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2 SUPERIOR COURT OF THE STATE OF CALIFORNIA
3 FOR THE COUNTY OF LOS ANGELES
4 PAUL JOHN COPPOLA and TERRIE)
5 WHITTAKER-COPPOLA,)
6)
7 Plaintiffs,)
8)
9 vs.) CASE NO.
10) BC 323163
11)
12 3M COMPANY, et al.,)
13)
14 Defendants.)
15 _____)
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21 TELEPHONIC DEPOSITION OF CARLO F. MARTINO
22 New York, New York
23 Wednesday, August 31, 2005
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2 A P P E A R A N C E S:
3
4 LAW OFFICE OF STEPHEN HEALY
5 Attorneys for Plaintiffs
6 1334 Park View Avenue, Suite 100
7 Manhattan Beach, California 90266
8 BY: STEPHEN J. HEALY, ESQ.
9 (via telephone)
10
11
12 MAYER, BROWN, ROWE & MAW
13 Attorneys for Union Cable
14 71 S. Wacker
15 Chicago, IL 60606-4637
16 BY: KATHERINE CLARK, ESQ.
17 (via telephone)
18
19
20 McKENNA LONG & ALDRIDGE
21 Attorneys for Union Carbide
22 444 South Flower Street
23 Los Angeles, CA 90071
24 BY: FARAH SOHALI NICOL, ESQ.
25 (via telephone)

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6
7 August 31, 2005
8 2:55 p.m.
9
10
11 Telephonic Deposition of CARLO F.
12 MARTINO, held at the offices of Orrick,
13 Herrington & Sutcliffe, LLP, 666 Fifth
14 Avenue, New York, New York, pursuant to
15 Notice, before
16 DIANE HARTY, a Notary Public of the State
17 of New York.
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2 PALMIERI, TYLER, WIENER,
3 WILHELM & WALDRON, LLP
4 Attorneys for 3M Company
5 2603 Main Street, East Tower
6 Suite 1300
7 Irvine, California 92614-6228
8 BY: CHARLES KANTER, ESQ.
9 (via telephone)
10
11
12 ORRICK, HERRINGTON & SUTCLIFFE, LLP
13 Attorneys for Carlo Martino
14 666 Fifth Avenue
15 New York, New York 10103-0001
16 BY: JOSEPH J. WELCH, ESQ.
17
18
19 HOWARD, ROME, MARTIN & RIDLEY, LLP
20 Attorneys for Imo Industries, Inc.
21 1775 Woodside Road, Suite 200
22 Redwood City, California 94061
23 BY: TIA McDOUGALL, ESQ.
24 (via telephone)
25

1
2 SELMAN BREITMAN, LLP
3 Attorneys for Cleaver-Brooks,
4 a Division of Aqua-Chem
5 11766 Wilshire Boulevard, 6th Floor
6 Los Angeles, California 90025-6538
7 BY: TIM PIPER, ESQ.
8 (via telephone)
9
10
11 PRINDLE, DECKER & AMARO
12 Attorneys for Guard-Line, Inc.;
13 Murco Wall Products, Inc.;
14 Riley Stoker Corporation
15 310 Golden Shore
16 Long Beach, California 90802-4246
17 BY: CARLA CROCHRET, ESQ.
18 (via telephone)
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5

1
2 (Exhibits 1 through 4 marked for
3 identification, as of this date.)
4 C A R L O F. M A R T I N O, called as
5 a witness, having been duly sworn by a
6 Notary Public, was examined and testified
7 as follows:
8 EXAMINATION BY
9 MR. HEALY:
10 Q. This is Stephen Healy here for the
11 plaintiffs.
12 A. Are you speaking to me, Carlo Martino?
13 Are you speaking to me?
14 Q. Yes.
15 This is Stephen Healy. Can you hear
16 me?
17 A. Yes, I can hear you.
18 Q. I represent Mr. Coppola in an asbestos
19 injury case. Have you ever testified in an
20 asbestos injury case?
21 MS. NICOL: Before we go on, for
22 housekeeping matters, let me get on the
23 record with a few stipulations which this
24 deposition is proceeding.
25 MR. HEALY: All right.

6

1 Martino
2 MS. NICOL: As a result of numerous
3 meet-and-confer meetings with Plaintiffs'
4 counsel, I will list probably the most
5 salient stipulations needed on the record.
6 First is that out-of-state counsel
7 participating on the phone, including
8 Katherine Clark and J. Welch, are fully able
9 to participate in this deposition even though
10 they are not counseling attorneys. Plaintiff
11 stipulated to that. Do any other counsel on
12 the phone have any objections to their fully
13 participating in this deposition as
14 out-of-state lawyers?
15 Hearing no objections, I believe we
16 have stipulations from all, then.
17 The second item is that the scope of
18 this deposition has been agreed to by
19 Plaintiffs to be limited to the Northrop site
20 Plaintiff worked at during the years 1967 to
21 1974, including the end of 1974.
22 And the third stipulation is that,
23 pursuant to the document request in
24 Plaintiffs' deposition notice, we have
25 produced what Plaintiffs have indicated

7

1 Martino
2 they are going to mark and attach to
3 the deposition transcript as Exhibit 4,
4 which is collectively a sales ledger
5 regarding Northrop, and we have agreed that
6 is the extent of our production of documents
7 concerning this deposition notice.
8 Thank you, Steve. You can go ahead.
9 MR. HEALY: I think that, just so that
10 we are clear, we agreed to the time limits in
11 the Northrop site and the counsel fully
12 participating. The documents request, let me
13 get back to you. That's the first I heard
14 that.
15 I do request the other defense
16 attorneys on the lawyers on the phone -- this
17 is Healy here -- because we are on a
18 telephone, if you'd state your last name,
19 "McDougall, objection, hearsay," et cetera,
20 that way the record is just a little more
21 clear. Does everyone agree to that?
22 On the other matters I request that we
23 enter into a stipulation that an objection by
24 one is deemed joined by all who are on the
25 phone, unless they opt out. That way we

8

1 Martino
2 don't have to hear "Join," "Join," "Join."
3 Is that agreeable, Counsel?
4 MS. McDOUGALL: Agree.
5 MR. WELCH: Agreed.
6 MR. KANTER: Agree.
7 MS. NICOL: Agree.
8 MR. HEALY: We will now proceed with
9 the deposition.
10 MS. NICOL: On the document request,
11 we did have numerous meet-and-confers
12 regarding the deposition notice and the
13 documents requested and performed a search
14 related to all non-generic Bakelite
15 categories of documents that were requested
16 and, as had been discussed in great detail
17 with Marty Morris of Baron & Budd, there were
18 no responsive documents to the categories
19 found, and the ledger is just being provided
20 as a confirmation of a lack of being able to
21 find documents relating to the Northrop site
22 for Plaintiffs' convenience.
23 MR. HEALY: We will talk later, but I
24 have an e-mail from you. Maybe that's
25 accurate, but I don't want to burn up time.

1 Martino
2 Q. You are retired?
3 A. Yes, I am.
4 Q. Where did you work the bulk of your
5 work life?
6 A. At Union Carbide, at the -- what used
7 to be called Bound Brook site. It's now called
8 the Piscataway site, in New Jersey.
9 Q. Do you have any information, knowledge
10 or experience with Calidria asbestos?
11 A. I am familiar with it.
12 Q. Would you please tell me when you
13 retired from Union Carbide, what year it was?
14 A. 1996.
15 Q. When did you start working for Union
16 Carbide?
17 A. In 1948.
18 Q. Did there come a time in which you were
19 involved with asbestos sales of Union Carbide?
20 MS. NICOL: Objection.
21 MS. CLARK: Objection, vague.
22 A. Asbestos sales?
23 Q. Yes.
24 A. No, I was not.
25 Q. Would you give me a shorthand version

1 Martino
2 We already used up an hour and I understand
3 that we are limited today, so I would like to
4 get to the substance.
5 MS. NICOL: Yes, we are limited because
6 you had court commitments and we couldn't
7 start until 11:00, and we tried to get
8 everything that you wanted to use as exhibits
9 copied and sent today.
10 MR. KANTER: Can the witness state his
11 name again?
12 THE WITNESS: Carlo F. Martino,
13 M-a-r-t-i-n-o.
14 MR. KANTER: Thank you.
15 Q. Mr. Martino, have you ever testified in
16 as asbestos injury case before?
17 A. Asbestos injury as a result of raw
18 asbestos?
19 Q. Any asbestos injury case, have you ever
20 testified in a deposition before, sir?
21 A. Yes, I have.
22 Q. About how many times?
23 A. Almost a dozen.
24 Q. Sir, you are 78 years old?
25 A. Yes.

1 Martino
2 of what you did from 1948 to 1996 at Union
3 Carbide. Were you engineer, salesperson,
4 management? What did you do?
5 A. I started out as a trainee in 1948 in
6 the production department. At the end of about a
7 year, I was transferred to the research and
8 development department working on polystyrene
9 products. In the end of 1958, '59, I was
10 transferred to polyethylene molding group and then
11 I became a group manager for the technical service
12 group for all thermoplastic and thermosetting
13 resins and molding compounds.
14 In 1960 I became the group manager for
15 phenolic molding materials, for phenolic molding
16 material and laminating resins, and that included
17 the development and service of customers in that
18 business. And that was up until 1974. I then was
19 transferred back into the thermoplastic business,
20 and I was in the polyethylene business as a
21 manager in various positions until I retired.
22 Q. Focusing on your experience 1950 to
23 1974, what was your title?
24 A. Group manager of the research and
25 development product group for phenolic molding

1 Martino

2 materials and laminating resins.

3 Q. I understand you to have said that you

4 were involved in some customer service function in

5 that time frame.

6 A. As part of that job, yes, we developed

7 products, but we also helped our customers when

8 there were problems with the products.

9 Q. And you sit there today, do you have a

10 recollection in the 1960 to 1974 time frame who

11 the major customers of Union Carbide were for

12 phenolic molding and laminating resins?

13 MS. NICOL: I object. This is beyond

14 the scope of the person most knowledgeable

15 deposition notice.

16 Q. Sir, do you --

17 THE WITNESS: Am I supposed to answer

18 that? I thought there was an objection.

19 MS. NICOL: You haven't noticed this

20 deposition as anything other than a corporate

21 representative on various categories, and

22 that category -- unless you can show me in

23 the notice where that category is covered.

24 MR. HEALY: It's preliminary but it

25 goes to category 33 D, 3 K, 3 L, 3 M.

13

1 Martino

2 you want to test his memory, you can test his

3 memory about the categories which you noticed

4 this deposition.

5 Q. Sir, without identifying who the

6 customers were that you serviced, could you give

7 me an idea of what you did in connection with your

8 customer service work. Did you visit plants? Did

9 you call them? Did you correspond? Did you speak

10 on the phone? What did you do?

11 A. We -- if we had a new product, we would

12 go out to selected customers to test it and the

13 application for which we developed it. If the

14 customer had a problem with an existing product

15 that he needed help on, that it didn't perform as

16 a previous order, one of us in the group would go

17 out to visit the customer and determine what the

18 problem was and try to solve it. We also answered

19 questions on the phone or letters that we might

20 receive from our customers.

21 Q. Did you have communication or contact

22 with Northrop Grumman?

23 A. No, I did not. I don't recall of any

24 contact with them at all.

25 Q. Did you have any contact in the

15

1 Martino

2 MS. NICOL: Why don't you ask him those

3 categories then. Your question was far

4 broader than that.

5 MR. HEALY: Thank you.

6 Q. Sir, do you have a recollection of who

7 the major customers were for those products,

8 phenolic moldings and laminating resins, in the

9 1960 to 1974 time frame?

10 MS. CLARK: Objection. Compound,

11 ambiguous as to time frame.

12 MS. NICOL: Same objections as before.

13 It's beyond the scope and we are following

14 this deposition notice especially with the

15 understanding it's being limited to the

16 Northrop site in this case and the time frame

17 at issue. You will have to have a time frame

18 limitation and you certainly have to relate

19 it back to the categories here.

20 MR. HEALY: It has to do with memory

21 about what he did during that period of time

22 and it's foundational.

23 MS. NICOL: That's substantive. It's

24 not covered by your deposition notice. You

25 can get foundation in many other ways so. If

14

1 Martino

2 aerospace industry for use of the phenolic

3 moldings for laminated resins?

4 A. I did not, no, and my group did not.

5 Q. Did you have any knowledge of whether

6 or not Union Carbide sold asbestos to Northrop

7 Grumman?

8 MS. CLARK: Objection. Foundation.

9 MR. HEALY: You shut me down on

10 foundation.

11 MS. CLARK: Pardon me?

12 MR. HEALY: You shut me down on

13 foundation. Now you are telling me that the

14 question lacks foundation. Do you see the

15 problem?

16 MS. CLARK: That's a totally separate

17 question from what Farah was talking about

18 before. I understood your question to be

19 referring to Calidria. You said something

20 about sales and asbestos.

21 Q. Sir, do you have knowledge that

22 Union Carbide sold asbestos to Northrop Grumman?

23 MR. HEALY: Are you directing him not

24 to answer?

25 MS. CLARK: No. I'm objecting the

16

1 Martino
 2 witness may not know.
 3 A. I was not involved in the sale of
 4 Calidria asbestos. Calidria was handled by a
 5 different division of Union Carbide.
 6 Q. What division was that?
 7 A. I think they were called the Calidria
 8 Division. I have to defer to the records on that.
 9 Q. Did some of the phenolic moldings and
 10 laminating resins your group was involved with
 11 in the 1960 to 1974 trial frame, did they contain
 12 asbestos?
 13 A. Some did. Some of the molding
 14 materials did. The phenolic resins did not.
 15 Q. The molding, did they use RG 244?
 16 MS. NICOL: Lack of foundation.
 17 Overbroad, beyond the scope of the deposition
 18 notice.
 19 Q. You may answer, sir.
 20 MS. NICOL: And calls for speculation.
 21 I think he said he wasn't involved in the
 22 sale of Calidria asbestos.
 23 MR. HEALY: That wasn't the question.
 24 Q. Did the moldings have RG 244 in it?
 25 A. No, they did not.

17

1 Martino
 2 Q. Did they have SG 100 in it?
 3 MS. CLARK: Objection, vague.
 4 Q. Did they?
 5 A. As I recall, SG 100 is a pelleted
 6 asbestos. And if I am correct about that, we
 7 tested it but it did not perform to our
 8 satisfaction.
 9 Q. Did you sell customers molding with
 10 SG 100 in it for a period of time in the 1960s?
 11 A. No.
 12 Q. Any other Calidria type, RG 100
 13 asbestos T 135, did any of the other Calidria
 14 asbestos grades make it into the molding that
 15 Union Carbide sold?
 16 A. We only tested Calidria asbestos to
 17 replace Carey asbestos and decided that it
 18 would require change in our formulations, and
 19 we did not approve the use of Calidria asbestos
 20 as a substitute.
 21 Q. The molding that you sold, did it go
 22 under the trademark or trade name or trade dress
 23 Bakelite?
 24 A. The molding materials and resins were
 25 both sold as Bakelite resins.

18

1 Martino
 2 Q. Sold under any other trademark or trade
 3 name or trade dress; Union Carbide, for example?
 4 A. At one point the Union Carbide label
 5 was plated on the bags in addition to having the
 6 Bakelite designation there. Exactly when that
 7 occurred, I don't remember.
 8 Q. Do you recall in the 1960-1974 period
 9 of time any exclusivity agreement between Union
 10 Carbide and any other third party regarding
 11 asbestos-containing molding sales?
 12 A. No, I'm not aware of any such
 13 exclusivity agreement. I'm not sure that's legal,
 14 is it?
 15 Q. Well, I understand sometimes if you buy
 16 a Zenith television, it might be manufactured by a
 17 different company in Taiwan. Did Union Carbide
 18 have an arrangement such as that, they would sell
 19 their molding to a different company, for example
 20 General Electric, and they "GE" stamped it?
 21 MS. CLARK: Objection. Vague,
 22 ambiguous, lack of foundation.
 23 A. I'm not aware of any such arrangement.
 24 Q. As far as you knew, all of the
 25 asbestos-containing molding that Union Carbide

19

1 Martino
 2 sold went under the name Bakelite except some
 3 for a period of time there was "Union Carbide"
 4 written on the bag?
 5 MS. NICOL: It misstates testimony in
 6 that other manufacturers' material were also
 7 under the Bakelite. The question seems to
 8 presume it would only be a Union Carbide
 9 product.
 10 MR. HEALY: Would you read back the
 11 question.
 12 MS. NICOL: Vague, ambiguous, overbroad
 13 and misstates his testimony.
 14 (Question read.)
 15 A. Yes.
 16 Q. Were you aware of any use of
 17 asbestos-containing products made by Union Carbide
 18 in the aerospace industry in the 1960-1974 time
 19 frame?
 20 A. No, I'm not.
 21 Q. Was Union Carbide asbestos used in the
 22 manufacture of polyester-based vinyls?
 23 MS. CLARK: Objection. Foundation.
 24 You can answer.
 25 A. As I understand that question you are

20

1 Martino

2 asking, if asbestos, raw asbestos, was used in

3 polyester?

4 Q. Polyester-based vinyls.

5 MS. CLARK: Same objection.

6 A. Since I was not involved in the raw

7 asbestos business, I don't know of any such

8 activity. I wasn't familiar, I wasn't involved in

9 that and wouldn't have information on it. That

10 was not.

11 Q. Do you know the contingent ingredients

12 in the moldings and laminating resins as part of

13 your group in the 1960, 1974 period of time?

14 A. Yes.

15 MS. CLARK: Objection. Vague,

16 ambiguous.

17 Q. Do you understand the question, sir?

18 A. I thought I answered it. Would you

19 repeat it again.

20 Q. Do you know the contingent ingredients

21 in the phenolic moldings and laminating resins

22 your group made in the 1960 or '74 time period?

23 A. Yes, I do.

24 Q. Did any of the laminating resins

25 contain asbestos in that period of time?

21

1 Martino

2 A. No, they did not.

3 Q. Some of the phenolic moldings did?

4 A. Yes.

5 Q. Did those phenolic moldings have an

6 identifier if today we go back and look through a

7 catalog or trade name or a model number by which

8 we can tell if they were asbestos-containing?

9 A. Only by the number designation and the

10 product data sheet, the product formulation sheet

11 that would apply to that number.

12 Q. If I wanted to find the product

13 formulation sheet for moldings that your group

14 made in the 1960 to '74 time period, do you know

15 where those are kept?

16 A. Right now they are at Mayer, Brown,

17 Rowe & Maw.

18 Q. As you sit here today, do you know the

19 number designations of the moldings that contained

20 asbestos that Union Carbide sold in the 1960 to

21 1974 time period?

22 A. I remember some of them.

23 MS. CLARK: Objection as to compound

24 and vague.

25 Q. What are the numbers that you do

22

1 Martino

2 remember?

3 MS. NICOL: Beyond the scope of the

4 deposition notice.

5 A. Am I supposed to answer that?

6 Q. Please.

7 A. BMG 5440, BMG 5303, BMG 3700 green.

8 The other two were black: BMG 15138, BMG 5353.

9 Those were the largest volume. 3700 wasn't, but

10 the others were the largest volume. I don't

11 remember the others but there were a few others.

12 Q. Do you have any knowledge or

13 information or belief that the moldings that you

14 just mentioned -- BMG 5440, et cetera -- were used

15 in the manufacture of any component parts to jet

16 aircrafts?

17 A. No, I'm not aware of that.

18 Q. Avionics?

19 A. What was that again?

20 Q. Avionics?

21 A. That's the name of a company?

22 Q. No. It's the electrical systems in

23 aircrafts.

24 A. I'm not aware of any sales that --

25 Q. Are you aware of any sales to McDonnell

23

1 Martino

2 Douglas?

3 A. No, I'm not.

4 Q. Were you involved in the manufacture or

5 sale of Union Carbide asbestos-containing molding

6 that would have been used in electronics or

7 communications equipment in the 1960 to 1974 time

8 frame?

9 A. Union Carbide did not manufacture

10 molded items. It manufactured molding material

11 which was sold to molders who made the parts.

12 They in turn sold it to their customers.

13 Q. In your line of work in the

14 distribution chain, Union Carbide sold to molders

15 who in turn sold to their customers, right?

16 A. They formed the part and they sold the

17 parts to their customers, yes.

18 Q. Did any of these materials you just

19 described, the BMG 5440, et cetera, did they have

20 military specification numbers?

21 MS. NICOL: Beyond the scope of the

22 deposition notice.

23 Q. Did they, sir?

24 A. Am I supposed to answer?

25 Q. Please.

24

1 Martino

2 A. Some of them were qualified under the

3 military specifications. I don't recall which

4 they were.

5 Q. Do you recall if any of them were

6 qualified for military specifications in

7 connection with electronics or communications

8 equipment?

9 A. As I recall, the military specification

10 allowed the molder to use that product for parts

11 that the government specified that required a

12 material that met that specification. What those

13 parts were, I don't know.

14 Q. Do you have a recollection any of the

15 molding materials you identified as BMG 5440,

16 et cetera, were used in the sale to third parties

17 for the manufacture of electronic boards or panels

18 during the period 1960 to 1974?

19 A. The molding materials would not be used

20 for the manufacture of boards. They are used

21 primarily for complicated shapes. The boards are

22 made by entirely different process. Those boards

23 are made by laminators and we sold phenolic resins

24 to those laminators who then made the boards and

25 sold them to their customers.

25

1 Martino

2 phenolics or vinyls?

3 MS. CLARK: Objection. Foundation,

4 compound.

5 A. Could you repeat the last part. For

6 what?

7 Q. Perhaps the court reporter could read

8 back the question to the witness, please.

9 (Question read.)

10 A. Vinyls, I'm not aware of any. Though I

11 was not involved in that area.

12 What was the other product that you

13 included there?

14 Q. Other than vinyls, I was talking about

15 resins or moldings.

16 MS. NICOL: You will have to ask the

17 question. We don't have a clear question at

18 this point.

19 Q. Do you have any information or belief

20 about the use of asbestos in lightweight plastics,

21 resins, phenolics or moldings for use in the

22 aviation industry?

23 MS. CLARK: Objection. Foundation,

24 vague and compound.

25 A. What I'm confused by is this

27

1 Martino

2 Q. Do you have any knowledge or

3 information or belief that the molding that you

4 sold, or Union Carbide sold -- BMG 5440, 5303,

5 et cetera -- were used by other manufacturers for

6 resale to aircraft or aircraft component part

7 manufacturers?

8 MS. CLARK: Objection. Foundation.

9 A. I wouldn't know who our customers sold

10 their parts to unless they had a specific problem

11 that they wanted us to help them with. They

12 didn't give us that information unless it was

13 absolutely necessary, and I don't recall of any

14 problem arising with parts that had been sold to

15 aircraft manufacturers.

16 Q. Were there other divisions at Union

17 Carbide that sold asbestos-containing phenolics or

18 resins separate and apart from your group in the

19 1960 to 1974 period of time?

20 A. In the United States?

21 Q. Yes.

22 A. In the United States, no.

23 Q. Do you have any knowledge or

24 information or belief about the use of asbestos in

25 the aerospace industry for lightweight plastic,

26

1 Martino

2 "lightweight."

3 Q. Okay.

4 Do you have any information, knowledge

5 or belief about the use of asbestos in phenolic

6 resins in the aviation industry?

7 MS. CLARK: Same objection.

8 A. I'm not familiar with any.

9 Q. Do you have any knowledge, information

10 or belief about the use of asbestos in vinyls used

11 in the aviation industry?

12 MS. CLARK: Objection. Foundation.

13 A. I'm not familiar with any vinyl

14 asbestos-containing materials used there.

15 Q. Do you have any information, knowledge

16 or belief about the use of asbestos in moldings

17 used by the aviation industry?

18 MS. CLARK: Objection. Foundation.

19 A. Since I'm not familiar with what they

20 were doing, I would not have such information.

21 Q. Do you have any knowledge, information

22 or belief about the use of asbestos in component

23 parts used in the electronics industry?

24 MS. CLARK: Objection. Foundation,

25 overbroad.

28

1 Martino

2 A. Not in the electronics industry.

3 Q. Do you have any knowledge, information

4 or belief about the use of asbestos in the

5 manufacture of component parts in the

6 communications industry?

7 MS. CLARK: Objection, foundation.

8 Foundation, overbroad.

9 A. I know some of the --

10 By "communications" you mean telephone?

11 Q. Telephone would be included. Do you

12 know asbestos used in telephones?

13 MS. NICOL: This is way beyond the

14 scope of the designation and what the scope

15 has been narrowed to. You want to deal with

16 what might be at issue concerning Mr. Coppola

17 and the Northrop sites during 1967 to '74.

18 MR. HEALY: That's not a proper

19 objection, Counsel.

20 MS. NICOL: It's beyond the scope of

21 the designation and beyond the scope limited

22 for stipulation.

23 MR. HEALY: No, it's not, Counsel.

24 Q. Was asbestos-containing molding used in

25 telephones, Mr. Martino?

29

1 Martino

2 or have him answer the question.

3 Q. Please answer the question, sir.

4 A. I don't know if the product that we

5 used for the telephone handset contained any

6 asbestos in it or not. I don't recall. I would

7 have to defer to the records on that.

8 MS. NICOL: At this point I will simply

9 remind you we are working under time

10 constraints solely created by your wanting to

11 start this deposition later, and if we are

12 talking about telephone handles during the

13 course of this deposition and you don't get

14 out what you feel you may need with regards

15 to our pending summary judgment and with

16 regards to the motion to dismiss that's

17 now being continued for hearing until

18 September 14th, then you do so at your own

19 peril, because clearly you are avoiding

20 getting to those quick and substantive

21 issues.

22 MR. HEALY: That's not true. In fact,

23 you did not produce a witness until you were

24 court-ordered yesterday. That's been the

25 problem, and I will proceed.

31

1 Martino

2 MS. NICOL: Same objection.

3 MS. CLARK: Objection, vague.

4 Q. You may answer.

5 A. As I recall, by 1967 telephone handles

6 had been changed to colored thermoplastics and no

7 longer were being made out of phenolic molding

8 materials. But I would have to defer to the

9 records as to that, you know, the accuracy of

10 that. But I think a complete conversion had been

11 made at that time.

12 Q. That would have been before 1967 they

13 had asbestos-containing --

14 MS. NICOL: Objection. Beyond the

15 scope of the designation. At this point

16 you are going to have to tell me how

17 telephone handles apply to any exposure

18 Mr. Coppola may have had and may allege

19 with regards to Northrop during 1967 to '74.

20 Q. Please answer the question.

21 MS. NICOL: I will instruct him not to

22 answer unless you can articulate for me how

23 it is within that scope under which this

24 deposition is proceeding.

25 MR. HEALY: Instruct him not to answer

30

1 Martino

2 MS. NICOL: The deposition was offered

3 to you before we ever appeared in court

4 yesterday, so you need to correct yourself on

5 the record.

6 MR. HEALY: No.

7 Q. Sir, do you have any knowledge,

8 information or belief regarding sales or

9 distribution agreements entered between

10 Union Carbide and any Northrop Grumman facility

11 in El Segundo, California?

12 A. No, I'm not.

13 Q. Same question Hawthorne, California.

14 A. No.

15 Q. Same question Palmdale, California.

16 A. No, I'm not.

17 Q. Same question Pico Rivera, California.

18 A. No, I'm not.

19 Q. Same question Torrance, California.

20 A. No, I'm not.

21 Q. Do you have any knowledge, information

22 or belief with respect to any of the agreements or

23 contracts entered between Union Carbide and

24 McDonnell Douglas Corporation in connection with

25 its plant at Lakewood, California?

32

1 Martino

2 A. No, I am not.

3 Q. Do you have any information, knowledge

4 or belief with respect to any of the manufacture,

5 sale or marketing of Bakelite phenolics in the

6 19600 to '74 time frame?

7 MS. CLARK: Objection, vague.

8 A. That is to whom? To what company?

9 Q. To any company.

10 MS. CLARK: Same objection.

11 MR. HEALY: It's foundation,

12 Miss Clark.

13 A. Would you please repeat the question

14 again.

15 Q. Sure.

16 Do you have any knowledge, information

17 or belief regarding the manufacture, sale or

18 marketing of Bakelite phenolics in the 1960 to

19 1974 time frame by Union Carbide?

20 MS. NICOL: Overbroad and beyond the

21 scope of the deposition notice on grounds we

22 already covered for the last hour.

23 Q. Do you, sir?

24 A. Since I was in the business, certainly

25 I was familiar with the manufacture and sales and

33

1 Martino

2 marketing of those products. It's -- you know,

3 it's pretty broad. I mean, it's --

4 Q. I was leading up to some other

5 questions, the next one of which is: Do you know

6 who the intended or foreseeable end users of

7 Bakelite phenolic resins were other than telephone

8 manufacturers?

9 MS. CLARK: Objection. Calls for a

10 legal conclusion. Also vague and compound,

11 beyond --

12 MS. NICOL: Beyond the scope of the

13 deposition.

14 A. I have a problem with "intended."

15 That implies that we promoted the products in

16 only specific areas, so I want to clarify that

17 point.

18 We made those products available and

19 customers chose to use them in applications where

20 they felt would fit their needs. If they asked

21 for help in developing those applications, we

22 would get involved with it. So the uses that

23 evolved that were then successful, I can tell you

24 what those were.

25 Q. What were they?

34

1 Martino

2 A. Washing machine agitators, knife

3 handles, pot handles, knobs, toaster panels.

4 Which later were replaced by other products.

5 Bottle caps.

6 Now, your question is phenolic molding

7 materials only; is that correct?

8 Q. Yes.

9 If I understood you, the resins didn't

10 have any asbestos. Is that correct?

11 A. That's correct.

12 Q. And you were only involved in phenolic

13 moldings and resins in the '60 to '74 time frame?

14 A. Well, I was also involved with phenolic

15 resins that were sold to the laminators.

16 Q. Did those any of those contain

17 asbestos?

18 A. No, they did not.

19 Other applications were electrical

20 parts, wall plates, wall receptacles which you

21 used in the home. Many applications. You know,

22 the literature is full of them.

23 MR. WELCH: I think this would be a

24 good time to take a five-minute break.

25 MS. NICOL: That sounds good.

35

1 Martino

2 MR. HEALY: Okay.

3 (Recess taken.)

4 Q. Mr. Martino, before we left on the

5 break, I had asked you whether or not the phenolic

6 resins that your group that you worked for in the

7 1960 to 1974 time frame that you sold to

8 laminators, whether or not any of that contained

9 asbestos. Do you recall that question?

10 A. Yes.

11 Q. Did any of it contain asbestos?

12 A. No, it did not.

13 Q. Confining this next series of questions

14 to asbestos-containing moldings such as the

15 BMG 5440, et cetera, do you have that in mind?

16 A. Yes.

17 Q. Focusing on those moldings, what

18 differences or distinctions, if there are any,

19 were there between asbestos-containing moldings

20 and non-asbestos-containing moldings, if you know?

21 MS. CLARK: Objection. Vague.

22 Q. They are different numbers, right?

23 A. Different in the same color you could

24 not tell which contained asbestos and which did

25 not contain asbestos. You could only tell by the

36

1 Martino

2 properties of a product which you would have to

3 measure.

4 Q. With respect to the naming and coding

5 and model numbers of asbestos-containing moldings,

6 we would have to go to the sheets that are kept by

7 the Mayer firm, right?

8 A. They might not tell you whether --

9 Well, the formulation sheets, yes.

10 MS. NICOL: Those would be -- that

11 would be in the repository.

12 Q. With respect to the contents grade, the

13 type of asbestos, that would be in the formulation

14 sheets as well?

15 A. Yes.

16 Q. If a judge said he was going to order

17 Union Carbide to turn over a customer -- a

18 manufacturer list to whom these moldings were sold

19 would those be kept in the repository, to your

20 knowledge?

21 A. To whom the molding materials were

22 sold?

23 Q. Yes.

24 A. Well, there are sale scrolls just like

25 the one you have on Northrop.

37

1 Martino

2 Q. It would look like that (indicating),

3 right?

4 A. Yes.

5 Q. It would look like that, Exhibit 4,

6 right?

7 MS. NICOL: What would look like that?

8 MR. HEALY: The sales scrolls, whoever

9 Union Carbide sold their asbestos-containing

10 moldings to.

11 A. Not moldings. Molding materials.

12 Q. Thank you. I appreciate that.

13 Exhibit 4 is what the sales scrolls

14 look like in that period of time, right?

15 A. Yes.

16 Q. Inviting your attention to Exhibit 3,

17 have you seen that document before? "The

18 rheological properties contributed" --

19 A. Yes, I did not see that before. No.

20 Q. Are you familiar with the Vistron

21 Corporation of Hawthorne, California?

22 A. No, I am not.

23 Q. Do you know either of these persons

24 Mr. Ingalls or Mr. Kisiel? K-i-s-i-e-l,

25 I-n-g-a-l-l-s.

38

1 Martino

2 A. Personally, no.

3 Q. Do you know who they are?

4 A. I can only judge from --

5 I don't know them, no.

6 Q. Does the format of the document

7 Exhibit 3 look familiar to you as a type of

8 document that Union Carbide used in terms of its

9 format in the late 1960s?

10 MS. NICOL: Vague, overbroad, unclear

11 what kind of format you might be referring

12 to, ambiguous as a result.

13 Q. I will ask you a different question.

14 Looking at Exhibit 3, what is that? Is

15 that a report?

16 A. Yes, it is.

17 MS. NICOL: Lacks foundation. I

18 believe the witness stated --

19 MR. HEALY: He answered.

20 MS. NICOL: I believe the witness said

21 he did not see the document before today,

22 before you presented it at the deposition, so

23 lack of foundation.

24 MR. HEALY: You are coaching the

25 witness on the record and he answered the

39

1 Martino

2 question.

3 MS. NICOL: I am stating my objection.

4 You can move forward.

5 Q. Sir, is there a type of name you have

6 for this report?

7 MS. CLARK: Objection. Foundation.

8 A. It's a typical R&D report of results

9 obtained on work that was done.

10 Q. Have you had a chance to look at

11 Exhibit No. 3?

12 A. Just the first parts, the first page.

13 Q. Does this assist you in refreshing any

14 sort of memory or recollection about a difficulty

15 that was experienced by customers of Union Carbide

16 in using RG 244 asbestos in their polyester-based

17 resins?

18 MS. CLARK: Objection, mischaracterizes

19 previous testimony. And relevance as to

20 polyester.

21 Q. Does it refresh your memory or

22 recollection in any way?

23 A. I was not involved, as I said before,

24 in the sale or the experimentation that went on

25 with Calidria asbestos in various uses they had in

40

1 Martino
 2 mind nor was I involved in work with any customers
 3 that made polyester resins, so I wouldn't --
 4 There was no memory to refresh. I
 5 wasn't involved.
 6 Q. Turning your attention to Exhibit 3,
 7 page 1, the center of the page where it says
 8 "Group Manager W.L. Carrick," C-a-r-r-i-c-k, do
 9 you see that?
 10 A. Yes.
 11 Q. Do you know Mr. Carrick?
 12 A. Yes, I do.
 13 Q. Do you know what group this was?
 14 MS. NICOL: Lack of foundation, calls
 15 for speculation.
 16 A. I don't know what that group was
 17 called.
 18 Q. Do you know what that group was
 19 involved with?
 20 A. No, I do not.
 21 Q. Just below "Group Manager Carrick" it
 22 says project number 452-N14. Do you see that?
 23 A. Yes.
 24 Q. What does that mean?
 25 MS. NICOL: Same objection.

41

1 Martino
 2 A. What was that again? What did you say?
 3 MS. NICOL: Lack of foundation, calls
 4 for speculation.
 5 Q. The question was: That project number,
 6 what does that mean, 452-N14?
 7 MS. NICOL: Same objection.
 8 A. Each group of is designated by projects
 9 by numbers.
 10 Q. The first three numbers, 452, do you
 11 know what those mean?
 12 A. No.
 13 Q. The second group of numbers, N14, do
 14 you know what those mean?
 15 A. No, I don't.
 16 Q. Did your group use the same sort of
 17 numbering system as exists here on page 1 of
 18 Exhibit 3?
 19 A. We used a numbering system for some of
 20 our reports and some of our projects. A varied
 21 time they related to an accounting procedure.
 22 Q. Would you describe that accounting
 23 procedure to me as best you remember it.
 24 MS. NICOL: Lack of foundation, calls
 25 for speculation, well beyond the scope of the

42

1 Martino
 2 deposition.
 3 MR. HEALY: That would lead to
 4 discovery of admissible evidence.
 5 MS. NICOL: I doubt it, since we are
 6 talking about polyester-based resins and he
 7 already told you he doesn't have familiarity
 8 with this document or contents.
 9 MR. HEALY: That's not what I was
 10 asking. I was asking about his recollection
 11 of how the numbering related to Union Carbide
 12 accounting procedure in that period of time.
 13 Q. Sir, do you have a memory of it?
 14 A. I have. I have of what I did in my
 15 group.
 16 Q. What did you do in your group?
 17 A. I had project numbers and tried to
 18 account for the cost for those major projects so
 19 we could evaluate what the value of that work was.
 20 Q. Inviting your attention to Exhibit 3,
 21 page 2, do you have any memory or recollection
 22 that ethylene glycol assisted or helped
 23 end users -- end users or manufacturers --
 24 with the utilization of Union Carbide asbestos
 25 in connection with the viscosity of the

43

1 Martino
 2 phenolic resins used by manufacturers?
 3 MS. CLARK: Objection. Ambiguous.
 4 A. How did we get the phenolics from
 5 polyester? I don't understand that.
 6 Q. Did ethylene glycol assist the
 7 utilization of --
 8 Sir, do you have a memory as to whether
 9 or not ethylene glycol assisted manufacturers in
 10 using Calidria asbestos in the manufacture of
 11 polyesters?
 12 MS. CLARK: Objection. Foundation.
 13 A. I thought I answered before I have
 14 no -- I have no knowledge of what was being done
 15 in the polyester industry nor am I familiar with
 16 the work that the Calidria people did to sell
 17 their Calidria asbestos for this use, so I can't
 18 answer that question.
 19 Q. All right. So you are telling me you
 20 don't have anything to do with the Calidria
 21 division of --
 22 A. There was no polyester division.
 23 Vistron Corporation was a customer who made
 24 polyester. The polyester has nothing to do with
 25 Union Carbide except it was a test run for one of

44

1 Martino

2 their customers, one of Calidria corporate

3 division customers, by them. If you notice

4 Niagara Falls, New York, that's where they were

5 located. It has nothing to do with phenolics.

6 MS. NICOL: There's no question

7 pending.

8 THE WITNESS: I'm sorry.

9 Q. Turning your attention to Exhibit 4,

10 the first page --

11 At the bottom right-hand corner it

12 should say 3407 after a long series of numbers.

13 Are you with me?

14 Exhibit 4, the first page, bottom

15 right-hand corner, "UCA" followed by letters and

16 numbers, do you see that?

17 A. Yes.

18 Q. And the last three numbers should read

19 3407.

20 A. Yes.

21 Q. Are you on the same page?

22 A. Yes.

23 Q. Do you know what this document is?

24 A. It's a -- sales scrolls.

25 Q. Is this from December 1964?

45

1 Martino

2 A. Yes.

3 Q. Looking at the upper left-hand column,

4 it looks like other customers were crossed off or

5 redacted but you can read "Northrop Grumman."

6 Do you see that?

7 A. Yes.

8 Q. Or "Northrop Corporation."

9 It says "ethylene glycol." Do you see

10 that?

11 A. Yes.

12 Q. Would you have been involved in that

13 sale?

14 A. No.

15 Q. Do you know what use the ethylene

16 glycol was used for at Northrop Corporation?

17 A. No, I do not.

18 Let me clarify. There were no sales of

19 ethylene glycol that year it's on the list but

20 there was no pounds or dollars shown on that

21 sheet.

22 Q. What does the entry "ethylene glycol"

23 mean to you when you read that sales sheet?

24 A. The entry means that they bought

25 ethylene glycol at some time but at this year did

46

1 Martino

2 not order any.

3 Q. In the bottom right-hand corner where

4 it says UCA SB is that Union Carbide's asbestos

5 repository number, if you know?

6 A. I don't know. They --

7 The code down at the bottom?

8 Q. Right.

9 A. I don't know what that code means.

10 Q. What would you call this? A sales

11 scroll?

12 A. Yes.

13 Q. Did this sales scroll relate to the

14 Calidria asbestos division?

15 A. No. This is chemicals and plastics

16 division.

17 Q. Inviting your attention to the next

18 entry, "Northrop Corporation."

19 A. Yes.

20 Q. C-e-l-l-o-s-o-l-v-e acetate.

21 A. Right.

22 Q. Do you know what that's used for?

23 A. It's a solvent. More specific than

24 that, I don't know.

25 Q. The entry after that is ethyl acetate.

47

1 Martino

2 Do you know what that's used for?

3 A. No, I don't.

4 Q. The next entry is Tergitol. Do you see

5 that?

6 A. Yes, Tergitol.

7 Q. What is that used for?

8 A. That is a detergent.

9 Q. Do you have any connection with the

10 sale of these chemicals to Northrop?

11 A. No.

12 Q. Do you know of anybody who would have a

13 connection with the sale of these chemicals to

14 Northrop in the period of time 1960 to 1974?

15 A. The chemical sales department.

16 There were two divisions, chemical

17 sales and plastic sales. The chemical sales would

18 be responsible for those sales to Northrop, and I

19 don't see any sales that year of any of those

20 products on that sheet, so...

21 Northrop was not a very -- was a very

22 small customer.

23 Q. Of the chemical sales or plastic sales

24 or both?

25 A. From what I see here, both.

48

1 Martino

2 Q. What plastic did they buy on that

3 sheet?

4 A. None there.

5 Q. Turning to the next page, what I have

6 ends at 783. Is that the next page of Exhibit 4

7 to you?

8 A. Yes.

9 Q. Any sales there for the plastics

10 division that you see?

11 A. No.

12 Q. That's from December 1965?

13 A. Yes.

14 Q. Turning to -- the next page I have

15 is -- ends -- Exhibit 4 ends 737. Are we on the

16 same page?

17 A. Yes.

18 Q. And that is year ending December 1966?

19 A. Yes.

20 Q. Do you see any sales to Northrop

21 Grumman or Northrop Corporation from the plastics

22 division?

23 A. No.

24 Wait a minute.

25 No, that would be chemicals. No.

49

1 Martino

2 Q. Next page, what I have ends in the

3 right-hand column "738." Are you with me?

4 A. Yes.

5 Q. That's December 1966?

6 A. Yes.

7 Q. Any sales to Northrop Corporation in

8 El Segundo, California on the left-hand upper

9 portion of the page. Do you see that?

10 A. Yes.

11 Q. Are those sales from the chemical

12 division or any sales there from the plastic

13 division?

14 A. None from the plastic division. And

15 those sales are pretty small.

16 Q. Next page, 178, are you on that page?

17 A. Yes.

18 Q. It has to do with sales. That says

19 "Northrop."

20 A. Yes.

21 Q. Are those sales from the chemical

22 division or are there any sales from the plastics

23 division?

24 A. I see none from the plastic division.

25 Q. Thank you.

50

1 Martino

2 Next page, on the bottom right-hand

3 corner "654." Are we on the same page?

4 A. Yes.

5 Q. Inviting your attention to what I think

6 was at one time yellow highlight, to "Northrop

7 Corporation in southern California," are you with

8 me?

9 A. Yes.

10 Q. Do you see any sales from any -- from

11 the plastic division?

12 A. Parylene products, they would be from

13 the plastics division.

14 Q. What are parylene products?

15 A. That is a specialty polymer used to

16 coat electrical compounds. It's -- it gives it

17 excellent -- it gives them excellent water

18 resistance and excellent electrical properties.

19 Q. In the period of time 1960 to 1974, did

20 parylene products -- did any of them contain

21 asbestos made by Union Carbide?

22 A. No.

23 Q. What were they made of?

24 A. It was a -- the exact chemical

25 composition I can't recall but it was a polymer,

51

1 Martino

2 plastic polymer.

3 Q. Inviting your attention to the next

4 page, on the bottom right-hand corner should be

5 "655." Are you with me?

6 A. Yes.

7 Q. Upper Northrop, Hooper, California.

8 Are you with me?

9 A. Yes.

10 Q. Is that a chemical or plastic sales?

11 A. The triethylene glycol there were no

12 sales. The next looks that's a chemical sales.

13 Q. The Calidria asbestos, would that be

14 the plastics or chemical or something else?

15 A. That would be something else.

16 Q. On to the next page. The bottom

17 right-hand corner is "170." Are you with me?

18 A. Yes.

19 Q. Inviting your attention to the gray,

20 once yellow, highlight --

21 Are you with me?

22 A. Yes.

23 Q. Looking at those entries, are those all

24 chemical divisions?

25 A. The microballons were plastic division

52

1 Martino

2 but there were no sales of that. Epoxy solid

3 resins were the plastic division, but there were

4 no sales of that either. It looks like the

5 reference to parylene, I don't see any sales of

6 that. Polyox, that is a plastic division product.

7 They bought 10 pounds.

8 Q. So to the right of Polyox it says

9 10 pounds in May. Is that right?

10 A. Yes, and the --

11 Q. Polyox, does that contain asbestos?

12 A. No, it don't.

13 Q. The next page is "171," upper left-hand

14 column. Are you with me?

15 A. Yes.

16 Q. Are any of those plastic sales?

17 A. No.

18 Q. Next page is "172." Are you with me?

19 A. Yes.

20 Q. Are any of those plastic sales or can

21 you tell what it is?

22 A. I can't even tell what it is, but it

23 doesn't show a sales anyway. It looks like one

24 for Northrop Corporation prime total. I don't

25 know what that is.

53

1 Martino

2 Q. So there's some court of code, 40705?

3 A. That would imply one pound.

4 Q. One of pound or one of time?

5 A. Usually those are pounds and underneath

6 they are dollars.

7 Q. Inviting your attention to the next

8 page. Are you with me?

9 A. Yes.

10 Q. Do you see any plastic sales there?

11 A. There are microballons, oxy-solid

12 resins, parylene listed and Polyox listed but no

13 sales.

14 Q. It says "CEWX 6,000," and in March they

15 bought 2000 pounds of this?

16 A. Carbo-wax. It's a low molecular weight

17 that's sold by chemicals.

18 Q. Next page is 669. Are you with me?

19 A. Yes.

20 Q. Looking at the left-hand column, do you

21 see any plastic sales?

22 A. I see plastics listed. The vinyl type

23 resin is listed but no sales. Epoxy resin PRR

24 42305 is listed 19 pounds. Phenoxo polymers,

25 that's a plastic division product. They bought 50

54

1 Martino

2 pounds. All the rest are chemicals.

3 Q. Do any of the plastics you listed

4 contain asbestos, to your knowledge?

5 A. No, they do not. I said they did not.

6 Q. The next page, 444, are you with me?

7 A. Yes.

8 Q. Left-hand column, are any of those from

9 the plastics division, T-e-t-r-a, E-t-h-e-x?

10 A. The ERL.

11 Q. Did that contain asbestos?

12 A. No.

13 Q. Next page, 445. Are you with me?

14 A. Yes.

15 Q. Are any of those from the plastics

16 division?

17 A. The Polyox would be. No sales shown.

18 Q. Did that contain asbestos?

19 A. No. No sales shown either.

20 And epoxy resin, again no sales. Again

21 epoxy resin, no sales. There are two of them.

22 All the rest were chemicals.

23 Q. The items in the plastic division, do

24 any of those contain asbestos that you just

25 mentioned?

55

1 Martino

2 A. No.

3 Q. Turning to the next page, 446, are we

4 at the same page?

5 A. Yes.

6 Q. Are any of those sales or items listed

7 from the plastics division?

8 A. No, none of them.

9 Q. 536, are any of the sales to Northrop

10 from the plastics division?

11 A. No.

12 Q. Were any of those asbestos-containing,

13 as far as you know?

14 A. As far as I know, they are not.

15 Q. Turning to the next page, 853, it looks

16 like a mention of Tergitol. Is that it?

17 A. Yes, and that's a detergent and there

18 are no sales.

19 Q. Turning to page 854, are any of those a

20 sale to Northrop from the plastics division?

21 A. No.

22 Q. Turning to page 172, are you with me?

23 A. Yes.

24 Q. Are any of those a sale from the

25 plastics division?

56

1 Martino

2 A. No.

3 Q. Turning to the next page, 173, it looks

4 like a single entry. It's a total; is that right?

5 A. Yes.

6 Q. Turning to page 906, are you with me?

7 A. Yes.

8 Q. Are any of those items sold to Northrop

9 from the plastics division?

10 A. No, none.

11 Q. The powdered 6,000 flake, do you know

12 what that is referring to?

13 A. That's carbo-wax and that's a

14 polyethylene glycol, a low molecular weight wax.

15 Q. Do you know why they call it powdered?

16 A. Well, it was -- you know, it's just

17 like any wax. You have to grind it up into a fine

18 powder in order to use it or you have to melt it.

19 There's also flake.

20 Q. Turning to the next page, 868 --

21 MR. HEALY: I'm going to ask Miss Clark

22 or Miss Nicol, it looks like everything is

23 blacked out.

24 MS. CLARK: At the very bottom the

25 company name is listed, but I would also

57

1 Martino

2 state for the record we are now up to 1976,

3 so I think we are going beyond the time frame

4 that this plaintiff was there, in any event,

5 but we had provided these records for a few

6 years beyond.

7 Q. Skip past 868, skip past 869, skip past

8 403, and now we are looking at 435.

9 Are you with me?

10 A. Yes.

11 Q. That's from December 1970?

12 A. Yes.

13 Q. Do you have any information or belief

14 that sales scroll refers to a plastics division

15 sale?

16 MS. CLARK: I believe that's 1978.

17 It's just the copying quality. But these all

18 go in year order, to my knowledge. You will

19 see the one before that is '77 and after '79.

20 MR. HEALY: Okay.

21 A. Is there a question on that?

22 I'm not familiar with A 174. It's not

23 a plastic product.

24 Q. Mr. Martino, inviting your attention to

25 your earlier testimony regarding BMG 5440, 5303,

58

1 Martino

2 3700, et cetera, do you remember that?

3 A. Yes.

4 Q. If I recall your testimony, those

5 particular moldings contained raw asbestos as a

6 component ingredient.

7 MS. CLARK: Objection. Misstates his

8 testimony.

9 Q. Well, please correct me. Did they

10 contain asbestos or not?

11 A. They did contain asbestos.

12 Q. And it was a Carey asbestos?

13 A. Carey was our main supplier.

14 Q. And the remainder of the component

15 ingredients were epoxies and resins to make the

16 molding?

17 MS. CLARK: Objection, mischaracterizes

18 his testimony.

19 A. No. You said epoxy. We were not using

20 epoxy to make molding materials.

21 Q. You were using something other than

22 just asbestos?

23 A. We were using phenolic

24 phenol-formaldehyde resins which we call phenolic

25 resins.

59

1 Martino

2 Q. Now, this particular group of phenolic

3 moldings -- the BMG 5440, et cetera -- when Union

4 Carbide sold them to a customer, did they go out

5 in bags in pellets or what form did the product

6 material have when it left Union Carbide?

7 A. Granular form, like a coarse sand.

8 Q. Was it made in New Jersey or the West

9 Coast or where was it made?

10 A. In New Jersey.

11 Q. Was coloring added?

12 A. Yes.

13 Q. Do you have any level of information or

14 belief that the granular form was shipped in bags

15 or boxes? How was it shipped?

16 A. Bags and gaylords. They were cardboard

17 boxes that would hold a thousand pounds.

18 Q. Do you have level of information or

19 belief that any of these asbestos-containing

20 products -- the BMG 5440, 5303, et cetera -- were

21 used by subcontractors of Northrop, if you know?

22 A. I don't know.

23 Q. Could have been used or might not have

24 been used but you don't know?

25 A. No, I don't know. I don't know where

60

1 Martino

2 our customers sold our products.

3 Q. What are the names of the customers

4 that you remember in the 1960 to 1974 time frame

5 that were buying these products in bulk?

6 MS. CLARK: Objection. Foundation,

7 overbroad.

8 MS. NICOL: Beyond the scope of the

9 deposition. And we went down this road

10 about an hour and a half ago, this exact

11 road, so --

12 MR. HEALY: It's discoverable and I

13 think it's proper.

14 MS. NICOL: How is it proper? Tell me

15 where it falls under the scope of this

16 deposition. Not one you would like to have,

17 but this scope of this deposition. Show me

18 and I would be happy to allow it. I just

19 don't see it.

20 MR. HEALY: Page 6, line 22, sub T as

21 in Tom.

22 MS. NICOL: Not under the scope of the

23 deposition we agreed to relating to Northrop

24 and relating to the aerospace industry, and I

25 thought you already asked him questions about

61

1 Martino

2 A. The notice of deposition and the sales

3 scrolls that we were going over, and my work

4 history.

5 Q. What efforts did you make to ascertain

6 whether or not asbestos-containing phenolics were

7 sold to Northrop during the period of time in

8 which Mr. Coppola worked there?

9 A. I went over the sales scrolls.

10 Q. Did you go over more documents than

11 Exhibit 4 or just Exhibit 4?

12 A. Exhibit -- I don't have a number on

13 this. I assume Exhibit 4 is the sales scrolls.

14 Q. Yes.

15 A. Yes, that's it.

16 Q. And if those sales scrolls had the

17 asbestos-containing phenolic plastic sales, you

18 would have seen them there or expected to see them

19 there?

20 A. Yes.

21 Q. Now, what we have been provided are

22 obviously excerpts that were blacked out or

23 redacted from some larger, I assume much larger,

24 document. Is that true?

25 A. Yes.

63

1 Martino

2 the aerospace industry.

3 MR. HEALY: I'm looking at an e-mail

4 from Farah Nicol to Marty Morris and I don't

5 see that limitation. I see other things you

6 talked about, but I don't see that.

7 It's in our deposition notice and it's

8 discoverable. I want to know who you-all

9 sold these cardboard gaylords and bags of

10 granular form to.

11 MS. NICOL: Well, I don't know what

12 e-mail you are looking at, but an e-mail I

13 sent to Marty Morris yesterday at 3:12

14 states, "Similarly, you have agreed to limit

15 the scope of this deposition to the Northrop

16 site plaintiff worked at from 1967 to 1974

17 and to those years." That was the point of

18 reciting that stipulation at the beginning of

19 this deposition.

20 MR. HEALY: Why don't we take a break

21 and let's you and I chat.

22 (Recess taken.)

23 Q. Going back to Exhibit 4 for just a

24 moment, what did you look at in terms of documents

25 in preparation for your testimony today?

62

1 Martino

2 Q. Have you reviewed the larger document

3 or know how --

4 Let me ask you. Have you reviewed the

5 larger document?

6 A. No, I have not.

7 Q. Do you know how Exhibit 4 came into

8 being? Did somebody in the plastics division go

9 and take it out or how it came about?

10 A. I received it from Mayer, Brown, Rowe &

11 Maw.

12 Q. And the Mayer law firm, it's your

13 belief they obtained all of the sales to Northrop

14 and that's how we arrived at Exhibit 4?

15 A. Yes.

16 Q. What efforts have you made to make sure

17 that had occurred? Did you talk to someone in the

18 Mayer law firm?

19 A. I'm not quite clear on that. What did

20 I do to make sure what?

21 Q. That we have all of the documents that

22 show sales to Northrop.

23 A. That is what I was told, that this is

24 what was available.

25 Q. Who told you?

64

1 Martino

2 A. Kate.

3 Q. What did she say?

4 A. She said she was e-mailing me the

5 scrolls with the sales to Northrop over this

6 period of time.

7 Q. And this is about your twelfth

8 deposition or so in an asbestos injury case?

9 A. Eleventh or twelfth, yes.

10 Q. Has that been the process before, that

11 the Mayer law firm goes and looks through

12 documents and then gives you something to look at

13 and you testify from that?

14 A. No.

15 MS. CLARK: Objection. Vague and

16 ambiguous.

17 A. No, it's not. It varies with the case.

18 Q. If you were for your own purposes

19 trying to ascertain whether Union Carbide sold

20 asbestos-containing phenolics, do you have a level

21 of confidence this would have been the right way

22 to go about it?

23 A. Yes.

24 Q. You get hold of the Mayer firm and they

25 find the Northrop entries.

65

1 Martino

2 Are you confident this is a true, fair

3 and accurate document of the Northrop sales?

4 A. Yes, I do.

5 Q. Now, the Calidria division, would they

6 appear on the same scroll or are you completely

7 unfamiliar with their operation?

8 A. I'm completely unfamiliar with their

9 operation.

10 Q. If the task were to discover whether or

11 not the Calidria division made or placed these

12 sales to Northrop of RG 244 or RG 100, et cetera,

13 you would not be the person most knowledgeable on

14 that. Have I got that right?

15 A. That's correct.

16 Q. Do you know who would?

17 A. No, I don't.

18 Q. I want to ask you a series of questions

19 involving the asbestos-containing phenolics, the

20 BMG 5440, et cetera. Do you have those in mind?

21 A. Yes.

22 Q. Now, with respect to those

23 asbestos-containing phenolics that Union Carbide

24 sold, I want you to have in mind the period of

25 time 1960 to 1974. Do you have that period in

66

1 Martino

2 mind?

3 A. I thought I was limited to '67 to '74.

4 Q. That's fine. We can limit it that way.

5 I thought you had been group manager from '60 to

6 '74.

7 A. I was.

8 Q. Okay. But looking at '67 to '74,

9 because that's where my client was, do you have

10 information or belief that my client, a machinist

11 and toolmaker, would have encountered phenolic

12 molding made by Union Carbide that contains

13 asbestos in that period of time?

14 MS. CLARK: Objection, foundation.

15 Q. My question is do you have a level of

16 information or belief: "I have no idea

17 whatsoever" or "He could not possibly" or

18 "Absolutely should have."

19 MS. CLARK: Same objection, and vague.

20 Q. Do you have a level of information or

21 belief?

22 A. I don't know what your machinist was

23 exposed to, so I can't answer that question. I

24 have no idea.

25 Q. These moldings that contained asbestos

67

1 Martino

2 had as their virtue complicated shapes. Have I

3 got that right?

4 MS. CLARK: Can I hear the question

5 again.

6 (Question read.)

7 Q. Mr. Martino, if I understand your

8 testimony, the virtue of asbestos-containing

9 moldings was the application or the use for

10 making items that had complicated shapes. Have I

11 got that right?

12 A. No, you don't. The virtue of phenolic

13 molding materials in general is that they can be

14 formed into complicated shapes, eliminating many

15 operational -- in other words, materials it would

16 require more work to make that shape. And that

17 virtue is a result of the phenolic molding

18 material, not the asbestos. It just so happens if

19 you have an asbestos in there, you can do the same

20 thing.

21 Q. All right. What role, from your

22 standpoint, did the asbestos play? Was it a

23 binder or made it thicker, or it had other

24 qualities that assisted in making these moldings?

25 A. It was a filler and its prime purpose

68

1 Martino

2 was to give the product more heat resistance.

3 Q. In 1974 did Union Carbide make

4 asbestos-containing moldings?

5 A. They made some, much less than in

6 earlier years.

7 Q. Was there a particular month or year

8 you have in mind where Union Carbide dropped off

9 its asbestos molding business to some considerable

10 degree?

11 MS. CLARK: Objection. Vague.

12 A. It dropped off in 1974 when the

13 decision was made to go out of the business.

14 Q. In the period of time 1967, '68, '69,

15 '70, '71, '72, '73 were the sales, roughly

16 speaking, in the same volume?

17 MS. CLARK: Objection. Vague.

18 Q. I'm referring to asbestos-containing

19 moldings.

20 MS. CLARK: Same objection.

21 A. The same -- the same volume as in 1974?

22 Q. No, as each other, '67, '68, '68, '69

23 into '70 up to '73.

24 A. From 1970 to 1974 we started removing

25 the asbestos from our phenolic molding materials,

69

1 Martino

2 latest technology to give our people working in

3 that area the safest working environment it could

4 get. We met the OSHA requirements but we

5 anticipated that those OSHA requirements were

6 going to change and that we had to make even

7 further improvements.

8 So to do that, we had to start

9 eliminating asbestos products and reduce the

10 amount that -- so that we could go to one

11 production line. Subsequently we determined

12 through our own tests that what we thought was --

13 Well, that was the main reason why we

14 started that program removing the asbestos. Later

15 it was to reduce any hazards that might have been

16 found in customers' plants.

17 Q. We talked a little bit about the uses

18 of asbestos-containing phenolic resins as knife

19 handles or buttons and different types of uses.

20 Are you aware of any component parts that would be

21 used in aircrafts that would have

22 asbestos-containing phenolic resins?

23 A. No, I am not.

24 Q. Do you have a level of information or

25 belief, using Union Carbide's language from its

71

1 Martino

2 so that the sales of asbestos phenolic molding

3 materials would have decreased year by year.

4 Q. From 1970 to 1974 when you say sales

5 were decreasing year by year, was the

6 asbestos-containing molding -- was there a

7 particular awareness of health hazards to humans?

8 Is that why you started taking it out?

9 MS. NICOL: Beyond the scope of the

10 deposition.

11 Q. Is that why?

12 A. I thought that it was beyond the scope

13 of the deposition and I wasn't supposed to answer

14 that.

15 THE WITNESS: Is that correct?

16 MS. NICOL: It is beyond the scope of

17 the deposition.

18 THE WITNESS: Am I to answer?

19 MS. NICOL: You can go ahead and

20 answer.

21 A. The reason was initially that we wanted

22 to consolidate our operation, our manufacturing

23 operation, so that all asbestos molding products

24 could be made on one manufacturing line and

25 those facilities could be upgraded with the

70

1 Martino

2 sales literature, that -- about any companies that

3 Union Carbide called "fiber intermediates"?

4 I will start that question all over

5 again.

6 Have you ever heard of the phrase

7 "fiber intermediates"?

8 A. No, I have not.

9 Q. Have you ever heard of the phrase

10 "plastic intermediate phenolics"?

11 A. Plastic intermediate phenolics? No, it

12 doesn't make any sense to me.

13 Q. I'm going to represent to you that

14 in our review of marketing sales documents from

15 1974 from Union Carbide, this was the language

16 Union Carbide used to identify specific markets.

17 Are you at all familiar with a market

18 denoted "thermosetting molding materials"?

19 A. Yes.

20 Q. Have you reviewed any customer lists or

21 sales documents under the thermosetting materials

22 documents of Union Carbide to ascertain if they

23 were used by Northrop?

24 A. The thermoset molding materials,

25 phenolic molding materials are a subclass of

72

1 Martino

2 thermoset molding materials. And that thermoset

3 molding material encompasses a broad range of

4 polymers, many of which we didn't make like the

5 polyesters and the melmomeans and the urheas, so

6 my review is based on the thermoset molding

7 materials which we manufactured.

8 Q. Were you aware in the 1967 to 1974

9 time frame of any campaign by Union Carbide to

10 market phenolics to the aviation industry?

11 A. No, I do not.

12 Q. Same question but this time to the

13 industry -- that of maintaining aircraft, aircraft

14 maintenance products.

15 A. No.

16 MR. HEALY: For the record, I reserve

17 the right to redepose this witness or move to

18 compel to redepose this witness to ascertain

19 customer lists of the plastics division and

20 any other items contained in the deposition

21 notice, as I have been foreclosed from

22 conducting a useful examination that would be

23 calculated to lead to the evidence that would

24 show phenolics that ended up in my clients'

25 hands at Northrop.

73

1 Martino

2 was allowing you that because I did not want

3 you to get out of this deposition and simply

4 on the basis that you couldn't ask what you

5 wanted to ask.

6 You are welcome to continue with the

7 deposition. There's still more time for you

8 to continue with it. And if you are

9 adjourning it, you are adjourning it based on

10 your completing your questioning of the

11 witness. I believe he's answered all of the

12 questions for you relating to intermediaries

13 covered by the categories in your deposition

14 notice. The aircraft industry and the like

15 were all asked of him and I believe he

16 answered those questions for you.

17 So if you adjourn this deposition at

18 this point, then you are done with taking

19 this deposition, and that's your choice.

20 Q. Mr. Martino, if I recall your

21 testimony -- and I ask you to have this in mind.

22 The asbestos-containing phenolics,

23 BMG 5400, 5443, do you have that in mind?

24 A. Yes.

25 Q. Is that a "yes"?

75

1 Martino

2 Today we had an order to show cause in

3 front of Judge Green with respect to

4 Northrop's deposition but the items that,

5 assuming we do get them, are going to be of

6 limited utility if I can't discover or

7 ascertain intermediaries.

8 With that, I allow counsel to inquire.

9 Anything? Anybody on the phone want to ask

10 this witness questions?

11 MS. NICOL: If the other defendants

12 don't have questions, I need to respond to

13 your statement.

14 You and I had an off-the-record

15 discussion a short time ago where I told you

16 despite the fact that plaintiffs had in

17 writing agreed to limit this deposition to

18 the Northrop site the plaintiff worked at

19 during 1967 to '74, I have been more than

20 generous in allowing you a broad scale of

21 inquiry beyond that so that you can satisfy

22 yourself with regard to any and all

23 information that that would be relevant to

24 Mr. Coppola's case based on the deposition

25 notice. And I specifically told you that I

74

1 Martino

2 A. Yes, it is.

3 Q. And you have in mind as you sit here

4 today some of the larger customers for those

5 products, right?

6 A. I can remember some of them, yes.

7 Q. Who are they?

8 A. Square D.

9 Now, this is at various periods of

10 time. They didn't buy every year.

11 Cutler Hammer, who we sold to.

12 GE in Bloomington, now, they bought

13 more than just asbestos phenolic molding. They

14 bought all-asbestos and non-asbestos. There's no

15 one that bought exclusively just asbestos molding

16 materials.

17 Leviton.

18 Those are the ones that come to mind.

19 Westinghouse for a certain period of

20 time.

21 Q. Do you know to what use Square D used

22 the granular asbestos phenolics that you sold to

23 them?

24 MS. CLARK: Objection. Foundation,

25 assumes facts not in evidence.

76

1 Martino

2 MR. HEALY: I asked him to what use,

3 did he know.

4 A. Electrical switch gear primarily.

5 Q. Do you know if any of that was used in

6 avionics or by Northrop Grumman?

7 A. No, I do not.

8 Q. Do you know to what use Cutler Hammer

9 used asbestos-containing phenolic resins that you

10 sold from '67 to '74?

11 A. Similar to Square D. Various

12 electrical parts.

13 Q. Do you have a level of information or

14 belief as to whether or not Northrop Grumman used

15 Cutler Hammer?

16 A. No, I don't.

17 Q. GE Bloomington was a customer of Union

18 Carbide for the asbestos-containing phenolics.

19 What did they use it for, if you know?

20 A. I don't know in their case.

21 Q. Leviton. L-e-v-i-t-o-n?

22 A. Right.

23 Q. They were a customer of yours, the

24 plastics division at Union Carbide, in purchasing

25 asbestos-containing phenolics. Do you know what

77

1 Martino

2 they purchased from you for?

3 A. Leviton, I don't know if their

4 purchases were asbestos-filled phenolic molding

5 materials. They bought phenolic molding materials

6 from us. Those were for wall plates, receptacles,

7 electrical receptacles in the homes, switch gear

8 in the homes, main power terminal.

9 That's all I recall.

10 Q. Westinghouse was a customer of Union

11 Carbide plastics, right?

12 A. Yes.

13 Q. To your knowledge, they used

14 asbestos-containing phenolics for their electrical

15 switch gear operation?

16 A. Again, I don't know.

17 Now, the customers I gave you, they

18 might have used asbestos-containing molding

19 materials or not. I don't know that. All I can

20 say, they were large customers of ours who bought

21 our phenolic molding materials. And to ascertain

22 whether or not they bought phenolic molding

23 materials that contained asbestos, I would have to

24 check the records.

25 Q. What records would you check?

78

1 Martino

2 A. Sales scrolls and then the formulation

3 sheets.

4 Q. Would it be fair to say that if, for

5 example, Northrop Grumman was purchasing

6 Westinghouse electrical gear, if we were to

7 ascertain whether or not that switching gear

8 contained asbestos-containing phenolics by

9 Union Carbide, we would have you look at the

10 sales scrolls and formulation sheets from 1967 to

11 '74 from Westinghouse? Have I got that right?

12 A. No.

13 MS. CLARK: Objection, vague.

14 A. These customers didn't buy just from

15 us. They bought from other manufacturers of

16 phenolic molding materials. So just establishing

17 that a particular part if it did contain asbestos

18 came from Westinghouse and therefore came from

19 Bakelite, that doesn't follow. You can't tell the

20 difference between a GE or a Durez or Plastic

21 Engineering molding materials than theirs and

22 ours. So it doesn't follow just because it's

23 phenolic and it was made by one of our customers

24 that we were the ones who supplied it.

25 Q. Fair enough.

79

1 Martino

2 In your business in the period of time

3 1967 to 1974, there were other companies that made

4 asbestos-containing phenolics sold to your

5 customers, right?

6 A. Yes.

7 Q. And your competitors, who were they?

8 A. Durez, Plastic Engineering, General

9 Electric, Reichhold. Then there were small

10 manufacturers: Fiberite, Rogers Corporation.

11 Those were the main ones.

12 Q. How do I spell Durez?

13 A. D-u-r-e-z.

14 Q. And where are they out of?

15 A. Tonawanda, New York.

16 Q. Plastic Engineering?

17 A. Sheboygan, Wisconsin I think.

18 Q. Which division of GE?

19 A. The plastic division in Pittsfield.

20 Q. Where is their plastic division?

21 A. I think Pittsfield, Massachusetts.

22 Q. Reichhold, R-e-i-c-h-o-l-d?

23 A. I think R-e-i-c-h-h-o-l-d.

24 Q. Where are they located or were they

25 located?

80

1 Martino

2 A. I don't recall. I think it's in

3 New Jersey but I'm not sure. And I don't even

4 know if they are still in the business.

5 Q. F-i-b-e-r-i-t-e?

6 A. Yes.

7 They were in Wisconsin, I believe.

8 Q. Rogers Corporation?

9 A. They are in Massachusetts.

10 Q. Like it sounds, Rogers?

11 A. Rogers, R-o-g-e-r-s.

12 Q. Would it be fair to say if you add up

13 the volume of sales of your competitors from '67

14 to '74 -- GE, Rogers Corporation, all of the ones

15 listed -- that they were less than 50 percent of

16 the asbestos-containing phenolics sold to your

17 customers in that period of time?

18 MS. NICOL: Objection, foundation.

19 Also calls for speculation about the other

20 entities. Well beyond the scope of the

21 deposition and well beyond any discovery,

22 relevant discovery given you are trying to

23 get at marketer issues.

24 Q. You may answer, please.

25 A. I don't quite understand. Less than

81

1 Martino

2 50 percent of the total of asbestos-filled molding

3 materials which were sold to the industry?

4 MS. NICOL: You need to tell me how

5 this even fits within the broadest scope of

6 your deposition notice. I don't see how it

7 does. I've been more than generous with

8 giving you leeway, but I'm not quite sure how

9 this fits.

10 Q. Mr. Martino?

11 A. Yes. Could you rephrase the question?

12 Because I just don't quite understand.

13 Q. Sure.

14 MS. NICOL: I'm going to need to have

15 an understanding from Mr. Healy before we

16 proceed much further because this is not

17 relevant discovery, especially given the L.A.

18 general orders on this topic.

19 MR. HEALY: I think you know it is.

20 If Northrop Grumman is buying Square D,

21 Westinghouse and GE electrical switch gear

22 and my machinist client is grinding on those

23 molding materials, then the question becomes

24 did those contain materials -- was it more

25 likely than not Union Carbide. That's the

82

1 Martino

2 relevance. I think it's obvious what the

3 relevance is.

4 My question to this witness, if he

5 knows -- he might not know, but if he does:

6 Q. If Square D is making electrical

7 switching gear using asbestos-containing phenolic

8 resin, do you have a level of confidence that it's

9 more likely than not Union Carbide, given what

10 your competition was doing in terms of sales at

11 that time?

12 MS. NICOL: Same objection. Beyond the

13 scope of the deposition and beyond relevant

14 discovery given.

15 MR. HEALY: Are you instructing him not

16 to answer?

17 MS. NICOL: My objection. Go forward,

18 Steve.

19 Q. Sir, can I have an answer?

20 A. Let me -- I think you need a

21 clarification first.

22 A molded part that is sold to a

23 customer is sold in such a way it does not need

24 drilling or grinding or machining. It has the

25 holes drilled in or molded in. It has all of the

83

1 Martino

2 attachments to it. It's just ready for assembly.

3 That's why you mold it, so you don't

4 have to do all of these other separate operations.

5 So I don't understand why your machinist should

6 have to machine or drill or sand a molded part.

7 Q. Well, that is a great question, but

8 it's not really --

9 It happens all the time, you have --

10 A. What do you mean it happens all the

11 time? Show me a mold.

12 Q. Who makes their own tool so he can

13 calibrate electronics? I mean that happens all

14 the time.

15 A. And they would use a molded part for

16 that. That's ridiculous. You go to a molded part

17 because you don't want to machine and drill it and

18 tap it.

19 Q. This is interesting --

20 A. It's not interesting, it's a fact. So

21 let's get back on track here.

22 Q. Exactly. The question is: If someone

23 is encountering grinding of one of these parts,

24 one of these molded asbestos-containing molded

25 phenolics that Square D or GE Bloomington or

84

1 Martino

2 Westinghouse or Cutler Hammer made in the '67-'74

3 period of time, is it true it's more likely than

4 not that Union Carbide phenolic resin?

5 A. It is not. It is not. We were not a

6 major supplier and that doesn't follow that it

7 would automatically be Union Carbide product.

8 And I get back to my point: You do not

9 need to machine or drill or do anything to a

10 phenolic molded part. And if you are doing it,

11 you are being very inefficient because that is not

12 the purpose of making a molded part.

13 Q. I don't want to argue with you on how

14 your products got used by people out in the field

15 but --

16 A. Well, if that's what they are doing,

17 that is not what they are supposed to be doing.

18 Q. Fair enough.

19 Now, the question I have to you is: As

20 group manager, did you have to study what your

21 competition was doing in terms of market share?

22 A. We tried to determine what our share

23 was versus theirs, yes.

24 Q. What was your share of the

25 asbestos-containing phenolic resin market in 1967

85

1 Martino

2 in relation to Durez, Plastic Engineering, GE,

3 et cetera?

4 MS. NICOL: Objection. Asked and

5 answered. I think he already said they were

6 not a major player.

7 MS. CLARK: And beyond the scope.

8 Q. You may answer, sir.

9 A. We were less than 20 percent in 1967

10 and that dropped down to 11 percent in '73, and we

11 were down under 10 percent in '74.

12 Q. What part of Union Carbide kept track

13 of the percentages? Was it the marketing

14 department or you had to keep track?

15 A. No, this was -- the marketing

16 department was the department that tried to

17 compile its figures.

18 Q. On a different topic, have you ever

19 traveled to Los Angeles, California as part of

20 your work at Union Carbide?

21 A. Not when I was working in the phenolic

22 molding material area. I traveled to California

23 when I was in other areas.

24 Q. Do you have any knowledge or

25 information or belief of contractors in the

86

1 Martino

2 Hawthorne/LAX/El Segundo, California area that

3 were purchasing asbestos-containing phenolic

4 resins in the 1967-1974 time period?

5 A. No, I do not.

6 MR. HEALY: Miss Clark and Miss Nicol,

7 with that, Counsel, you may inquire.

8 MS. NICOL: Why don't we take a

9 five-minute break and I will just have a few

10 questions probably.

11 (Recess taken.)

12 MS. McDOUGALL: I will order one copy

13 of the transcript.

14 EXAMINATION BY

15 MS. NICOL:

16 Q. This is Farah Nicol. Can you hear me?

17 A. Yes.

18 Q. I know it's been a long day for you

19 since it's past 5 o'clock. I just want to take a

20 few more minutes of your time and we'll go through

21 a couple of questions.

22 Mr. Martino, have you ever had any

23 communication with the plaintiff, Paul Coppola, in

24 this case?

25 A. No, I have not.

87

1 Martino

2 Q. Have you ever heard of his name before

3 this deposition?

4 A. No, I have not.

5 Q. And have you ever visited any Northrop

6 facility?

7 A. No I have not.

8 Q. Concerning this sales ledger of

9 Exhibit 4 that you've gone over in some detail

10 today, do you have that on hand?

11 A. Yes.

12 Q. This sales ledger listed products

13 that were sold in the chemicals and the plastics

14 division, correct?

15 A. That's right.

16 Q. The products that were sold from the

17 plastics division to Northrop during the 1967 to

18 '74 time period would be listed on this sales

19 ledger; is that correct?

20 A. Yes, that's correct.

21 Q. Phenolics were part of the plastics

22 division; is that correct?

23 A. Yes, that is.

24 Q. So the sales of any asbestos-containing

25 phenolics, had there been any to Northrop during

88

1 Martino

2 the years 1967 to 1974, would have been listed on

3 this sales scroll if in fact they had been made;

4 is that correct?

5 A. That's correct.

6 Q. Because there are no entries for

7 phenolics listed on this Exhibit 4 sales scroll,

8 are you then confident that there would have been

9 no sales of asbestos-containing phenolic molding

10 moldings to Northrop during 1967 to 1974?

11 A. Phenolic molding materials?

12 Q. Yes.

13 A. That's correct.

14 Q. Are you in any way able to place, then,

15 any Union Carbide phenolics material in the

16 plaintiff Mr. Coppola's hands or work space at any

17 time during his employment at Northrop?

18 A. No, I cannot.

19 Q. Are electrical panels made of molding

20 compound?

21 A. Panels, no.

22 Q. Are boards made of molding compound?

23 A. No, they are not.

24 Q. What are the panels made of?

25 A. They are made by a laminating process

89

1 Martino

2 else who would be more knowledgeable on the topic

3 of --

4 A. On?

5 Q. On the topic of any sale of Union

6 Carbide phenolic molding material to Northrop from

7 1967 to '74.

8 A. No, I do not.

9 MS. NICOL: Thank you. No further

10 questions.

11 MR. HEALY: If we don't hear from

12 anybody else, why don't we go off the record

13 for just a moment.

14 (Recess taken.)

15 MS. NICOL: Three-day expedited

16 delivery for us.

17 MR. HEALY: We have had a discussion

18 off the record, Miss Nicol or Miss Clark,

19 will attempt to getting the transcript to

20 Mr. Martino for signature. If for whatever

21 reason an original signed version of the

22 deposition transcript is not available at

23 trial, a certified copy may be used for all

24 purposes. The court reporter will be

25 relieved of her obligations under the

91

1 Martino

2 where in most cases it's paper which is dipped

3 into liquid phenolic resin and then dried and

4 partially cured. And those, those sheets, are cut

5 to various sizes, stacked and pressed together to

6 form a panel.

7 Q. And it's a similar production process

8 for boards?

9 A. Yes. There is one other process for

10 making boards where the resin and the wood pulp is

11 blended together and then that is rolled into a

12 board. It's just a different way of doing it.

13 Q. Would I be correct, then, in my

14 understanding that neither panels or boards would

15 have contained asbestos-containing phenolic

16 material?

17 A. Most likely they did not, because for

18 those uses paper substrates have adequate heat

19 resistance for most electrical applications.

20 Q. And they were made of resins, not

21 molding compounds?

22 A. We would have sold only the resins

23 which did not contain asbestos and not molding

24 compounds for that use.

25 Q. Mr. Martino, are you aware of anyone

90

1 Martino

2 California code of civil procedure to retain

3 possession and that possession will be

4 retained by Union Carbide.

5 Myself, we are ordering the transcript

6 on a normal basis. I understand Union

7 Carbide is ordering on an expedited basis and

8 will pay for the cost.

9 Any other matters?

10 MS. NICOL: Yes.

11 You said the certified copy can be used

12 for all admissible purposes?

13 MR. HEALY: Yes, so stipulated.

14 MR. KANTER: So stipulated.

15 MR. HEALY: Thank you very much.

16 (Time noted: 5:45 p.m.)

17

18

19

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21 _____

22 CARLO F. MARTINO

23

24 Subscribed and sworn to before me this

25 _____ day of _____, ____.

92

Martino

NOTARY PUBLIC

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----- I N D E X -----		
WITNESS	EXAMINATION BY	PAGE
CARLO F. MARTINO	MR. HEALY	6
	MS. NICOL	87

----- INFORMATION REQUESTS -----

DIRECTIONS: None

RULINGS: None

TO BE FURNISHED: None

REQUESTS: None

MOTIONS: None

----- EXHIBITS -----

Exhibit No.		FOR I.D.
1-4	Documents	6

C E R T I F I C A T E

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

I, DIANE HARTY, a Notary Public within
and for the State of New York, do hereby
certify:

That CARLO F. MARTINO, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me and that such deposition
is a true record of the testimony given by
such witness.

I further certify that I am not related
to any of the parties to this action by blood
or marriage; and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 6th day of September, 2005.

DIANE HARTY