

IN THE COURT OF COMMON
LAKE COUNTY, OHIO

Case No. 91CV001653

RUTH N. BURNHEIMER, etc.,)
)
 Plaintiffs,)
)
 vs.)
)
 UNIROVAL CHEMICAL CO., INC.,)
 et al.,)
)
 Defendants.)

COPY

Jack Besoner & Assocs.
255 S.E. 14th Street
Suite 2-B
Fort Lauderdale, Florida
November 12, 1992
10:00 ~ 12:40 p.m.

DEPOSITION OF JACK H. WOLFSIE

Taken before Jeffrey M. Goldstein,
Certified Shorthand Reporter and Notary Public in
and for the State of Florida at Large, pursuant to
Notice of Taking Deposition filed in the above
cause.

- - - - -

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1 University, and I got an M.D. Degree --

2 Q. What year, approximately, if you would,
3 - roughly?

4 A. 1936.

5 Q. Please go ahead.

6 A. I got an M.D. Degree from New York
7 University College of Medicine in 1939.

8 Q. And thereafter?

9 A. I had a two year internship at New York
10 City Hospital in '39 to '41.

11 Now, when you talk about education, I'm
12 not trying to be corny, but in the practice of
13 medicine you're being educated all the time.

14 Q. Yes, sir.

15 A. I can't remember them all. I have had
16 many, many postgraduate courses, going to all
17 sorts of symposia over the years, and I couldn't
18 possibly remember them.

19 Q. Fair enough.

20 A. For example, I took a postgraduate
21 course at the Menninger Foundation in Kansas.
22 Psychiatry. I took one in New York University
23 postgraduate medical school, environmental
24 medicine, and there were many more, but I don't
25 think they're pertinent to this.

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1 Cyanamid?

2 A. Right.

3 Q. What was your job title?

4 A. Well, at first, I was an assistant to
5 the medical director of the Calco, C-a-l-c-o,
6 Chemical Division of American Cyanamid. I don't
7 remember how long. A few years probably. Then I
8 was in charge of the medical program at their
9 Warners, W-a-r-n-e-r-s, plant in Linden, New
10 Jersey, and their Woodbridge plant in Linden, New
11 Jersey, until I left to go to Uniroyal.

12 Q. Was that in 1964?

13 A. Ah-huh.

14 Q. Was it known as Uniroyal at that time?

15 A. It was known as United States Rubber
16 Company, as I remember.

17 Q. Who was your predecessor at Uniroyal?

18 A. Nobody. I'm sure people in one way or
19 another looked after parts of that function, but
20 there was no previous corporate medical director.

21 Q. As of that time -- Excuse me, in what
22 month of '64, do you recall, approximately, sir?

23 A. No. What the hell is the difference?

24 Q. There may well not be a difference,
25 Doctor. I just wanted to know if you recalled

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1 that time?

2 A. Yes. No.

3 Q. When did you first come, sir?

4 A. I don't know, but I have been in
5 Florida about five, six years. First, in
6 Sarasota, where one of your confreres caught up
7 with me and had to go undergo something similar to
8 this, and then came over to Plantation. I have
9 been in Plantation now for three, four years at
10 the address that you have.

11 Q. Did you have a particular expertise in
12 industrial medicine or industrial hygiene, during
13 your years with Uniroyal?

14 A. Oh, yes. I was certified by the
15 American Board of Preventive Medicine and
16 Occupational Medicine. I don't remember the year.

17 Q. Okay.

18 A. Had to be in the 50's. I was certified
19 by the American Board of Industrial Hygiene in
20 Industrial Hygiene.

21 Q. Any other certifications or particular
22 affiliations you had?

23 A. No, except that I served on numerous
24 committees, many of them trade association
25 committees.

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1 American Cyanamid which would have led to your
2 participation in the M.C.A. prior to 1964?

3 A. Well, as I became progressively more
4 interested in this work, and attended their annual
5 meetings of the national associations, and became
6 assigned to committees and got more and more
7 known, even served as officer -- For example, I
8 was the past president of the American Society of
9 Occupational Medicine. I was asked to serve on
10 these things.

11 Now, I remember Marshall when he was
12 Secretary of Labor, asked me to serve on a
13 committee to see whether or not we could come up
14 with a draft for a standard on skin exposures.

15 Q. To what?

16 A. Anything in industry.

17 MR. DEAN: Excuse me. That was
18 Secretary of Labor, Ray Marshall?

19 THE WITNESS: Sure. I have a letter on
20 that somewhere, I think.

21 So you asked how I got involved in
22 these things. Well, one thing or another. I
23 imagine in some of these cases I might have asked
24 for some of this. Sometimes an employer would ask
25 me.

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1 membership or affiliation with that organization?

2 A. It's a chemical processing company, and
3 one of the things that we did was to arrive at the
4 old chemical safety data sheets. I don't believe
5 they're in existence anymore.

6 I remember, I wrote the original draft
7 for formaldehyde, I think for -- I don't remember,
8 but a number of them, which of course were then
9 subject to the scrutiny of the whole committee.

10 Q. What committee? The M.C.A.?

11 A. Yeah. The Occupational Health
12 Committee, or the Committee on Health and Safety,
13 whatever they called it. I don't remember.

14 Q. When did chemical safety data sheets
15 first come into existence?

16 A. I don't know. They were there when I
17 got into the field.

18 Q. When you came to Uniroyal in 1964 or
19 its predecessor, was there an industrial
20 toxicologist there?

21 A. No. I created that. Now, that does
22 not mean that that function was not served. You
23 know, it was done, it was overseen by a number of
24 different people. I can't tell you now who they
25 were or exactly how that was structured, but I

1 THE WITNESS: I'm just trying to save
2 you a lot of time, trying to give you a bottom
3 line to work with.

4 BY MR. BRODHEAD:

5 Q. Okay. You want it to be a bottom line?

6 A. No.

7 Q. All right. Was there an industrial
8 hygienist at that time in '64?

9 A. Yes.

10 Q. And who was that?

11 A. That was Fred Sands, S-a-n-d-s.

12 Q. And this was corporate, in other words,
13 oversaw --

14 A. Yes.

15 Q. -- the operations nationwide?

16 A. Ah-huh.

17 Q. Who was Mr. Sands' successor, if you
18 recall?

19 A. Larry Derringer, whom I hired when Mr.
20 Sands died.

21 Q. Approximately when did Mr. Sands die?

22 A. Don't remember.

23 Q. From where did you hire Larry
24 Derringer?

25 A. You know, I really don't remember now.

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1 Harris, Mr. Dudrow, Mr. Derringer and his
2 predecessor, and Mr. Dudrow's predecessor.

3 A. Yes.

4 Q. In terms of the --

5 A. May I interrupt?

6 Q. Please.

7 A. Wes Graf. I don't remember how it's
8 spelled. Graf ending in "f" not "ph".

9 Q. Given the fact that we mentioned all
10 these names now, have we left any significant
11 department out of corporate, as it relates to
12 industrial safety, health, and toxicology and
13 hygiene?

14 A. When I began with Uniroyal, I reported
15 to the corporate safety director, who in turn
16 reported to the industrial relations director.

17 Q. Did that change?

18 A. It did.

19 Q. In what way?

20 A. A separate medical department was
21 created that reported to Mr. William Wrightnour,
22 who in turn reported to the C.E.O.

23 Q. Can spell Mr. Wrightnour's last name
24 for me?

25 A. It's probably W-r-i-g-h-t-n-a-u-e-r.

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1 A. Yes.

2 Q. All right. How did you come to learn
3 about vinyl chloride and its properties, and so on
4 and so forth, once you got to Uniroyal?

5 A. Well, several ways. Number one, I knew
6 there was such a thing as vinyl chloride. I had a
7 rather extensive library of my own. With the
8 permission of the Uniroyal management, built up a
9 much larger reference library. That was one
10 source.

11 Another source was, as I would visit
12 various plants like, for example, Monochem and
13 Painesville, where there are materials there with
14 which I had no direct familiarity, I would meet
15 with the technical people and learn all I possibly
16 could about the substance, their experience with
17 it, how it's made. I would be taken on detailed
18 tours through the processes, so that I could
19 formulate my own opinion of whether or not all
20 reasonable, you know, safety and health protection
21 measures were being taken. I would speak with the
22 doctors at these locations to find out whether or
23 not they had any people complaining of any
24 illnesses from any of these materials.

25 I had very good friends in other

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1 library with current and available materials?

2 A. Well, first of all, I subscribe to all
3 the worthwhile scientific journals that had all of
4 this material. Also too, don't forget -- And I
5 joined any number of organizations. For example,
6 I was an active member of the American Academy of
7 Chemical Toxicology. So if they had any, in any
8 of their programs they dealt with, let's say,
9 whether it was vinyl chloride or A,B,C substance,
10 it didn't matter, then that would become part of
11 my package of information.

12 Q. Where is the greatest exposure to vinyl
13 chloride? Is it in the creation of the monomer,
14 or is it in the creation of the polymer, or is it
15 in processing and fabricating?

16 A. You mean, where the greatest likelihood
17 of where somebody could become exposed.

18 Q. Yes, sir.

19 A. I would say maintenance people that
20 tear apart equipment. I would also say two people
21 taking samples, if they weren't careful, far more
22 than in ordinary day-to-day operating.

23 Q. Do you understand what I mean when I
24 say creation of the monomer versus polymerization,
25 versus processing and fabricating?

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1 for the people down there, because if, for
2 example, there was a leak, it would evaporate
3 before anybody could get exposed to very much of
4 it.

5 Q. That's also an outdoor facility, at
6 Geismar?

7 A. That was outdoor, yes.

8 Q. Still, Doctor, if you can, I would like
9 an answer to my question, if you can answer it.
10 Is it in the creation of the monomer, is it in the
11 polymerization process, or is in the process and
12 fabricating, where the greatest potential for
13 human exposure exist?

14 A. I could have answered that a lot better
15 20 years ago. Let me think a moment.

16 I can't lean one way or the other. I
17 would think that there are potential chances for
18 exposure in producing the monomer. I would think
19 that also would hold true of producing the
20 polymer, because more different stages of
21 operation are involved in polymerization; then
22 theoretically, that should give you more stages of
23 which there could be possible exposure. For
24 example, if they have recovery systems whereby
25 they try to recover unreact monomer, put it back

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1 vinyl chloride?

2 BY MR. BRODHEAD:

3 Q. Threshold limit values.

4 A. It had to be when I was with American
5 Cyanamid Company.

6 Q. Were you involved in any way in
7 monitoring threshold limit values at American
8 Cyanamid?

9 A. The industrial hygienist reported to
10 me, and then in that respect I was, yes.

11 Q. Did they have equipment to do so?

12 A. Oh, yes.

13 Q. What kind of equipment did they have at
14 American Cyanamid to monitor that?

15 MR. DEAN: We don't know what chemical
16 we're talking about. In the absence of that, I
17 object on the lack of relevance.

18 If we can establish what chemicals
19 you're talking about having been monitored by
20 American Cyanamid in the 1950's and 60's, I'll
21 still object, but I think the record will be more
22 meaningful later on.

23 THE WITNESS: It depends on what form
24 the material is, whether it's solid, aerosol,
25 vapor or gas, whether it's a liquid.

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1 A. It was a function that reported to me.

2 Q. I appreciate that.

3 A. And there was a highly specialized
4 skill, competency in that individual, who was
5 knowledgeable about the right materials, methods,
6 etcetera. Not only that, but evaluating the
7 numbers and the results that you get, what does
8 all this mean.

9 Q. When, to your knowledge, Doctor, were
10 threshold limit values for vinyl chloride first
11 monitored at the Painesville plant?

12 A. I don't know.

13 Q. As of the time you left Uniroyal in
14 1971, can you tell me whether or not you have any
15 specific recollection of threshold limit values of
16 vinyl chloride being monitored at the Painesville
17 plant?

18 A. I don't remember.

19 (Thereupon, a short break was taken.)

20 (The document(s) referred to was
21 thereupon marked as Plaintiff's
22 Exhibit Number 1 for Identification,
23 a copy of which is attached hereto.)

24 MR. BRODHEAD: Back on the record.

25 BY MR. BRODHEAD:

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1 an active position in the establishment of limits
2 and should issue a list annually, to be revised
3 each year to conform with newer information and
4 the values suggested by such bodies as the U.S.
5 Public Health Service and the American Standards
6 Association. A plan of action which this
7 committee might follow to advantage would be
8 similar to that of the International Committee on
9 Atomic Weights, which makes annual revisions,
10 incorporating or considering new information which
11 has appeared in the coming year.

12 It is not my intent to disregard or
13 belittle the work of existing limit proposing
14 groups, but their machinery at best grinds out its
15 grist finely and slowly. All of us doing field
16 work know that if samples are taken for any
17 contaminant in a plant, we must produce a limit,
18 right or wrong, for the consideration of the
19 management. Otherwise, they feel quite rightly
20 that we were wasting our time and theirs taking
21 the samples in the first place.

22 I feel that a committee like ours,
23 representing nearly all the government enforcing
24 agencies could, with justification, establish
25 arbitrary limits which appear reasonable, for

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1 correctly, a 1942 document, and you're questioning
2 the witness about statements made in 1942, when
3 - you haven't even established that the witness had
4 any knowledge about industrial hygiene standards
5 in 1942.

6 Subject to that objection, you can go
7 ahead and answer.

8 MS. KOESTER: Do you remember the
9 question, Doctor?

10 THE WITNESS: I don't think I can
11 properly answer such a question for the very
12 reasons given by --

13 MR. DEAN: Mr. Dean.

14 THE WITNESS: -- Mr. Dean. You're
15 asking me about something that was done in 1942,
16 at a time when I had no involvement whatsoever in
17 this case.

18 BY MR. BRODHEAD:

19 Q. No, sir. What I'm asking specifically
20 is whether or not, as a general proposition, what
21 Doctor Fredrick has stated, I want to know if
22 that's your understanding of what threshold limit
23 values are for; that is, to be thrown out by the
24 T.L.V. Committee, and then to be tested and
25 modified as industries see fit?

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1 Doctor?

2 A. Yes. I didn't get beyond the title
3 page, though.

4 Q. Was that a document that was available
5 to you at American Cyanamid?

6 I think maybe the answer to that would
7 be no, because you had no vinyl chloride
8 experience there, right?

9 A. I was not concerned with vinyl
10 chloride. I had had a full set of all the
11 chemical data sheets, because I was -- Well, first
12 of all, I was in this racket. Second of all, I
13 was on the committee that formulated these things.

14 Q. Okay.

15 A. But vinyl chloride was not a matter of
16 particular concern of mine, and so I would have no
17 memory of anything about vinyl chloride going back
18 to that time.

19 Q. Why is it that you state that it was
20 not a matter of particular concern of yours?

21 A. Only general, not particular, because
22 we weren't concerned with vinyl chloride in
23 American Cyanamid, at least not in any of the
24 operations that I was responsible for. No other
25 reason.

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1 A. I just don't remember.

2 Q. Okay. There was an entity by the name
3 of Monochem that was in existence when you came to
4 Uniroyal, is that correct?

5 A. Yes.

6 Q. What was your understanding of why
7 Monochem was created?

8 A. I would assume that it was created to
9 produce vinyl chloride.

10 Q. All right.

11 A. I don't remember if they made anything
12 else.

13 Q. Who were the participants in creating
14 that entity; that is, the corporation?

15 A. As far as I remember, it was a joint
16 venture of the Borden Company and the United
17 States Rubber Company.

18 Q. What degree of responsibility did you
19 assume over Monochem, if any?

20 A. Well, number one, Monochem was located
21 near other U.S. Rubber or Uniroyal installations.
22 Since Uniroyal had a role in that operation, I
23 would automatically assume responsibility, number
24 one. Number two, even if it had not been in the
25 same area, I would have, because I did on other

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1 Q. As corporate medical director, did you
2 ever make any distinction between, from an
3 industrial hygiene standpoint or industrial safety
4 standpoint, between monomer production and
5 polymerization?

6 A. I don't understand what you're driving
7 at.

8 Q. Were there considerations that would be
9 separate, say for an indoor polymerization plant,
10 than say an outdoor monomer producing plant, from
11 an employee safety and health standpoint?

12 A. The considerations would have to be
13 different, because you got a different process
14 involved in producing monomer, and then entirely
15 different things involved in producing the
16 polymer.

17 Q. Had you ever been to the Painesville
18 plant?

19 A. Oh, yes.

20 Q. Approximately how many occasions?

21 A. I don't remember. It had to be more
22 than one.

23 Q. Okay. You could count them on one hand
24 probably?

25 A. Don't remember.

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1 harmful. Our main thrust was on the manner in
2 which the people conduct themselves on the job,
3 and providing a type of operating procedure, as
4 well as an environment, which makes it least
5 likely for them to get into trouble health-wise or
6 safety-wise.

7 There are always exceptions to
8 T.V.L.'s, so we never would stop there. What we
9 would do was monitor any of the individuals.

10 You're asking about various sampling
11 equipment before. I'll tell you one that I do
12 remember, the human being, the employee, because
13 if that employee is inhaling or getting into his
14 system through the skin, any material in any
15 amount that he should not be, then we should be
16 aware of that, we should find that. And so we
17 would, you know, periodically examine people, just
18 as a final check, on whether or not everything
19 else before that was working, particularly since
20 nobody's that smart that they could anticipate
21 everything. Also too, particularly some of these
22 values that are set have a certain amount of
23 arbitrariness to them. We also know too, that
24 they are made to satisfy probably the so-called,
25 quotes, average, unquotes, person.

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1 Q. Doctor, when you refer to periodic
2 examinations, are you talking about annual
3 physicals of employees?

4 A. Yes, in some cases. You know, more
5 often than that.

6 Q. When you came to Uniroyal in 1964, and
7 prior to your departure in 1971, what was it, if
8 anything, about the annual physicals that was
9 particularly directed to the potential harmful
10 effects of vinyl chloride exposure?

11 A. I would not remember.

12 Q. Were blood levels tested at that time?

13 A. You mean blood levels for vinyl
14 chloride? I would doubt it.

15 Q. No. I mean liver function studies?

16 A. I don't remember that.

17 Q. Okay. Do you have any recollection of
18 an acroosteolysis study that was done in the
19 1960's?

20 A. Vaguely.

21 Q. Do you recall who it was who would have
22 overseen that study?

23 A. I remember meeting with Doctor Bert
24 Dinman and Doctor -- I don't remember the names of
25 these people. These were all people I knew very

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1 thereupon marked as Plaintiff's
2 Exhibit Number 3 for Identification,
3 a copy of which is attached hereto.)

4 BY MR. BRODHEAD:

5 Q. Showing you what's been marked as
6 Exhibit 3, have I correctly identified that as the
7 EPIDEMIOLOGICAL INVESTIGATION OF THE POLYVINYL
8 CHLORIDE INDUSTRY IN REFERENCE TO OCCUPATIONAL
9 ACROOSTEOLYSIS?

10 A. That's the title.

11 Q. All right. It's dated February of '69,
12 and it is stated as Confidential Report to the
13 Medical Advisory Committee Manufacturing Chemists'
14 Association, correct?

15 A. That's what it says. See, I didn't
16 even remember that we went through the M.C.A.

17 Q. All right.

18 A. May I ask a question?

19 Q. Please.

20 A. Was Uniroyal the only participant, or
21 were there other companies involved in this? I
22 don't remember.

23 Q. There are others involved in this.

24 A. I would have thought so.

25 Q. Do you recall that there were certain

1 reactor cleaners, do you recall whether or not
2 that suggestion was taken?

3 A. I don't recall.

4 Q. All right. Incidentally, there's a
5 footnote on the Torkelson reference as Number 9,
6 and that was a 1961 article entitled THE TOXICITY
7 OF VINYL CHLORIDE AS DETERMINED BY REPEATED
8 EXPOSURE OF LABORATORY ANIMALS.

9 Do you recall whether or not that
10 article was in the library that you kept?

11 A. I don't recall.

12 Q. Okay. Do you recall what Doctor
13 Torkelson's suggestion was generally, with respect
14 to vinyl chloride workers in that paper?

15 A. In this paper?

16 Q. Yes, sir.

17 A. No.

18 Q. Okay. When I say, "in this paper," I'm
19 talking about Number 9.

20 A. Yes.

21 Q. On Page 104 there are some
22 recommendations made. In Number 1, there's
23 reference again to the 50 parts per million,
24 correct?

25 A. That's with reference to the reactor

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1 animals should be continued to isolate the agents
2 responsible for the disease."

3 - Were you aware -- Excuse me, Doctor, go
4 ahead.

5 A. Go ahead.

6 Q. Were you aware as to when laboratory
7 experimentation with animals and vinyl chloride,
8 was first undertaken, approximately?

9 A. Well, I know from the Torkelson
10 reference, which goes back to an article in 1961,
11 that it had to be at least that far back. I don't
12 recall that they were able to produce that
13 particular condition in animals.

14 If I had to stretch my memory and
15 imagination to the limit, I would say they
16 probably did not.

17 Q. Were there other diseases they were
18 finding in animals that were exposed to vinyl
19 chloride?

20 A. There was somebody, some European
21 investigator on a huge, massive exposures, that
22 found some affect on a gland, I think on a rat --
23 I vaguely remember that -- which does not exist in
24 the human, and which was very difficult to
25 extrapolate to the human and which needed further

1 BY MR. BRODHEAD:

2 Q. Okay. Doctor, showing you what's been
3 marked Exhibit 3 --

4 MR. DEAN: Excuse me, Exhibit 4. This
5 is 3.

6 MR. BRODHEAD: Thank you. I knew I
7 brought you along for some reason.

8 BY MR. BRODHEAD:

9 Q. Doctor, that document that has been
10 marked as Exhibit 4 was produced by Uniroyal in
11 this case as one of its records relating to vinyl
12 chloride. I want to direct your attention to what
13 it says about a quarter of the way down the page,
14 "Meeting 8/25/67, 10:30 a.m." I'm going to try to
15 read this.

16 Quote, While Doctor Wolfsie and Mr.
17 Dudrow are in Painesville on their tour of the
18 plants, we thought this would be a good
19 opportunity to have them meet you and to have them
20 explain the health study.

21 Our plant has been invited to
22 participate in a nation-wide health study being
23 conducted in our industry.

24 Employees of 21 companies, including
25 Uniroyal, will be asked to fill out a

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1 MS. KOESTER: Let him ask you a
2 question first.

3 THE WITNESS: Sure.

4 BY MR. BRODHEAD:

5 Q. My question, Doctor, is what do you
6 mean by a fishing expedition?

7 A. By a fishing expedition, I would mean
8 that we're really out to find out anything and
9 everything we possibly can. We're not too clear
10 what the outcome is going to be. That's my
11 understanding.

12 I don't remember saying this, but if I
13 did say it, that's what I would mean. In other
14 words, no preconceived notion which would make it
15 a very, very bad experiment, any experiment, a
16 very bad experiment, if you decide before your
17 results are in, what the results are going to show

18 (The document(s) referred to was
19 thereupon marked as Plaintiff's
20 Exhibit Number 5 for Identification,
21 a copy of which is attached hereto.)

22 BY MR. BRODHEAD:

23 Q. Showing you what has been marked
24 Exhibit 5, it's dated 10/31/67, it states,
25 "Wolfsie would like to look at films when complete

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1 A. Let me read this. Yes, what you read
2 is correct.

3 Q. Who is Mr. Glenn?

4 A. I think that he was a head of the
5 chemical division, and Mr. Hopkins would have been
6 head of the consumer products division, because I
7 notice that the Mishawaka plant and the Naugatuck
8 Footwear plant were involved, and those other two
9 plants were in the consumer division

10 (The document(s) referred to was
11 thereupon marked as Plaintiff's
12 Exhibit Number 7 for Identification,
13 a copy of which is attached hereto.)

14 BY MR. BRODHEAD:

15 Q. Showing you what's been marked as
16 Exhibit 7, that is a letter from you to Mr. Glenn,
17 dated April 18, 1969, is that correct?

18 A. I wanted to see if it was subsequent to
19 the other one. Yes.

20 Q. I want to refer your attention to the
21 last paragraph of this Exhibit 7, Doctor. You
22 state in the concluding paragraph, and I quote,
23 "Because no cases of this disease were identified
24 in personnel in compounding and fabricating
25 operations, no further PVC health studies or

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1 have another condition related to vinyl chloride?

2 A. I don't understand what you're driving
3 at.

4 Q. Is it your understanding that there is
5 or is not, believed to be access between
6 acroosteolysis and any other adverse health
7 condition related to vinyl chloride?

8 A. I still don't know what you mean.

9 Q. Is it precursor to another vinyl
10 chloride disease?

11 A. You mean, is it an earlier stage of a
12 more encompassing disease?

13 Q. Yes, sir.

14 A. Not that I'm aware of
15 (The document(s) referred to was
16 thereupon marked as Plaintiff's
17 Exhibit Number 8 for Identification,
18 a copy of which is attached hereto.)

19 BY MR. BRODHEAD:

20 Q. Okay. Just for identification
21 purposes, Doctor, I want to show you Exhibit 8.
22 This apparently is a letter to Doctor Dinman from
23 J.E. Crim, Industrial Relations Manager, dated
24 October 28, 1968.

25 A. Is this the industrial relations

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1 BY MR. BRODHEAD:

2 Q. All right, Doctor, we're back on the
3 record.

4 Do you have any recollection of
5 suggested changes in the threshold limit values
6 for vinyl chloride while you were at Uniroyal?

7 A. I don't have any recollection.

8 Q. Doctor, do you have any recollection of
9 a paper presented in Houston, Texas in May of
10 1970, by a Mr. P.L. Viola, relating to vinyl
11 chloride exposure to rats?

12 A. The name sounds familiar, but I don't
13 remember much more than that

14 (The document(s) referred to was
15 thereupon marked as Plaintiff's
16 Exhibit Number 9 for Identification,
17 a copy of which is attached hereto.)

18 BY MR. BRODHEAD:

19 Q. Showing you what's been marked Exhibit
20 9, which I'm representing to you is a copy of a
21 paper presented at that time.

22 A. What year was that?

23 Q. May of 1970. Have you seen that paper
24 before, to your knowledge?

25 A. I don't remember.

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1 representations to you that this is an exhaustive
2 list. I'm only representing to you that these are
3 some articles that relate in some way or another
4 to vinyl chloride exposure and it's implications
5 for human beings.

6 Can you take a look at this, Doctor,
7 and let me know if you were aware, to the extent
8 that you can recall, of these articles at or about
9 the time they were published?

10 A. I would have no way to remember that.

11 Q. Okay. The first one was -- Directing
12 your attention to the first page, would you like
13 to go down the list, if you would, please, and let
14 me know which, if any, you recognize today, and I
15 understand it's been over 20 years since you left
16 the company?

17 A. Well, I probably saw the Viola article
18 or articles, and I probably saw this bunch here,
19 Number 81, Dinman, Cook, Whitehouse, Manguson,
20 Ditcheck. That's the group that did the study,
21 the epidemiological study on the occupational
22 acroosteolysis. I probably saw that, but to
23 specifically answer your question, I don't have
24 recollection.

25 Q. Okay. The articles which precede

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1 didn't matter what, and so he had that label
2 automatically attached to him before you might
3 read any one of his articles.

4 Q. The fact is that Doctor Hueper turned
5 out to be right in several instances?

6 A. I don't know, but I would imagine that
7 he probably could. Also too, you know, we tend to
8 laugh at people that are the first to find
9 something and say, because nobody else found it,
10 that it might be so. Sometimes it turns out to be
11 so, and sometimes it turns out not to be so.

12 Q. For example, Doctor Hueper was right
13 about the academic affects of asbestos?

14 A. I don't know, and I wouldn't use
15 Hueper, but many other people have demonstrated
16 that with asbestos. Heuper, right or wrong, had
17 the reputation that I spoke of. So, you know, you
18 would have to approach his work with a little bit
19 of caution.

20 Q. Are you familiar with Doctor Heuper's
21 work in the field of asbestos?

22 A. No. I don't remember, but there's
23 enough other good work on asbestos that you didn't
24 have to just rely on that.

25 Q. But he was one of the first, sir, was

1 Q. Okay. In your tenure at U.S. Rubber
2 and Uniroyal, what, if anything, did you
3 implement, Doctor, about enforcement of the T.L.V.
4 for vinyl chloride at the Painesville plant?

5 A. I don't remember anything specifically
6 about that.

7 Q. What, if anything, during your tenure
8 at Uniroyal, did you do with respect to
9 investigation of reports in the literature
10 concerning vinyl chloride related disease, other
11 than the acroosteolysis participation?

12 A. I don't recall any.

13 Q. What, if anything, did you do in your
14 tenure at Uniroyal, Doctor, that related to
15 follow-up with Doctor Viola, when he first
16 reported laboratory cancers from vinyl chloride in
17 1970, understanding that you left in the Spring of
18 '71, about a year later?

19 A. Yes. I don't remember, other than the
20 fact that I know do when something like this came
21 up, anyone of us that might have had an interest,
22 whether it was Bert Dinman, myself or anybody
23 else, first thing we would have done would be to
24 discuss this whenever we met with one another, and
25 we did frequently, because we were on the same

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1 out of that?

2 I did not say that Doctor Viola's work,
3 based on that former paper, was not valid. I
4 never said that. All I did was quote his own
5 conclusions.

6 Now, whenever a scientific paper or
7 work is read, it's got to be scrutinized very
8 carefully, and you have to draw your own
9 conclusions, depending on the investigator, the
10 type of experiment, experimental models, whether
11 or not he had the right to come to the conclusions
12 that he did come to, etcetera, etcetera,
13 etcetera. I never said that this was not
14 significant. All I did was quote the author's own
15 statement. I just wanted to clarify that.

16 Q. Are you telling me -- I'll withdraw
17 that.

18 A. I'm not necessarily passing judgment,
19 is what I'm saying.

20 Q. Okay. In other words, you would not
21 suggest to me the fact that Luigi Viola, an
22 Italian researcher, wrote about no implications to
23 human pathology can be extrapolated, you're not
24 suggesting to me that that is reassuring to you
25 that it is not scientifically possible?

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1 knowledge.

2 Q. Have you ever heard of Geismar
3 Industries?

4 A. I'm not familiar with that title.

5 Q. Do you know who the plant physician was
6 during your tenure at Painesville? I know this
7 would be very taxing to your memory. Do you
8 happen to recall?

9 A. I don't remember.

10 MR. BRODHEAD: Give me one minute,
11 please.

12 (Thereupon, a short break was taken.)

13 MR. BRODHEAD: Back on the record.

14 We're on 11?

15 MR. DEAN: Yes.

16 (The document(s) referred to was
17 thereupon marked as Plaintiff's
18 Exhibit Number 11 for Identification,
19 a copy of which is attached hereto.)

20 BY MR. BRODHEAD:

21 Q. Doctor, showing you what's been marked
22 Exhibit 11, it's dated December 20, 1967, it's on
23 Uniroyal stationery, to J.M. Poynter from J.B.
24 Parker, is that correct?

25 A. Yes.

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1 A. No, but I would -- If you want to know
2 why I did this, I'm trying to learn more about it.

3 Q. Sure. Did you have any --

4 A. When it comes to x-rays, I like to see
5 it myself, not necessarily take somebody else's
6 word for it, because there's bound to be some
7 questionable ones.

8 Q. Prior to your review of those x-rays,
9 did you have any particular training in the
10 phenomenon of acroosteolysis itself and its
11 radiologic detection?

12 A. No, except that before we undertook
13 this study I saw x-rays of acroosteolysis. I
14 can't remember where or when or how, but I know I
15 saw them, and the changes were unmistakable, and
16 they were unlike anything I had ever seen before.
17 This was a most peculiar phenomenon.

18 Q. Doctor, you apparently held a position
19 with the Manufacturing Chemists' Association on
20 one or more of its committees, did you not?

21 A. Yes.

22 Q. What committee was that?

23 A. I don't remember the name. It would
24 have to do with occupational health. It might
25 have also had the word safety in it, I'm not

1 A. Oh, yes.

2 Q. All right.

3 A. I probably was not at this meeting.

4 Q. I understand, Doctor. It would have
5 been after your time.

6 Under Item 3 of this document, it says
7 election of vice-president. It states here, "To
8 fill the vacancy in this office created by the
9 resignation of Doctor Wolfsie, the Chairman of the
10 following subcommittee to bring the nomination."

11 You apparently were vice-president of
12 that committee?

13 A. I don't remember having a designation
14 of vice-president. I think it was vice-chairman.

15 Q. They refer to it as vice-president
16 here. It's your memory that it was vice-chairman?

17 A. I think so, because Manufacturing
18 Chemists' Association had a president and other
19 offices. This was a committee.

20 Q. Do you have any recollection of
21 discussing whether or not data sheets on vinyl
22 chloride should be revised to identify the
23 allegations of carcinogenicity?

24 A. No, I don't recall.

25 Q. Was it your understanding that as of

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1 every single one of these very, very, very
2 carefully, and supply input before anything like
3 this was issued.

4 Q. Understood, Doctor. I just want to
5 make sure I understand that you didn't have
6 anything to do with the revision of that
7 document.

8 A. Not that I can remember.

9 Q. Okay. Is this 1954 C.S.D.S. a document
10 to which you referred, as best you can recall,
11 during your tenure at Uniroyal?

12 A. I don't recall.

13 Q. I take it you don't know anything about
14 the manner or method by which documentation, if
15 any, concerning a shipment of vinyl chloride, came
16 from Monochem to Painesville?

17 A. You mean how it was shipped?

18 Q. No. The documentation, if any, that
19 accompanied the shipments?

20 A. You mean whether there were any written
21 instructions that accompanied a shipment?

22 Q. Yes, sir.

23 A. Certain materials are required to have
24 certain placards on them when they're shipped by
25 rail, for example. When things are shipped by

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1 Q. Right, but --

2 A. But I don't recall that I was.

3 Q. It's my understanding from your
4 previous testimony that you had no particular
5 input or experience with vinyl chloride per se
6 prior to 1964, is that correct?

7 A. That's correct.

8 Q. Okay. Would it be fair to say that it
9 would not be likely then that you would you be on
10 the vinyl chloride C.S.D.S. Committee?

11 A. I don't know that there ever was a
12 vinyl chloride Manufacturing Chemists' Committee.

13 Q. All right. In any event, you don't
14 recall having anything to do with Exhibit 2?

15 A. No, because again, I have to say that
16 as a member of this committee, I served in one or
17 both of two possible roles. In some cases, those
18 of us that had experience, particular experience
19 with the chemical, it could have been more than
20 one of us, were asked to initiate such a document,
21 write it, come up with it, search the literature,
22 get all the best information we possibly could,
23 use our experience, the experience of others and
24 propose something like this, and then the rest of
25 the committee, even though they might not have

1 told us. If I'm inaccurate, you let me know.

2 The M.C.A. had a committee, which was a
3 chemical safety data sheet committee. Is that the
4 committee that existed that you referenced?

5 A. No. I'm talking about a committee that
6 was called the, I don't know, something that had
7 to do with the occupational health and safety.

8 Q. Okay. So there was -- First of all, we
9 can agree there was no, to the best of your
10 recollection anyway, there was no M.C.A. Committee
11 in the '50's on vinyl chloride?

12 A. To the best of my recollection.

13 Q. But there was some committee which
14 generally would prepare chemical safety data
15 sheets, is that right?

16 A. Yes.

17 Q. And if you were on that committee at
18 the time, you would have had some involvement in
19 this, but if you weren't on the committee you
20 would not have had any involvement, is that not
21 fair?

22 A. No.

23 Q. What is fair?

24 A. Part of it is correct, and part of it
25 is incorrect.

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1 A. Yes.

2 Q. List of publications?

3 A. Yes.

4 Q. Do you happen to have a curriculum
5 vitae that still exists?

6 A. No. It's old.

7 Q. Okay. Would they have one at Uniroyal,
8 you think?

9 A. I have no idea.

10 Q. Do you have one at home?

11 A. I don't know. I haven't been concerned
12 with it. I wrote a handful of articles --
13 Incidentally, when I was with American Cyanamid, I
14 gave papers at various scientific meetings while I
15 was with Uniroyal, but I didn't publish anything
16 in the scientific literature. That was while I
17 was with Cyanamid, and those included things like
18 the treatment of hydrogen cyanide poisoning. I
19 was involved with the choline esterase inhibitor
20 insecticides, like parathion, which were an
21 off-take of the poison gases that came out of
22 Germany during World War II, and I wrote several
23 papers on that.

24 Q. Approximately how many papers did you
25 publish?

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1 A. And where we're not doing a good job,
2 to correct it.

3 Q. Now, you told us earlier that you had
4 visited the Monochem facility in Baton Rouge,
5 Louisiana, correct?

6 A. Yes.

7 Q. Approximately how many times did you
8 visit that facility, Doctor?

9 A. Golly, I don't know. I know that I
10 would generally visit Baton Rouge and Geismar.
11 Uniroyal had a plant at Geismar. If I was there,
12 I would assume I would have probably most of those
13 times, maybe all, although not necessarily, would
14 also visit Monochem.

15 Q. Could you give me a general idea of how
16 often you would go to Baton Rouge? Would it be
17 once a year, twice a year?

18 A. I would say at least once a year.

19 Q. And when you would go to the Monochem
20 plant, in particular what would you do?

21 A. I would talk to management, technical
22 people and whoever was in charge of operations, to
23 find out whether or not there had been any changes
24 in their operating, in their operations, any
25 amendments, whether anything has been deleted,

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1 A. Yes.

2 Q. Was there a corporate -- Again, I know
3 ,this goes back a long time. If you don't
4 remember, just tell me. Was there a corporate
5 medical director at Monochem itself, anyone that
6 bore that title?

7 A. I don't think so. Monochem as I knew
8 it had only one location. It's not a corporate
9 location.

10 Q. In essence, would it be fair to say,
11 you provided the services of corporate medical
12 director to Monochem?

13 A. I offered that, because don't forget
14 another company's involved, mainly Borden. I
15 don't have to answer to Borden and they don't have
16 to answer to me, except we had a very good
17 cooperative relation.

18 Q. You were clearly providing services --
19 The type of services that you provided as
20 corporate medical director in Uniroyal, you were
21 providing those to Monochem, correct?

22 A. Largely. Strictly in so far as
23 occupational health is concerned, but I don't
24 know, for example, who were the various insurers
25 in so far as health insurance and life insurance

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1 anybody at Borden as the corporate medical
2 director and having a discussion about the
3 Monochem facility?

4 A. I don't recall ever calling up
5 anybody. Wherever Borden's corporate headquarters
6 is, I don't know.

7 Q. When you would fill out these reports
8 after you visited there, reporting on your visit,
9 where did you send those reports to, Doctor?

10 A. Well, the original and copy went to the
11 manager usually or someone else they may have
12 designated at the location itself.

13 Q. Right.

14 A. And in a case like that, it would have
15 gone to the head of the chemical division at
16 Uniroyal.

17 Q. At Uniroyal. And who would that have
18 been?

19 A. Probably. I think that was Glenn.

20 Q. Okay.

21 A. Only because I didn't remember, but I
22 saw it on one of the documents.

23 Q. So you would have sent one to the plant
24 manager at the Monochem facility, you would have
25 sent a copy of the report to Mr. Glenn --

1 would keep, locally, would keep the local union
2 people apprised of this situation. I don't think
3 I would send a copy to them.

4 Q. Would there be anybody else that you
5 haven't mentioned already, that you would have
6 sent a copy to?

7 A. You mean as a result of a visit?

8 Q. Yes, sir.

9 A. I don't remember whether I sent any of
10 that to any of my staff people, because sometimes
11 they would accompany me on a visit. Even if they
12 didn't, we regularly got together and apprised
13 each other of what was going on, so we all knew
14 all the time what was happening and coordinated
15 our efforts.

16 Q. Sometimes your staff people would visit
17 the Monochem facility without you, is that right?

18 A. I don't know. I assume they would.

19 Q. Okay. If they did, in the regular
20 course of business, they would have probably
21 reported to you?

22 A. Oh, surely.

23 Q. Now, when you went to the Monochem
24 facility, if understand you correctly, as was true
25 for all the facilities, you would get detailed

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1 Q. Okay.

2 A. Sometimes visits were just purely
3 routine. Other times I would have a specific
4 reason for going there, like, for example, when we
5 initiated that study on acroosteolysis at
6 Painesville, that would have been a visit
7 specifically for that purpose.

8 Q. Do you recall any specific purposes for
9 visits to the Monochem facility?

10 A. I don't recall any such.

11 Q. Okay.

12 A. You mean other than routine?

13 Q. Yes, sir.

14 A. No, sir, I don't remember anything like
15 that.

16 MR. DEAN: Doctor Wolfsie, that's all I
17 have. It's a pleasure to meet you.

18 THE WITNESS: I'm very pleased to know
19 that.

20 REDIRECT EXAMINATION

21 BY MR. BRODHEAD:

22 Q. Do you recall when the Occupational
23 Safety and Health Administration was passed into
24 law, Doctor?

25 A. I don't remember what year it was, but

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1 be a fair statement to say that industry was free
2 to care for the health of its employees as it saw
3 fit, without interference from the federal
4 government?

5 A. I would say even subsequent to OSHA, in
6 some industries. I'm being kind of sarcastic.
7 There are industries that operate in good faith,
8 and there are others where you might have some
9 question.

10 Q. I understand.

11 A. That's my only reason for saying that.

12 Q. As a general proposition, is my
13 statement correct, that prior to the creation of
14 OSHA, industry was free to regulate the work
15 environment, excuse me, industry was free to
16 conduct the work environment for its employees as
17 it saw fit, unfettered by federal regulation?

18 A. I would like to give you a qualified
19 answer to that. It isn't entirely correct,
20 because industries before the advent of OSHA, went
21 far, further than OSHA, and even after the advent
22 of OSHA.

23 You take industries like Dupont,
24 Cyanamid, Union Carbide, Dowl Chemical, Olin
25 Matheason, they are the biggies, they go well

1 Q. Okay. And would it also be fair to say
2 that in your view, that it is inappropriate for
3 industry to rely solely on OSHA, rather than on
4 its own monitoring of the workplace?

5 A. I think I would say yes to that. Of
6 course, again, there's a very big qualification in
7 there. Unless things have changed drastically,
8 the majority of the workplace are in small plants,
9 small companies. How in the world can a small
10 company, what do you call it, introduce, you know,
11 and pay for all of the numerous things, not only
12 with OSHA, but with product liability and every
13 other doggone thing and still make a profit?

14 It's most difficult, and so it's
15 understandable that you got to look carefully if
16 you're going to look at some small company versus
17 looking at some giant that can afford to have a
18 corporate medical director, toxicologist,
19 industrial hygienist, you know, and a real heavy
20 technical department and so forth.

21 Q. Let's talk about Uniroyal
22 specifically. That is what you would
23 characterize, I would say, as a giant which can
24 afford its on corporate medical director, its own
25 toxicologist, its own industrial hygienist, and

1 BY MR. BRODHEAD:

2 Q. Correct?

3 A. Pardon me?

4 MS. KOESTER: You can go ahead. I just
5 made an objection.

6 THE WITNESS: I'm not aware of any.

7 MR. BRODHEAD: Thanks, Doctor.

8 THE WITNESS: But if there was, there
9 should be a record of it.

10 MR. BRODHEAD: Thanks, Doctor.

11 RECROSS EXAMINATION

12 BY MR. DEAN:

13 Q. I just have a couple.

14 Tomorrow we're going to be taking the
15 deposition of Doctor Walter Harris. Do you recall
16 the Doctor Walter Harris ever visited the Monochem
17 plant?

18 A. I don't recall.

19 Q. Do you recall ever having any
20 discussions with him about the Monochem plant?

21 A. I don't recall.

22 MR. DEAN: Okay. Thank you.

23 THE WITNESS: It would have been highly
24 unlikely if we didn't have such discussions.

25 MR. DEAN: Thank you.

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CERTIFICATE

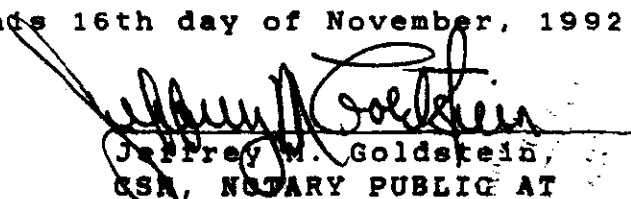
STATE OF FLORIDA :
: SS.
COUNTY OF BROWARD:

I, Jeffrey M. Goldstein, being a
Certified Shorthand Reporter and Notary Public in
and for the State of Florida at Large, do hereby
certify that I reported in shorthand the
deposition of JACK H. WOLFSIE, that the deponent
was first duly sworn by me; that reading and
signing of the deposition were not waived by the
deponent; and that the foregoing pages, numbered
from 1 through 96, inclusive, constitute a true
and correct transcription of my shorthand notes of
the deposition.

I further certify that I am not of
counsel, I am not related to nor employed by an
attorney connected to the above-styled cause, nor
interested in the outcome thereof.

The foregoing certification does not
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IN WITNESS WHEREOF I have hereunto
affixed my hand this 16th day of November, 1992.


Jeffrey M. Goldstein,
C.S.R., NOTARY PUBLIC AT
LARGE. MY COMMISSION
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1 TO BE EXECUTED BY THE NOTARY IF THE DEPONENT DOES
2 NOT SIGN:

3
4
5
6 I hereby certify that a letter with reference
7 to reading and signing deposition was mailed to
8 the witness through his attorney, on

9 _____, 1992, and that the witness

10 () Witness refused to sign, giving the following
11 reason:

12 () Neither the witness nor his attorney has
13 responded to request to read and sign.

14
15
16
17 _____
 (DATE) Notary Public

18 MY COMMISSION EXPIRES:
19
20
21
22
23
24
25

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