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1 let's look at the exhibit. It's a little unclear --

2 Q. Sure. Not a problem.

3 A. 25310 --

4 MS. SPARDONE: 12.

5 THE WITNESS: Yes. Yes, 25 -- 25310

6 is -- does appear on Exhibit 12.

7 Q. (By Mr. Thompson) Okay. So that means
8 even as of January 1980, it was an asbestos-containing
9 product, correct?

10 A. Yes, sir.

11 Q. We have talked about Reichhold 25310 as
12 being asbestos-containing, right?

13 A. Yes, sir.

14 Q. Reichhold 90695 you said was a polyester
15 product?

16 A. 90-695?

17 Q. Well, 90695 or 90-695, same thing.

18 A. Right. Okay. I just wanted to make sure
19 it was the 90.

20 To the best of my knowledge, that was a
21 polyester material.

22 Q. Reichhold 3003?

23 A. That is not a complete Reichhold number.
24 It would -- all of the Reichhold numbers would run

1 A. Yes, that is what it states here, and that
2 is my general understanding, based on this article.

3 Q. And in fact, you testified about that in
4 the past, and this isn't the first time you have seen
5 that exhibit, correct?

6 A. No. Not at all and the only question I ask
7 to see it is to make sure the '72 date that I wasn't
8 going to say oh, no it's an a different date than
9 that. That is the only reason I want to see these.

10 Q. And the date was 1972, correct?

11 A. Yes, it was.

12 Q. All right. Now, you were asked this
13 afternoon by your Counsel, questions about your
14 drafting Material Safety Data sheets in the early '70s
15 and ensuring the warnings were posted in the Carteret
16 plant and that kind of thing, correct?

17 A. Yes.

18 Q. Are you able to produce any substantiation
19 in support for your testimony today from either
20 pictures that were taken at the time, documents that
21 were created at the time, anything other than what you
22 say here when Reichhold is being sued in personal
23 injury cases?

24 MS. SPARDONE: Object to form.

1 Argumentative.

2 Q. (By Mr. Thompson) You can answer.

3 A. You know, the universe of documents that
4 have been produced, not only here and through the
5 depositions and all of that, I think they support
6 that. You know, there is -- you know, I know we did
7 it. I knew we put them on there. People have looked
8 and testified, and don't ask me what cases, and I
9 think even some of these peoples commented that they
10 saw writing on the Reichhold bags or containers or
11 whatever. And that is -- that would be not only just
12 retort and globe, but it would have to be the labels
13 that we affixed to them.

14 The labels refer to Material Safety Data
15 Sheet. The data sheets were widely distributed, and
16 later on in the '70s were attached to any product
17 bulletin that was given out by any of the sales calls.

18 Q. But in all of the litigation that Reichhold
19 has been involved with, and you say you testified
20 seven times; is that right?

21 A. To the best of my recollection.

22 Q. I don't have seven transcripts, but that is
23 another issue.

24 A. I might be off one.

1 Q. Okay. Regardless of that. I will strike
2 that and I will ask you this question. You are not
3 able to produce any copy of any Material Safety Data
4 Sheet other than now the two from January of 1980 that
5 we've talked about today, correct?

6 A. That is correct.

7 Q. All right. And in all of this litigation,
8 are you aware that anybody anyplace has come up with
9 copies of any such documents?

10 MS. SPARDONE: Object to form.

11 Argumentative. Asked and answered.

12 THE WITNESS: No.

13 MS. SPARDONE: Speculation.

14 THE WITNESS: I mean, you know, I
15 have not seen any document produced in
16 anything that has been shown to me that,
17 you know, was in MSDS or an earlier
18 version.

19 Q. (By Mr. Thompson) So basically, it all
20 hinges on what you are saying today?

21 MS. SPARDONE: Object to form.

22 Argumentative.

23 Q. (By Mr. Thompson) Correct in the way you
24 testified in a similar manner in the past?

1 A. I don't know.

2 MS. SPARDONE: Object to form
3 argumentative.

4 THE WITNESS: I mean, you know, I
5 tried to answer all of the questions the
6 best I could no matter how many times that
7 we are asked, and I don't want to get into,
8 you know, semantics about that, but I have
9 done my best job whatever I have said is to
10 the best of I my knowledge, and it's the
11 best I can do.

12 Q. (By Mr. Thompson) You would consider
13 yourself a loyal company man as far as Reichhold
14 Chemicals is concerned, correct?

15 MS. SPARDONE: Object to form.

16 THE WITNESS: I don't mean by loyal.

17 Q. (By Mr. Thompson) Well, loyal company man.
18 You are a loyal company man?

19 MS. SPARDONE: Object to form.
20 Argumentative.

21 THE WITNESS: Yeah, I enjoy working
22 for Reichhold, and but I'm not going to lie
23 for them.

24 Q. (By Mr. Thompson) Well, when Reichhold

1 needed help and wanted you to testify as to help them
2 out in litigation, you were willing to do that,
3 correct?

4 A. Yes.

5 Q. All right. There were some questions asked
6 about crocidolite. There is chrysotile asbestos and
7 then there is crocidolite asbestos and there is other
8 types of asbestos, but I believe you testified that
9 amosite was the only asbestos -- or excuse me,
10 chrysotile was the only type of asbestos that was used
11 by Reichhold in its phenolic molding compound
12 products, correct?

13 A. Yes, sir.

14 Q. Now, I'm going show you -- I'm going to
15 have this marked as another exhibit.

16 (Plaintiff Exhibit 27 was marked for
17 identification.)

18 Q. (By Mr. Thompson) Mr. Madden, I'm going to
19 show you what I have marked as Exhibit 27. You have
20 seen it before. It was marked as Exhibit 3 to a
21 deposition you were involved with in October of 2010.
22 It refers to -- I'll ask you what it refers to.

23 A. Okay.

24 MS. SPARDONE: Can I see it?

1 MR. THOMPSON: Go off the record.

2 THE VIDEOGRAPHER: The time is 6:43

3 p.m.. We are off the record.

4 (A recess was taken.)

5 THE VIDEOGRAPHER: The time is 6:52

6 p.m. we are on the record.

7 Q. (By Mr. Thompson) Okay. Mr. Madden, if
8 you would take a look at what I have had marked as
9 Exhibit 27. And just on the first page of it, which
10 is to the left of that cover page, okay. Now, what is
11 that document there?

12 A. Okay. This -- it's a single page. It's
13 divided in half.

14 Q. I understand that.

15 A. Left half -- to me is left half and right
16 half, which is what you want me to look at.

17 Q. Correct. I just want you to focus on the
18 left half.

19 A. Left half.

20 Q. Okay. What is that document that is
21 reflected on the left half of that page?

22 A. Well, what appears there is a portion of a
23 raw material and container cost standard.

24 Q. And we can't tell from that document what

1 the date was, correct?

2 A. It's 6/1 -- no, something. I don't know
3 what the date is.

4 Q. We don't know what the year was?

5 A. I mean, the year, I'm sorry, the year.

6 Q. And it refers to three types -- three or
7 more types of chrysotile asbestos, correct?

8 A. It would appear to be. I know that the --
9 yes. All of them. Yes.

10 Q. All right. Now, it says at the top
11 Redacted, correct? There is a stamp on there?

12 A. Yes. Yes.

13 Q. And what does that mean, sir?

14 A. To me, in layman's terms, there was
15 something else there, and it's been just deleted from
16 this copy.

17 Q. Okay. And do you know what was deleted?

18 A. No idea.

19 Q. Would this have been in a section on
20 asbestos fiber supply where possibly other types of
21 asbestos, like crocidolite may have been mentioned
22 below the first three chrysotile reference where is
23 there is simply a blank sheet of paper?

24 MS. SPARDONE: Object to form.

1 Assumes facts. Argumentative. Foundation.
2 Speculation.

3 THE WITNESS: I have no idea what was
4 below that. I have no idea at all.

5 Q. (By Mr. Thompson) All right. Do you know
6 who covered up the rest of that page?

7 A. No, I don't.

8 Q. Okay. Mr. Madden, I'm going to -- go
9 ahead. We are done with that exhibit.

10 I'm going to show you Exhibit 4. We have
11 talked about that. That is your boss's December 22nd,
12 1971 memorandum to all general and plant managers,
13 engineers, safety directors, supervisors, product
14 managers and technical salespeople within Reichhold
15 Chemicals, Inc., at that time in 1971; do you see
16 that?

17 A. Yes.

18 Q. All right. I would like you to focus on
19 the second page of Exhibit 4. And I would you like to
20 begin reading here. Peter Fass, by the way, who is
21 that?

22 A. At that time, he was, I think his title was
23 president.

24 Q. Of the company?

1 A. You know in '71 when I first went over
2 there, I am not sure, but I know at some point in time
3 he was, the title at least of president.

4 Q. Peter Fass -- I'm going to read: Peter
5 Fass has advised that our polyester group has
6 interested in finding a replacement for Cab-O-Sil and
7 Vince Morrow -- and Vince Morrow is who?

8 A. Vince Morrow was the sales manager or the
9 individual in charge of the polyester group.

10 Q. And Vince Morrow has supplied me with a
11 toxicology report from Union Carbide on its Calidria
12 Asbestos, which offers promise of doing a better job
13 at a more economical cost and is derived from the
14 mineral chrysotile, which produces a less toxic form
15 of asbestos than normally encountered when derived
16 from the mineral crocidolite.

17 Did I read that paragraph correctly?

18 A. Yes.

19 Q. Your boss, Mr. Windsor, told basically
20 everybody in the company on December 22, 1971, that
21 the mineral chrysotile produces a less toxic form of
22 asbestos than normally encountered when derived from
23 the mineral crocidolite, correct?

24 MS. SPARDONE: Object to form. The

1 document speaks for itself.

2 THE WITNESS: That is what written
3 here, yes.

4 Q. (By Mr. Thompson) And who wrote it?

5 MS. SPARDONE: Asked and answered.

6 THE WITNESS: CJ Windsor.

7 Q. (By Mr. Thompson) And he was your boss,
8 right?

9 A. Yes, when I got over there, yes.

10 Q. In fact, you don't really have any
11 knowledge today, do you, as to whether crocidolite was
12 used in some products manufactured by Reichhold
13 Chemicals, Inc., as of December 22, 1971, correct?

14 MS. SPARDONE: Object to form.
15 Argumentative. Okay. Read it back or
16 restate. I'm trying to --

17 MR. THOMPSON: I'll have her read it
18 back.

19 (The requested portion was read by
20 the court reporter)

21 THE WITNESS: It was my understanding
22 when I got there in '71 or early '72, that
23 the only asbestos that we used was
24 chrysotile.

1 Q. (By Mr. Thompson) Now, you were also asked
2 some questions by Ms. Spardone earlier about things
3 you did regarding, or to cause Reichhold to be in
4 compliance with OSHA regulations, relative to the
5 handling and use of asbestos, correct?

6 A. Yes.

7 Q. And in fact, you wrote, on March 28th,
8 1973, that there was a problem, one reason rather,
9 that Reichhold Chemicals should be careful about using
10 asbestos in new products or different products, other
11 than phenolic molding compound products, was because
12 there is an OSHA regulation that must be given special
13 thought. And that is that each employee who has been
14 exposed to a concentration in excess of the ceiling
15 limit of asbestos exposure must be notified in writing
16 within five days, correct?

17 A. Yes, that is what appears on page 000077,
18 yes.

19 Q. And you wrote those words in 1973 on March
20 28th, correct?

21 A. Yes.

22 Q. And you said employees or their
23 representatives -- and this is a further part of the
24 requirement the OSHA government regulation -- the