

20 A. Yes.

21 Q. Is Deposition Exhibit 5 through-chip tile?

22 A. Yes.

23 Q. Is the mottling in Deposition Exhibit 5
24 consistent with the Kentile tile that you saw in Indian
25 Peaks that you took a sample of?

1 A. Say that again, please.

2 Q. Is Deposition Exhibit 5--is the mottling
3 in Deposition Exhibit 5, is that consistent with an
4 architectural series off-white tile manufactured by
5 Kentile?

6 A. Yes.

7 MR. WEAVER: You can answer but same
8 objection. We have not--did not look at the tile in
9 place at Indian Peaks which was anything other than
10 Kentile.

11 Q. (BY MR. JANSEN) Your answer is yes?

12 A. Yes.

13 Q. Lyons Elementary, was there any sample
14 tiles at Lyons?

15 A. No.

16 Q. Did you identify any Kentile tile at Lyons
17 Elementary?

18 A. Lookd like White Opal and Banjo, which are
19 Kentile tiles.

20 Q. You have the areas listed as the cafeteria
21 and then in the 4th Street Building, the center classroom
22 and hall and north room. Do you remember where the White
23 Opal was and where the Banjo was?

24 A. No, I don't.

25 Q. Do you remember looking in the north room

1 closet and identifying any Kentile there? It's a
2 kindergarten room, a little area where they store some
3 things.

4 A. All I can go by is this--what is on this
5 form here. The north room is included and north room,
6 then, must have had either white or opal or Banjo, but I
7 don't know which.

8 Q. You don't have any independent
9 recollection other than what is on the forms?

10 A. No, no.

11 Q. I'm going to hand you what has been
12 previously marked as Boranian Deposition Exhibit 26 and
13 Young Deposition Exhibit 26. It's marked
14 "1-Rogers-6-9-89." I will represent to you that
15 originally was the basis of ID in the cafeteria by Van
16 Pollock before he received Kentile books.

17 I would ask you whether Deposition Exhibit
18 26, the marbleization, is consistent with Kentile
19 marbleization.

20 MR. WEAVER: Restate your question,
21 please.

22 Q. (BY MR. JANSEN) Is the marbleization in
23 Deposition Exhibit 26, both Young and Boranian deposition
24 exhibits, consistent with Kentile marbleization?

25 A. It looks rather too small to me.

1 Q. The marbleization, the veining itself?

2 A. Yes.

3 Q. When you say "too small," the veining
4 isn't wide enough?

5 A. Right. Did you say this was identified as
6 what?

7 Q. I didn't say it was identified as
8 anything. I just said that Van Pollock had originally
9 used as a basis of the ID in the cafeteria before we got
10 the books. Then he identified it later on.

11 Are the colors consistent with Kentile's
12 White Opal?

13 A. No.

14 Q. Is Banjo--what kind of tile is that? Is
15 that a marbleized, a through-chip?

16 A. I think that is a carnival tile.

17 Q. Now, what is a carnival tile?

18 A. I will have to take a little time here to
19 find it.

20 Q. Let me ask you while you are looking, is
21 it a surface decorated tile?

22 A. Yes.

23 Q. It's not--the pattern doesn't go all the
24 way through the tile; it's just on the surface. Is that
25 what distinguishes--

1 A. As far as I recall, it doesn't go all the
2 way through.

3 Q. I call the carnival series sort of a paint
4 splotch series, sort of little different splotches of
5 color on the surface of the tile?

6 A. Right. Like, this is carnival tile.

7 Q. And that was manufactured in commercial
8 grade?

9 A. Yes. It was used in commercial grade, but
10 it was really a residential tile. You still interested
11 in Banjo?

12 Q. I don't need to see it. I'm sure I have
13 got pictures of it, if you want to look at the
14 brochures.

15 A. Yes, you do. Go ahead, I'm listening.

16 Q. The next school that is on the list is
17 Main Street Elementary. At the time of your initial
18 visit, did you have an opportunity to view any tile in
19 Main Street Elementary?

20 A. This is Banjo. Which school is this?

21 Q. Main Street.

22 A. The question, please?

23 Q. At the time of your initial visit, did you
24 have an opportunity to view any tile in Main Street
25 Elementary?

1 A. No, not the first time around.

2 Q. Yesterday, did you have an opportunity to
3 go up to Main Street Elementary and look at the tile?

4 A. Yes.

5 Q. Do you have any opinions as to--well,
6 first, tell me what area in the school that you looked
7 at.

8 A. I guess it was the art room.

9 Q. Do you have any--do you have an opinion as
10 to whether the tile that you looked at in the art room
11 was or was not Kentile tile?

12 A. It was Kentile tile.

13 Q. Now, there were three different types of
14 tiles, were there not, in the art room?

15 A. Yes.

16 Q. Can you give me the name of the Kentile?

17 A. Cippolino, C-i-p-p-o-l-i-n-o.

18 Q. Is that an asphalt tile?

19 A. Yes.

20 Q. Okay.

21 A. Gulf Stream and a tile they called
22 Buships, B-u-ships, Gray.

23 Q. Is Gulf Stream an asphalt tile?

24 A. That's a--yes.

25 Q. And how about Buships Gray?



1 A. That's a vinyl--vinyl asbestos tile.

2 Q. Is that a special-ordered tile or is that
3 one that was made?

4 A. No, that was a special-order tile. I
5 don't know where they got that from.

6 Q. Did you have an opportunity yesterday to
7 measure the square footage of the art room?

8 A. We just made an estimate as to, you know,
9 about 1200 square feet. It's not an accurate
10 measurement.

11 Q. The next school is Rocky Mountain
12 Elementary. Did you identify any Kentile tile in Rocky
13 Mountain Elementary School?

14 A. Yes.

15 Q. And what Kentile tile did you identify?

16 A. Off white architectural series.

17 Q. It says there were no sample tiles, yet
18 the basis of your ID was sample tile. Did you use
19 another tile sample from another school in this school?

20 A. Probably did.

21 Q. Would it have been the one from Indian
22 Peaks?

23 A. I don't know.

24 Q. The next school is Erie Junior/Senior High
25 School. There were no sample tiles there; is that



1 correct?

2 A. Right.

3 Q. Did you identify any Kentile tile?

4 A. Identified it as Luma Chelle.

5 Q. Is that an asphalt or a vinyl asbestos
6 tile?

7 A. I have to look it up. I don't want to
8 give you the wrong answer. I'm not sure, okay, whether
9 it's asphalt or vinyl asbestos. Do you have a quick
10 reference to that?

11 Q. I have it as VAT.

12 A. As what?

13 Q. Vinyl asbestos.

14 A. I agree. That is what it is.

15 Q. And there was tile in place in a janitor's
16 closet; is that correct?

17 A. Right.

18 Q. And there is also tile from the art room,
19 which had been previously removed; is that your
20 understanding?

21 A. That's what we were told.

22 Q. Let me show you what has been previously
23 marked as Deposition 33 and Boranian Deposition Exhibit
24 29 and it's from--it's from the custodial room from Erie
25 Junior/Senior High School. The sample date is 7-23-87.

1 Look at that.

2 Were you shown--have you had an
3 opportunity to look at that sample during your inspection
4 of Erie Junior/Senior?

5 MR. WEAVER: Are you talking about the
6 sample that--

7 MR. JANSEN: The deposition exhibit that
8 you have.

9 A. I don't recall that, no.

10 Q. (BY MR. JANSEN) Is the marbleization in
11 Deposition Exhibit 33 consistent with Kentile's
12 marbleization?

13 A. The colors are there and on that basis
14 alone, I classify it as Lume Chelle. The marbleization
15 is a little bit off, but it could possibly be.

16 Q. The next school is Longmont High School.
17 Did you identify any Kentile tile in Longmont High
18 School?

19 A. Identified it as granite white.
20 That "Grant White" should be Granite White, Smokey Taupe
21 and Stamford Taupe.

22 Q. Do you recall the size of the tile,
23 whether it was 9-by-9 or 12-by-12?

24 A. 9-by-9.

25 Q. That's true for all three types?



1 A. Yes.

2 Q. Stamford Taupe wasn't 12-by-12?

3 A. No.

4 Q. Are all three of those vinyl asbestos
5 tiles?

6 A. Yes.

7 (Deposition Exhibit 6 was marked.)

8 Q. (BY MR. JANSEN) Let me hand you what has
9 been marked as Sergi Deposition Exhibit 6. 1-LHS, which
10 is Longmont High School, 13-14-90, second floor computer
11 room. Look at that for a second.

12 Is the marbleization of Deposition Exhibit
13 6 consistent with Kentile's marbleization?

14 A. It's not really consistent with it, no.

15 Q. What is inconsistent about it?

16 A. Distribution and the character of it.

17 Q. The next school is Niwot High School. Did
18 you identify any Kentile Floors tile in Niwot High
19 School?

20 A. Salerno Cream and Ebony.

21 Q. Do you remember which was where?

22 A. No.

23 Q. You have the areas marked as teacher's
24 lounge, bathroom, custodian closet and wood shop office.
25 You don't remember which was the Salerno Cream and which



1 was the Ebony?

2 A. No.

3 Q. Is Ebony a black base with a white
4 marbleization?

5 A. Yes.

6 Q. Was that a common tile manufactured by
7 most manufacturers, that color combination?

8 A. Yes.

9 Q. Did you visit any other schools in the St.
10 Vrain Valley School District, other than those that are
11 listed in Deposition Exhibit 3?

12 A. No.

13 Q. Are there any changes that you need to
14 make, other than to Main Street Elementary which you have
15 discussed, to this--to Deposition Exhibit 3?

16 MR. WEAVER: Other than--for the record,
17 he has already indicated the square footages are
18 estimates and would have to be calculated for a more
19 exact calculation, but other than that change, you can
20 answer the question.

21 Q. (BY MR. JANSEN) And also the names or
22 numbers were wrong that you have written in?

23 A. Right. I might want to change my mind
24 on--I might want to change my mind on the Longmont High
25 School to Grant White, as called.

1 Q. Grant or Granite?

2 A. It should be Granite White.

3 Q. How do you want to change your mind?

4 A. I change my mind and say that it does not
5 look like Kentile's tile.

6 Q. What does not look like Kentile's tile?
7 What areas?

8 A. The Granite White. The other two stand
9 firm, but the Granite White--I guess I will have to say
10 it does not look like Kentile's tile.

11 Q. And you have a recollection of what the
12 tile in Longmont High School looked like as you sit here
13 today?

14 A. I do, and it looked like that sample was a
15 lot--uneven mottling and not Kentile's character mottle.

16 Q. When you say "that sample," which are you
17 referring to?

18 A. Exhibit 6.

19 Q. What areas on your walk-through inspection
20 report was the Granite--or the Grant White?

21 A. Let's see.

22 A. Well, whatever rooms it says here.

23 Q. All those areas or were Grant White?

24 A. Yes.

25 Q. None of those were Smokey Taupe or



1 Stanford Taupe?

2 A. I will have to go by what is on the form.

3 Q. And you are referring to what is on the
4 form where it says, "Grant White," and then it has
5 certain specific rooms listed after those?

6 A. Yes.

7 MR. WEAVER: For the record, reference to
8 the areas is also referenced to the maps provided by Van
9 Pollock and the school district in his deposition. Those
10 maps indicate, color coded the areas in which the three
11 tile types were located in the school. A reference to
12 the map would indicate the areas for each of the tiles.

13 Q. (BY MR. JANSEN) So other than Longmont
14 High School, are there any other changes?

15 A. No.

16 Q. So other than the two Main Street, which
17 now has--now you have identified Kentile in Longmont High
18 School where you have changed your mind as you sit here
19 today as to whether Grant White was or was not present in
20 Longmont High School, Deposition Exhibit 3 accurately
21 reflects your opinion as to what Kentile is located in
22 what particular schools?

23 A. Yes.

24 Q. Is Deposition Exhibit 3 now your final
25 report as it concerns the St. Vrain Valley School



1 District?

2 MR. WEAVER: With the exception of the
3 changes that are made?

4 A. Yes.

5 Q. (BY MR. JANSEN) With the exception of the
6 changes that we have just discussed?

7 A. Right.

8 (Deposition Exhibit 7 was marked.)

9 Q. (BY MR. JANSEN) I'm going to hand you
10 what has been marked as Deposition Exhibit 7. It's
11 marked "Inspection Report, El Paso County School
12 District."

13 The first school on page 1 of Deposition
14 Exhibit 7 is Bates Elementary. You had sample tiles in
15 that school?

16 A. Yes.

17 Q. What--is Golden Cork one of the sample
18 tiles that you had? Is that a name of a Kentile tile?

19 A. I don't--I don't think that is a name of a
20 Kentile tile, no.

21 Q. That was written on a box, though?

22 A. Yes.

23 Q. Was it a Kentile box?

24 A. I don't remember.

25 Q. You are not familiar with Golden Cork



1 yes.

2 A. Yes, right. 34 tiles are Kentile and not
3 the others.

4 Q. (BY MR. JANSEN) And again, on Room 4, the
5 same thing; the 16 tiles you are identifying as Kentile?

6 A. Yes.

7 Q. Now, when you have, "yes," that means the
8 whole room is Kentile?

9 A. Yes.

10 Q. And "No," none of the room is Kentile?

11 A. Right.

12 Q. What helps you distinguish Kentile's Cork
13 Tones or cork tile from other manufacturers?

14 A. The size of the cork chip and the colors.

15 Q. How many different colors were Kentile's
16 Cork Tones manufactured? Do you know?

17 A. Well, we had both asphalt and vinyl
18 asbestos Cork Tones tile. I would say altogether they
19 may have been eight--eight shades of cork.

20 Q. I notice you have, after under "School
21 Inspection: Basis for ID," there is nothing listed. The
22 basis for the ID is the sample tiles and yourself or--

23 A. I would say the sample tile didn't help at
24 all, you know, didn't get--come into the picture here.

25 Q. Is there any reason the basis for ID was

1 left blank?

2 A. Probably the typist forgot to put it in.

3 Q. Okay. The next school is Buena Vista

4 Elementary. You had no sample tiles there; is that

5 correct?

6 A. Yes.

7 Q. Did you identify any Kentile tile in

8 Buena Vista Elementary?

9 A. Identified Nutmeg and Sandman as the tile
10 that were on the floor that we looked at.

11 Q. Sandman, again, is a carnival tile?

12 A. Yes.

13 Q. Did other manufacturers manufacture a
14 carnival-type tile, paint slotch-type tile?

15 A. Yes.

16 Q. What would help you distinguish? Just the
17 colors that were used?

18 A. The color of the chips that were in there.

19 Q. Nutmeg is a vinyl asbestos tile?

20 A. Yes.

21 Q. The next school is Howbert Elementary, and
22 you didn't have any sample tiles; is that correct?

23 A. Correct.

24 Q. Did you identify any Kentile tile in

25 Howbert Elementary?

1 A. We saw Holiday, Desert Sand and Mist Gray.

2 Q. Now, is Holiday, again, a carnival tile?

3 A. Yes.

4 Q. Is Desert Sand a marbleized style tile?

5 A. Yes.

6 Q. The same for Mist Gray; is it marbleized?

7 A. Yes.

8 Q. I show you what has been previously marked
9 as Deposition Exhibit 3, 12-Howbert-4-20-89. Would you
10 classify Deposition Exhibit 3 as a carnival style tile?

11 A. Yes.

12 Q. The next school is Hunt Elementary. You
13 did find a sample tile in Hunt; is that correct?

14 A. Yes.

15 Q. Actually, there was a couple--three
16 different types of Kentile samples, is that
17 right--styles?

18 A. Yes.

19 Q. One is Greek Skyros, one is Architectural
20 Marble and another one is "veined Carnelinn." Is that a
21 misspelling?

22 A. Carnelinn should be l-i-a-n and vein is a
23 capital V.

24 Q. Did any other manufacturers produce an
25 architectural marble-type tile pattern tile?

1 A. Not that I know of.

2 Q. So it was distinctive to Kentile?

3 A. Yes.

4 Q. You identified two different types of
5 Kentile tiles, one being the architectural marbles in
6 Area No. 1 and, again, in Area 1 refers to the maps that
7 you were looking at?

8 A. Yes.

9 Q. And the other one was Greek Skyros?

10 A. Yes.

11 Q. In Area 2, you had "First Floor Kitchen,
12 red, black and white mottle - Not Kentile." Do you
13 recall why--what was the reason you didn't think that
14 area was Kentile?

15 A. This had a very strong red base with black
16 and white mottle. I don't recall our ever making that
17 color. In looking through the catalogs, I can't find
18 that we ever made that color. On that basis, I'm saying
19 it's not Kentile.

20 Q. Do you recall that the mottling itself was
21 consistent with Kentile, other than the color?

22 A. The mottle was on the heavy side.

23 Q. When you say "heavy," are you referring to
24 the thickness of the vein?

25 A. The thickness and the length, yes.



1 Q. What was the basis of your opinion in Area
2 3 that it was not Kentile? I mean, what distinguished it
3 from Kentile? Do you recall?

4 A. The main reason here was that the base was
5 a light tan, but it was quite different from something
6 like Greek Skyros, which would come close to this. That
7 was not a Greek Skyros base. The color was quite
8 different. On that basis, I'm saying it's not Kentile.

9 (Deposition Exhibits 8 and 9 were marked.)

10 Q. (BY MR. JANSEN) I'm going to hand you
11 what has been marked as Sergi Deposition Exhibit 8,
12 Architectural Marble, 1107--is it Chartres?

13 A. Chartres.

14 Q. Chartres.

15 (Discussion off the record.)

16 Q. (BY MR. JANSEN) It's marked
17 "3-Hunt-4-20-89." Look at that. Is that consistent with
18 the Kentile Architectural Marble series?

19 A. Yes.

20 Q. Deposition Exhibit 9 is marked Kentile
21 asphalt Greek Skyros 2P-162-C2-Hunt-4-20-89. Look at
22 that and ask you if the coloring is consistent with
23 Kentile Greek Skyros?

24 A. Yes.

25 Q. Next school Ivywild Elementary. You found

1 sample tiles in Ivywild?

2 A. Yes.

3 Q. But none of the sample tiles were in place
4 on the floor; is that correct?

5 A. Right.

6 Q. C-206 9-by-9, do you know what style that
7 represented?

8 A. I would have to look up what C-206 is. I
9 don't recall offhand.

10 Q. The first two, the C-285 and the second
11 one, C-206, do you have an idea whether those are asphalt
12 tiles?

13 A. They are both asphalt.

14 Q. Is the Greek Skyros also asphalt?

15 A. Yes.

16 Q. Is it the C that designates that or is
17 there just the name that you know that--

18 A. No, C does not--well, if it's A, B, C or
19 D, it's asphalt tile.

20 Q. You identified Genoa Green and Iberian by
21 Kentile; is that correct?

22 A. Yes.

23 Q. Is Iberian a dark green or is it a
24 blue--the base color?

25 A. It's on the blue side.



1 Q. And Genoa Green, is that a real--a lighter
2 green?

3 A. Yes. That's a yellowish green.

4 Q. Are those both asphalt tiles also?

5 A. Yes.

6 Q. Is the first one that is listed the
7 C-285--and I'm not going to try to pronounce the name
8 because I'm going to get some flack from around the other
9 side of the table--is that also a green tile?

10 A. Yes, it is.

11 Q. But that's not the green tile that was in
12 place?

13 A. No.

14 Q. Longfellow Elementary; you identified one
15 area as being Kentile Architectural, Burlington Beige; is
16 that correct?

17 A. Yes.

18 Q. Is Burlington Beige, that is the
19 through-chip?

20 A. Yes. That is one of the colors in the
21 through-chip series.

22 (Deposition Exhibit 10 was marked.)

23 Q. (BY MR. JANSEN) I hand you what has been
24 marked as Sergi Deposition Exhibit 10. It's
25 marked "Kentile 1207 Burlington Beige, and is



1 Architectural Series 15048G, 3-Longfellow-3-31-89," and
2 ask you if the colors and the mottling are consistent
3 with Kentile's Burlington Beige?

4 A. Yes.

5 Q. The next school is Madison. There was
6 tile in storage there; is that correct?

7 A. Yes.

8 Q. And Strasbourg, that is Architectural
9 Marble again?

10 A. Yes.

11 Q. And you identified the Strasbourg as being
12 in place in Madison Elementary?

13 A. Yes.

14 Q. The next school is Midland Elementary.

15 Area 1 is halls, says "ID as York by Chuck Crippen." Did
16 you identify or confirm his identification that it was,
17 in fact, York?

18 A. Yes.

19 Q. Area 2, it says, "ID as Avanti by Chuck
20 Crippen." And you have a square footage that is not
21 Kentile. Did you ID Area 2 other than the replacements
22 that is listed as Kentile?

23 A. Other than the replacement, it was an
24 Avanti, yes.

25 Q. Do you remember the name of the tile?



1 A. No.

2 Q. Area 3, the gym, you have identified
3 approximately 10 percent of the gym as Kentile?

4 A. Right.

5 Q. The whole gym was not Kentile?

6 A. No.

7 Q. Was the tile that you do not believe to be
8 Kentile, was that similar in composition and pattern to
9 the Kentile tile?

10 A. I don't remember, but it was different
11 enough that we decided it's not Roxbury Creme.

12 Q. In Area 4 we have a few different colors
13 and you noted either heavy marbled or very heavy
14 marbled. Is that the basis--

15 A. Yes.

16 Q. --for not identifying it as Kentile?

17 A. Doesn't look like Kentile tile at all.

18 Q. Do the colors have anything to do with
19 your opinion as to whether it was Kentile or not?

20 A. No.

21 Q. The next school is Monroe Elementary, and
22 there were four different tiles that there were samples
23 of; is that correct?

24 A. Yes.

25 Q. Were all four of those Kentile tile

1 samples? I'm curious about the first one. The 2 through
2 4 appear to be Kentile?

3 A. I'm not sure about the first one. I don't
4 remember exactly what it was like.

5 Q. So the hallways you identified as Kentile
6 Putney Gray?

7 A. Yes.

8 Q. 12-by-12?

9 A. Yes.

10 Q. And then you have identified Mist Gray and
11 Colonial Blue in Area 2 and Area 3 respectively?

12 A. Yes.

13 (Deposition Exhibits 11 and 12 were
14 marked.)

15 Q. (BY MR. JANSEN) I show you what has been
16 marked as Sergi Deposition Exhibit 11, Kent VAT 552 Mist
17 Gray, CMO35-2, 1-Monroe-4-13-89. Look at that and ask
18 you if the coloring and the veining is consistent with
19 Kentile Mist Gray?

20 A. The colors are consistent. The veining is
21 not consistent, but I have called it Kentile tile.

22 Q. Deposition Exhibit 12 is marked Kentile
23 VAT 2-Monroe-4-13-89. Look at that and ask you the same
24 question as far as if the marbleization and the coloring
25 is consistent with Kentile Colonial Blue?

1 A. Yes. This is Colonial Blue.

2 Q. Queen Palmer Elementary. You found four
3 Kentile samples at Queen Palmer; is that correct?

4 A. Yes.

5 Q. Do you know by the numbers listed, for
6 example, for Napoleon Gray and the Veined Carnelian,
7 whether that is old or new; manufactured, you know, back
8 in the '50s or it's a new manufacture? Can you tell that
9 by looking at the numbers?

10 A. No, I can't tell offhand.

11 Q. Of those four, you found--why don't you
12 tell me what you found at Queen Palmer?

13 A. In Area No. 1, that was supposed to be
14 Napoleon Gray. That did not look like Napoleon Gray to
15 me, neither the color of the base nor the character of
16 the mottle.

17 Q. Did it match the sample that you found in
18 Queen Palmer? First, let me ask, did you compare the
19 sample that you found in Queen Palmer to the floor that
20 was identified as Napoleon Gray by Chuck Crippen?

21 A. Didn't match the same.

22 Q. Area 2?

23 A. Area 2 was Venetian Suede Avanti by
24 Kentile.

25 Q. And Area 3 was--

1 A. Area 3 was in front of stage, and
2 that's--that was obviously new tile. It's really
3 Architectural Criterion, and that does not contain
4 asbestos.

5 Q. And how do you know that? Just from
6 looking at the tile itself?

7 A. Yes.

8 Q. It had to be too new?

9 A. Yes.

10 Q. You didn't have a sample tile of that or a
11 box to look at that to look at the numbers?

12 A. No.

13 Q. You didn't find Salerno Cream anywhere in
14 Queen Palmer, although you found a sample?

15 A. This Venetian Suede could be changed to
16 Salerno Cream. They are very close and I could have made
17 a mistake.

18 (Deposition Exhibit 13 was marked.)

19 Q. (BY MR. JANSEN) Let me hand you what has
20 been marked Sergi Deposition Exhibit 13. This is marked
21 "Kentile VAT 6-13 Venetian Suede Avanti, CD2201, 2-Queen
22 Palmer-4-13-89." If you would look at that and ask you
23 if the colors in the mottling is consistent with
24 Kentile's Avanti's series tile?

25 A. Yes, it is.

1 Q. Do you know whether it is Venetian Suede
2 or Salerno Cream?

3 A. I would call it Salerno Cream.

4 Q. The next school is Mark Twain Elementary
5 and you identified all of the halls as Kentile Putney
6 Gray; is that correct?

7 A. Yes.

8 Q. The next school is Washington Elementary.
9 You had no sample tiles; is that correct?

10 A. No.

11 Q. Have you identified any Kentile tile in
12 Washington Elementary School?

13 A. No.

14 Q. I'm curious about Area No. 2. I asked you
15 before whether Iberian was green or blue. Was the color
16 the basis of your opinion as to whether the Area No. 2
17 was Iberian or not?

18 A. Yes, it was. The blue was quite different
19 than Iberian.

20 Q. You have here, "deep blue," the blue was
21 too deep to be Iberian?

22 A. Yes.

23 Q. What is the basis of your opinion as to
24 Area No. 3 not being Bayberry Green? Was it the color or
25 the marbleization?

1 A. It was--I believe in this case, it was the
2 color of the--the green color did not seem like Bayberry
3 Green at all.

4 Q. When you say in Area No. 1, "not the same
5 character as Kentile," what are you referring to?

6 A. When I say "character," I mean the mottle,
7 the decoration.

8 Q. The next school is Whittier Elementary,
9 and you haven't identified any Kentile; is that correct?

10 A. Correct.

11 Q. And what was the basis for your opinion of
12 it not being Kentile?

13 A. Again, here, this was supposed to be
14 Bayberry Green, but it had no resemblance to Kentile's
15 Bayberry Green as far as color is concerned.

16 Q. Let me ask you this: Kentile obviously
17 made different shades of greens in tile, Shannon Green,
18 Bayberry Green?

19 A. Yes.

20 Q. If it may have been one or the other
21 shades and not Bayberry Green, would you have identified
22 it as Kentile or were you strictly going on what Chuck
23 Crippen had identified it?

24 A. No, I would have identified it. There is
25 a big difference between the two shades that you

1 mentioned.

2 Q. I just wanted to make sure if Chuck
3 Crippen identified it as a certain tile, when you say
4 it's not Bayberry Green identified by Chuck Crippen, you
5 are not just saying that it's not Kentile only on that
6 basis?

7 A. Right and--right.

8 Q. There could be other basis--if it was
9 Kentile in a different shade, would you identify that as
10 being Kentile?

11 A. Yes.

12 Q. Wilson Elementary, you found three Kentile
13 sample tiles?

14 A. Yes.

15 Q. And two of them you found in place in the
16 school, the Criterion Greige and the Criterion Limestone?

17 A. That's correct.

18 Q. When you say in Area 2 and then it has it
19 listed as the gym "could not identify as Kentile," do you
20 believe it's a possibility that it could be Kentile?

21 A. I can't say, since I don't recall right
22 now what was in the gym.

23 Q. The reason I ask is because in most other
24 instances you put "Not Kentile," and this is one where
25 you put, "Could not identify as Kentile," so I was

1 wondering if you had at least an idea that it may be
2 Kentile but you just couldn't identify it at that
3 particular point in time.

4 A. I can't answer your question unless I
5 know--am told again what was on the gym floor.

6 (Deposition Exhibits 14 and 15 was
7 marked.)

8 Q. (BY MR. JANSEN) I am going to hand you
9 Deposition Exhibit 14, Ken VAT 1542 9-by-9,
10 Architectural Criterion Limestone, 1-Wilson-4-4-89. Ask
11 you to look at that and ask you if the coloring and
12 mottling is consistent with Kentile's Architectural
13 Criterion Limestone?

14 A. Yes.

15 Q. Now, that color is limestone? The reason
16 I ask that is I remember when we looked at it when we
17 were going through the building, we were having trouble
18 distinguishing on the floor between a limestone and the
19 grayish?

20 A. The green shading tells me that it's
21 limestone.

22 Q. The next one is Sergi Deposition Exhibit
23 15. It's marked Kentile VAT 12415 9-by-9, Architectural
24 Criterion, Criterion Gray 2-Wilson-4-4-89. Although it's
25 marked that, is it your opinion that that is not

1 Criterion Gray?

2 A. No, it isn't.

3 Q. Is that Napoleon Gray?

4 A. It doesn't have the mottle character of
5 Napoleon Gray, but it does have the colors.

6 Q. So that is mismarked, then, as Criterion
7 Grayish?

8 A. Yes.

9 Q. Are there two Wilson Elementaries in your
10 deposition exhibit?

11 A. Yes. Both the same.

12 Q. Okay. Just thought I was going crazy.

13 All right. East Junior High. Did you
14 identify any Kentile floor tile in East Junior High?

15 A. No.

16 Q. You didn't identify any Kentile?

17 A. No.

18 Q. In Area No. 1, what was not consistent
19 with Kentile's Napoleon Gray of the floor tile that was
20 in place?

21 A. I found that when it comes to Napoleon
22 Gray, that the mottle of the character--the character of
23 the mottle was not--not Kentile's mottle. On that basis,
24 I'm saying it's not Kentile. The colors are right, but
25 the decoration is wrong.

1 Q. In Area 2 you have "Very heavy chunky
2 marble."

3 A. That's the same reason; it was short and
4 wide.

5 Q. Kentile never produced any tile with that
6 marbleization characteristic?

7 A. No.

8 Q. Emerson Junior High; did you identify
9 Kentile floor tile in Emerson Junior High?

10 A. Yes.

11 Q. And it was Kentile Putney Gray?

12 A. Yes.

13 Q. Do you recall looking at the floor tile in
14 the office, not the small office in the Ad Building, but
15 the rest of the office that you had to walk through to
16 get through to that small office that you have listed
17 here in Emerson Junior High?

18 A. I don't recall.

19 Q. Let me show you what has been previously
20 marked as Deposition Exhibit 4, 1-Emerson-4-6-89 in the
21 chain of custody and ask you if the color and
22 marbleization of Deposition Exhibit 4 is consistent with
23 the Kentile Avanti series?

24 A. Yes, it is.

25 Q. Let me show you what has been previously

1 marked as Deposition Exhibit 20, 2-Emerson-4-6-89, and
2 ask you the same question as whether the mottling and the
3 colors are consistent with the Kentile Avanti series?

4 A. You showed me this tile before, and we
5 refused to answer it, didn't you?

6 Q. No, it's a different.

7 A. It is different.

8 Q. You can see that one--in fact, you can see
9 that one came off of the floor. I can show you the other
10 one. It's right here.

11 A. What is your question right here?

12 Q. Whether the mottling and the color is
13 consistent with the Kentile Avanti series?

14 A. Yes.

15 Q. The next school is Holmes Junior High.
16 630M Warm White Travertine manufactured by Kentile; is
17 that correct?

18 A. Yes.

19 Q. How do you tell Travertine tiles apart,
20 that were manufactured by the different companies and
21 different manufactures?

22 A. There are slight differences in shade and
23 color, and the size of the embossing--of the Travertine
24 embossing is different.

25 Q. And you identify Kentile's Travertine tile

1 as only 32 replacement tiles in the office area?

2 A. Yes.

3 Q. And you are able to distinguish the other
4 Travertine in place as not being Kentile based on the
5 characteristics that you just described?

6 A. Based on the size of the embossing.

7 (Deposition Exhibit 16 was marked.)

8 Q. (BY MR. JANSEN) I show you what has been
9 marked Sergi Deposition Exhibit 16 label Kentile 630M,
10 1-Holmes-3-29-89, and I will ask you if the color and the
11 embossing is consistent with Kentile tile.

12 A. This embossing looks too small to me.
13 Kentile's embossing was larger.

14 Q. When you say "larger," you mean wider?

15 A. Well, these little individual holes or
16 little figures is more all like this, rather than this
17 small character here. That's as I recall it.

18 Q. Do you know what other companies made
19 Travertine tile besides Kentile?

20 A. No.

21 MS. VAGGALIS: Objection to the form of
22 the question.

23 Q. (BY MR. JANSEN) Washington Irving; you
24 didn't have any sample tiles at Washington Irving; is
25 that correct?

1 A. Correct.

2 Q. Did you identify any Kentile tile?

3 A. I identified it as, I guess, Architectural
4 series type.

5 Q. You didn't identify it as Roxbury Creme,
6 consistent with what Chuck Crippen had?

7 A. Tan, brown and gray mottle. I guess I
8 wasn't sure what the name of the tile was on the floor.

9 Q. Okay.

10 A. But it was an Architectural series type,
11 it was Kentile tile.

12 Q. I show you what has been previously marked
13 as Deposition Exhibit 13 and Deposition Exhibit 31. It's
14 marked 3-Irving-4-6-89. I will ask you if the colors and
15 the mottling are consistent with Kentile's Architectural
16 series?

17 A. Yes.

18 Q. The next school is Horace Mann Junior
19 High. You had a sample of Kentile Random Cork Tones, or
20 Cork Random Tones, I guess?

21 A. Yes.

22 Q. Are those the same Cork Tones that you
23 identified in Area No. 3? Do you recall?

24 A. I don't recall.

25 Q. You also identified Dusk Blue Kentile. Is

1 that a carnival series tile?

2 A. No. That is a marbleized tile.

3 Q. It's vinyl asbestos?

4 A. Yes.

5 Q. How about Pink Ovation you have identified
6 as Kentile. Is that a carnival series tile?

7 A. That is a carnival tile.

8 Q. So the Pink Ovation would be a surface
9 decorated tile?

10 A. Yes.

11 Q. But the Dusk Blue, is that--

12 A. Marbleized.

13 Q. Marbleized, okay. Is the Dusk Blue sort
14 of a through-chip-looking marbleized tile? I mean, does
15 it have small--I'm trying to remember what it looked
16 like.

17 A. It's just a regular marbleized tile.

18 Q. North Junior High you identified on the
19 second floor some Putney Gray tile manufactured by
20 Kentile; is that correct?

21 A. Yes.

22 Q. You also found a sample of the Putney Gray
23 at North?

24 A. Yes.

25 Q. This square footage, did you actually

1 measure that since it was replacement tile or--

2 A. Just an estimate.

3 Q. West Junior High School, you had three
4 samples of Kentile tile in that school; is that correct?

5 A. Yes.

6 Q. Did you find those samples in place in
7 West Junior High in-place tile that matched, those
8 samples?

9 A. No.

10 Q. I was trying to tell from--the Kentile
11 gray base, white and black model, that is not Napoleon
12 Gray?

13 A. That was Architectural series.

14 Q. Do you remember if that was Putney Gray or
15 Rich Gray, Area No. 1, 12-by-12?

16 A. From the colors, I would say Putney Gray.

17 Q. And you identified one room on the first
18 floor as Roxbury Creme?

19 A. Yes.

20 Q. Do you remember if that was 12-by-12 or
21 9-by-9?

22 A. No, I don't.

23 Q. Area 2 is Kentile white and blue mottle
24 Architectural series, 12-by-12. Do you remember the name
25 of that tile?



1 A. No.

2 Q. And then you identified the Architectural
3 Marbles. Are there two different styles of Architectural
4 Marbles that you identified in Area 3?

5 A. It could be that in one of the rooms,
6 tiles were replaced, approximately 150. And they were
7 not the same as Cologne.

8 Q. Is York a name for Architectural Marble
9 series?

10 A. Yes. They are very close, and I wasn't
11 sure which one it was.

12 Q. Tile in the hallway, you have "Heavy
13 mottle, not Kentile." Was it a through-chip or a
14 marbleized tile?

15 A. It was marbleized.

16 (Deposition Exhibit 17 was marked.)

17 Q. (BY MR. JANSEN) I hand you what has been
18 marked Sergi Deposition Exhibit 17. It's labeled Kentile
19 Asphalt, C-222 9-by-9, Napoleon Gray, 1-West-5-31-89, and
20 ask you if the color and the marbleization is consistent
21 with Kentile tile?

22 A. Yes.

23 (Deposition Exhibit 18 was marked.)

24 Q. (BY MR. JANSEN) Sergi Deposition Exhibit
25 18 marked "Kentile 12-by-12 Marble White Chipstone 1Q269B

1 3-West-5-31-89." Take a look at that.

2 First, was Chipstone manufactured in
3 commercial grade, to your knowledge?

4 A. No. This looks like Chipstone, yes.

5 Q. But it's usually a residential tile?

6 A. Yes.

7 Q. Coronado Senior High School, you found
8 three sample tiles. The first one is T255 Green. Do you
9 believe that to be a Kentile sample?

10 A. I don't recall anything about it.

11 Q. Okay. The second one Criterion Gray.
12 Would that indicate to you that it's a Kentile?

13 A. Yes.

14 Q. Third one, obviously, says "No info." The
15 area you looked at was the ramp area in the Vo-Tech
16 Building?

17 A. Yes.

18 Q. And you did not identify it as Kentile?

19 A. As the note says, it's not Kentile because
20 the color is different and it has different chip size.

21 Q. Do you remember if that was--was it
22 antislip tile on that ramp?

23 A. Well, the ramps usually take antislip
24 tile.

25 (Deposition Exhibit 19 was marked.)

1 Q. (BY MR. JANSEN) I show you what has been
2 marked as Sergi Deposition Exhibit 19 marked "Kentile VAT
3 2-Coronado-3-29-89" and I ask if the colors in the mottle
4 are consistent with Kentile's architectural series?

5 A. No.

6 Q. Mitchell Senior High School, you
7 identified two short corridors as Kentile Stamford Taupe?

8 A. Yes.

9 Q. Is that the famous bird poop tile?

10 A. What?

11 Q. Is the mottling on Stamford Taupe, does it
12 look like--I always call it bird poop. It looks like
13 something that a bird pooped on it.

14 A. I wouldn't call it that.

15 Q. Sort of splotches; is that Stamford Taupe
16 mottling?

17 A. Yes.

18 Q. Palmer Senior High School, you found three
19 samples of Kentile tile; is that correct?

20 A. Yes.

21 Q. None of which you found anywhere in the
22 school in place?

23 A. That's correct.

24 Q. In Area No. 1 was the cafeteria, you found
25 Kentile Napoleon Gray; is that correct?



1 A. Right.

2 Q. That's in the main building. Do you
3 recall that as opposed to the gym and swimming area where
4 the other place that you looked at in a different
5 building?

6 A. Yes.

7 Q. Was Area No. 1, was a Napoleon Gray small
8 replacement area, do you recall, or was it the entire
9 cafeteria?

10 A. I don't recall.

11 Q. Area 2, which was the girl's swim locker,
12 you identified Kentile Cameo. Is that part of the
13 carnival series?

14 A. That's the carnival series, yes.

15 Q. Area 3, you identified Nutmeg with a
16 border of Scotch Gray, are those both vinyl asbestos
17 tiles marbleized?

18 A. Yes.

19 Q. In the coach's office, you finally
20 identify some Bayberry Green?

21 A. Finally there was some Bayberry Green on
22 the floor.

23 Q. Okay.

24 (Deposition Exhibit 20 was marked.)

25 Q. (BY MR. JANSEN) Hand you Exhibit 20

1 labeled "2-Palmer-4-13-89." That is not Bayberry Green,
2 is it?

3 A. No.

4 Q. So the tile is mismarked?

5 A. Definitely.

6 Q. Do you have an opinion as to whether that
7 tile is Kentile's Beige Flurry?

8 A. No, it's not Beige Flurry.

9 Q. Do you have an opinion as to whether it's
10 a Kentile tile?

11 A. It's not a Kentile tile.

12 Q. The final school is Wasson Senior High
13 School. You found a Kentile tile in storage; is that
14 correct?

15 A. Yes.

16 Q. But you did not find that--you did not
17 find Kentile in the auditorium where you looked; is that
18 also correct?

19 A. This was the case where the auditorium had
20 a black base with white styractions on the floor, and the
21 custodian gave us this box of tile and he said, "This is
22 what is on the floor." The box contained a one-sixteenth
23 ebony tile, but on the floor they had one-eighth inch,
24 same color, tile.

25 Q. But, in your opinion, the tile that was on

1 the floor was not Kentile?

2 A. Well, if all they had was Kentile
3 one-sixteenth tile, the tile on the floor couldn't have
4 been Kentile.

5 Q. Why do you say that?

6 A. Because it was twice as thick.

7 Q. Isn't there a possibility that the tile on
8 the floor could have been Kentile; it just didn't
9 necessarily come from the sample box?

10 A. Well, I got the impression that what was
11 on the floor was supposed to be what was in the box.

12 Q. My question is: Is it your opinion that
13 the tile that was on the floor in Wasson Senior High
14 School in the auditorium, was it or was it not Kentile,
15 in your opinion?

16 A. With a color like this, it could have been
17 any one of several manufacturers, including Kentile.

18 Q. That's the Ebony that you are referring
19 to?

20 A. Yes.

21 MR. JANSEN: Let's take a few minutes
22 break and I'm just about done.

23 (Break taken.)

24 Q. (BY MR. JANSEN) Mr. Sergi, I'm going to
25 hand you what has been marked as Deposition 27. Marked

1 as 4-Spangler-10-11-89. Look at that and ask if you the
2 coloring and marbleization is consistent with Kentile
3 tile.

4 MR. WEAVER: Todd, I'm going to back to my
5 basic objection. The purpose of the deposition is not
6 for you to place tiles in front of him and determine what
7 they are. Our objection is the same as I stated before
8 and I'm going to object and instruct him not to answer
9 questions on the fact that it relates to a parade of
10 tiles.

11 MR. JANSEN: I'm going to put these on the
12 record.

13 MR. WEAVER: Okay.

14 Q. (BY MR. JANSEN) Deposition Exhibit 28,
15 3-Spangler-11-10-89; same question?

16 MR. WEAVER: Same objection.

17 MR. JANSEN: You want me to ask the
18 questions all the time?

19 MR. WEAVER: No. You can just make a
20 record. That is the same objection. The purpose of the
21 depo is not for you to lay tiles in front of him and ask
22 him to identify but his role was to look at the in-place
23 tile in school and ascertain whether it was or was not
24 Kentile. He has done that and you have questioned him
25 with regard to all of his inspection.

1 (Deposition Exhibit 21 was marked.)

2 Q. (BY MR. JANSEN) Deposition Exhibit 21,
3 1-Spangler-11-10-89.

4 (Deposition Exhibit 22 was marked.)

5 Q. (BY MR. JANSEN) Deposition Exhibit 22,
6 2-Spangler-11-10-89. What has previously been marked as
7 Boranian Deposition Exhibit 36 5-Wasson-3-30-89. Been
8 previously marked as Young Deposition Exhibit 33,
9 Deposition Exhibit 10, Boranian Deposition Exhibit 35. I
10 want to know what this stuff is.

11 4-Wasson-3-30-89. Young Deposition
12 Exhibit 30, Deposition Exhibit 5, 3-Wasson-3-30-89.
13 Deposition Exhibit 18, 1-Wasson-3-30-89.

14 What has been previously marked as Young
15 Deposition Exhibit 34, Boranian Exhibit 32 and Deposition
16 Exhibit 12, 1-Wasson-3-30-89. Deposition Exhibit 19,
17 2-Sabin-4-6-89. Deposition Exhibit 6 and Young
18 Deposition Exhibit 45, 5-North-4-4-89. Young Deposition
19 Exhibit 41, 4-North-4-4-89. Young Deposition Exhibit 27,
20 Deposition Exhibit 9, Plaintiffs' Exhibit Boranian 27,
21 2-Rogers-6-9-89. Deposition Exhibit
22 173-Bristol-3-3-29-89. Deposition Exhibit 16,
23 2-Bristol-3-29-89.

24 Deposition Exhibit 15, 1-Bristol-3-29-89.
25 Young Deposition Exhibit 34, Deposition Exhibit 37,



1 4-Audoban-4-20-89.

2 That's it for those.

3 Q. (BY MR. JANSEN) Mr. Sergi, are you
4 familiar with a gentleman by the name of Arman Boranian?

5 A. Yes.

6 Q. Did he at one time work for Kentile
7 Floors?

8 A. Yes.

9 Q. Did you work with him?

10 A. We were both there at the same time, but
11 we--I don't recall our ever working together.

12 Q. Was he in the research and development
13 end?

14 A. He was in production, the production end.

15 Q. Was he overall or did he have one specific
16 production facility that he is assigned to?

17 A. Well, at the time that I'm speaking of, at
18 that time, he was in the Brooklyn plant and was mainly
19 responsible for production there, but it could be that he
20 would go to Chicago and Torrance.

21 Q. When you say "at that time," which time
22 are you referring to?

23 A. I don't want to take a guess. I don't
24 know.

25 Q. I want to go back real quickly to

1 Deposition Exhibit 7 and ask you, as I did with the Saint
2 Vrain Valley School District, if there are any changes
3 that you want to make to Deposition Exhibit 7, other than
4 those that we have previously spoke of?

5 A. No.

6 Q. Does Deposition Exhibit 7, with those
7 changes that we made when we were talking about the
8 individual schools, accurately reflect your opinion as to
9 whether or not the floor tile in each individual school
10 is or is not Kentile, as listed in Deposition Exhibit 7?

11 A. You will have to say that again, please.

12 Q. I'm sorry. It wasn't a very good
13 question.

14 In all of the areas that you viewed in
15 each individual school that is listed in Deposition
16 Exhibit 7, does Deposition Exhibit 7 accurately reflect
17 your opinion as to whether or not those areas contain
18 Kentile floor tile?

19 A. It does.

20 Q. And is Deposition Exhibit 7 your final
21 report with any changes that you have made when we talked
22 about the individual schools?

23 MR. WEAVER: With the exception of
24 possible changes in square footage.

25 Q. (BY MR. JANSEN) With that exception that

1 your counsel stated?

2 A. True.

3 Q. Do you know a gentleman by the name of
4 John Young?

5 A. No.

6 Q. How about a gentleman by the name of John
7 C. Smith?

8 A. No.

9 Q. A gentleman by the name of Merrill Smith?

10 A. Yes.

11 Q. How do you know Mr. Smith?

12 A. I met him once at a meeting, and I was
13 introduced to him as he was vice president of Kentile.
14 That was the only encounter I had with him.

15 Q. What kind of meeting were you at where you
16 met him? What was the nature of it?

17 A. I don't even recall that.

18 Q. Does the floor tile industry have meetings
19 that talk about various issues that have to do with floor
20 tile production, sales, marketing, those kinds of things?

21 A. Sales and marketing, I'm not aware of
22 that.

23 Q. How about in the research and development
24 standpoint, production standpoint?

25 A. No.

1 Q. I guess I'm just trying to find out what
2 kind of meetings that you would go to that you would meet
3 other individuals that are involved in the floor tile
4 business.

5 A. Well, there is the Resilient Floor
6 Coverings Institute, RFCI, where they have the technical
7 committee, which means that each company sends a
8 technical person to these meetings. In that sense,
9 that's where we meet competitive people.

10 Q. Are you the person that Kentile sends to
11 the RFCI?

12 A. Yes.

13 Q. Were you involved with drafting the
14 Resilient Floor Coverings Institute Recommended Work
15 Practices as they concerned floor tile, vinyl asbestos
16 floor tile?

17 A. Yes.

18 Q. What was your involvement?

19 A. In the sense that at the meetings we would
20 go over these various procedures that we wanted to
21 include in the practices, and we would discuss them and
22 iron them out and put wordings to them. When everyone
23 agreed, they were adopted as what should go into the word
24 print.

25 Q. Was there outside testing conducted or did

1 you have any outside information other than through the
2 floor tile manufactured representatives that were at the
3 meeting?

4 A. I'm not sure if there is a connection
5 here, but there was a study made called SRI Study. At
6 that time we recommended these certain--that certain tile
7 removal be done by means of these work practices and
8 asbestos sampling was taken at that time.

9 Q. What is SRI? What does that stand for?

10 A. Stanford Research Institute.

11 Q. Does the committee at the Resilient Floor
12 Covering Institute hire outside consultants or anybody
13 like that help them in drafting these work practices?

14 A. No.

15 Q. It's basically drawing on the people that
16 are involved with floor tile from the different companies
17 that make up the committee?

18 A. And in addition to companies that don't
19 make up--that are not members of the institute.

20 Q. I guess, so they would take information
21 from other floor tile companies that don't happen to be
22 members of Resilient Floor Covering Institute or any
23 other company? I guess I'm not understanding your answer
24 when you say other companies that are not members.

25 A. Okay. I want to change my answer and say

1 that the work practices that is put out by RFCI are from
2 the members only. I think nonmembers have their own work
3 practices. They are very similar.

4 Q. How long have you been a member of the
5 committee, the technical committee, for RFCI?

6 A. 15 years.

7 Q. And presently today you still are?

8 A. Yes.

9 Q. So, obviously, Kentile is a member of the
10 Resilient Floor Covering Institute, then?

11 A. Yes, they are.

12 Q. The Resilient Floor Covering Institute's
13 work practices, are they--is there a committee that
14 specifically works on them besides the general committee
15 and the whole committee of which you are a member votes
16 on them or is it all just a matter of discussion?

17 A. There is a committee that works on them
18 and then they bring them to the meeting. The entire
19 committee then, goes over it and decides whether they
20 want to make changes or not.

21 Q. Are you a member of the subcommittee?

22 A. No.

23 Q. You are a member of the regular committee
24 that votes?

25 A. Yes.

1 Q. How many members are there in RFCI?

2 MS. VAGGALIS: When?

3 A. Not many.

4 Q. (BY MR. JANSEN) Presently. She wanted to
5 know when. Presently.

6 A. Five.

7 Q. Do you know who they are?

8 A. Well, I will try to enumerate them. May
9 change the number. Kentile, AMTICO, Tarkett, Nafco,
10 Azrock.

11 Q. In what year, to your knowledge, were the
12 first recommended practices concerning the care of vinyl
13 asbestos floor tile put out by the Resilient Floor
14 Covering Institute?

15 A. It was recent, but I'm not going to take a
16 guess. Maybe '84, '85. Maybe '86.

17 Q. Since that time that you just referred to,
18 has there been revisions to the recommended work
19 practices?

20 A. Yes.

21 Q. Are they done on a yearly basis or an
22 as-needed basis?

23 A. As-needed, yes.

24 Q. How often do you meet for the Resilient
25 Floor Covering Institute?

1 A. We have four meetings a year.

2 Q. Is there a set agenda at each of these
3 meetings? I guess what I'm asking, is one of the
4 meetings, is that specifically devoted to work practices
5 that have been put out in other publications; is one
6 devoted to the industry practices? Or is there a set
7 agenda?

8 A. There is always an agenda and there are
9 many items on the agenda. Sometimes one topic takes up
10 most of the meeting time.

11 Q. But one of the four specific meetings is
12 not devoted entirely to one topic every year?

13 A. No.

14 Q. Do you know who supplied Kentile with the
15 asbestos that it used in its vinyl asbestos and asphalt
16 floor tile?

17 A. We bought asbestos from--over the years?

18 Q. Sure, all of them that you can come up
19 with.

20 A. Johns-Manville, Carey-Canadian, Atlas
21 California, Union Carbide. I think that is it.

22 Q. Is Kentile Dazzler series, is that a
23 commercial grade tile?

24 A. Yes.

25 Q. Is that a series that was manufactured

1 with asbestos?

2 A. Yes.

3 Q. Is that through-chip tile?

4 A. Yes.

5 MR. JANSEN: That's all that I have.

6 MS. VAGGALIS: I have no questions.

7 MR. WEAVER: I don't have any questions.

8 (The deposition concluded at 12:35 p.m.)

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1 I, ROCCO SERGI, do hereby
2 certify that I have read the foregoing transcript and
3 that the same and accompanying correction sheets, if any,
4 constitute a true and complete record of my testimony.

5

6

7

8

Deponent

9

10 Subscribed and sworn to before me this
11 _____ day of _____, 19____.

12 My commission expires _____

13

14

Notary Public

15

Address _____

16

17

18

19

20

21

22 St. Vrain et al. v. W. R. Grace et al.

23

24

25



1 STATE OF COLORADO)

2) ss. REPORTER'S CERTIFICATE

3 COUNTY OF DENVER)

4 I, Carol Patterson, do hereby certify that
5 I am a Registered Professional Reporter and Notary Public
6 within the state of Colorado; that previous to the
7 commencement of the examination, the deponent was duly
8 sworn by me to testify to the truth.

9 I further certify that this deposition was
10 taken in shorthand by me at the time and place herein set
11 forth and was thereafter reduced to typewritten form, and
12 that the foregoing constitutes a true and correct
13 transcript.

14 I further certify that I am not related
15 to, employed by, nor of counsel for any of the parties
16 or attorneys herein, nor otherwise interested in the
17 result of the within action.

18 In witness whereof, I have affixed my
19 signature this 18th day of September, 1990.

20

21

22

23

24

25

Carol Patterson
PATTERSON REPORTING SERVICE
Carol Patterson
Registered Professional Reporter
and Notary Public



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4 SEP 18 1990

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9 Re: St. Vrain et al. v. W. R. Grace et al.
10 Case No. 87-C-1807
11 Deposition of ROCCO SERGI

12 The deposition in the above-entitled matter is ready for
13 reading and signing. Please attend to this matter by
14 complying with ALL blanks checked below:

15 _____ arranging with us at (303)320-6628 to read
16 and sign the deposition in our office

17 XX having deponent read your copy and signing amendment
18 sheets, if any (orig. signature page enclosed)

19 _____ reading enclosed deposition, signing attached
20 signature page and correction sheets, if any

21 XX within 30 days of the date of this letter

22 _____ by _____ due to a trial date of _____

23 _____ Due to a trial date of _____ a telephone message
24 was left with _____ on _____
25 advising the deposition is available for reading
and signing until _____ at which time the
original will be filed.

26 Please BE SURE that the signature page and accompanying
27 amendment sheets, if any, are signed before a notary
28 public and returned to our office at the above address.

29 If this matter has not been taken care of within said
30 period of time, the deposition will be filed unsigned
31 pursuant to the Rules of Civil Procedure. Thank you.

32 PATTERSON REPORTING SERVICE
33 cc: Todd Jansen, Esq. James Hinga, Esq.
34 Katherine L. Vaggalis, Esq.
35 Laurence B. James, Esq.