

NO. 2000-2113

PABLO AGUILERA, ET AL.	§	IN THE COUNTY COURT
	§	
VS.	§	AT LAW NO. 3
	§	
GAF CORPORATION, ET AL.	§	EL PASO COUNTY, TEXAS

DEFENDANT TEXACO INC.'S DESIGNATION OF EXPERTS
SUBJECT TO MOTION TO TRANSFER VENUE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW TEXACO INC., Defendant in the above-styled and numbered cause, and makes the following its designation of expert witnesses pursuant to the Texas Rules of Civil Procedure:

1. John Pendergrass, CIH, CSP, PE
6700 Milkhouse Court
Mobile, Alabama 36695
334-607-0946

Mr. Pendergrass is a certified industrial hygienist who will testify from an industrial hygiene point of view the state of the medical and scientific knowledge regarding asbestos particularly in regard to the time period involved during which the Plaintiff was allegedly on the premises of Defendant. The subject matter will also include the use of asbestos during this time period, its importance, the lack of substitute products, and the employer's responsibility pre- and post-OSHA.

2. Patrick N. Conoley, M.D.
KELSEY SEYBOLD CLINIC
6624 Fannin, Suite 1800
Houston, Texas 77030
713-791-8787

Dr. Conoley is an M.D. and a "B"-reader, who will testify concerning his review of the radiographs and CT scans of the Plaintiff and the significance of various x-ray findings on the radiographs of the Plaintiff.

3. Dorsett Smith, M.D.
4310 Colby Avenue
Everett, Washington 98203
425-259-5171

Dr. Smith is an internal medicine physician with a sub-specialty in pulmonary disease and a "B"-reader. Dr. Smith will testify concerning the state of the medical knowledge as it pertains to asbestos and disease as the knowledge has evolved over time.

4. Allen Peterson
1838 Baxter Ridge
St. Louis, Missouri 63017
314-537-9084

Mr. Peterson will testify on the issue of contractor control of the worksite.

5. Dr. John Craighead
Department of Pathology
UNIVERSITY OF VERMONT
College of Medicine
Burlington, Vermont 05405
802-656-2154

Dr. Craighead is an M.D. pathologist who will testify concerning the state of the medical knowledge as it has existed from time to time as it relates to the effects of asbestos on the human body.

6. Howard E. Ayer
AYER OCCUPATIONAL HYGIENE
2812 Linwood Avenue
Cincinnati, Ohio 45208-2810
513-871-0146

Mr. Ayer is an industrial hygienist who will testify concerning the state of the knowledge concerning industrial hygiene practices concerning asbestos as it has existed from time to time.

7. Dr. William Hughson
UCSD Center for Occupational & Environmental Medicine
200 West Arbor Drive
San Diego, CA 92103-8800
619-220-5050

The subject matter on which Dr. Hughson will testify is from an epidemiological and medical standpoint as to the state of the medical and scientific knowledge as it existed from time to time and in particular in regard to the time period involved in the alleged exposures in this case and other matters.

8. J. LeRoy Balzer
408 Horse Trail Court
Alamo, California 94507
925-274-0826

Mr. Balzer is an industrial hygienist who will testify concerning the state of the industrial hygiene knowledge concerning asbestos as it has existed from time to time and the availability of substitute products.

9. Frances W. Weir, Ph.D.
5629 FM 1960 West #340
Houston, Texas 77069
281-893-4003

Dr. Weir is an industrial hygienist who will testify concerning the state of the knowledge concerning industrial hygiene practices concerning asbestos as it has existed from time to time.

10. Dr. Gail D. Stockman
701 East Marshall #502
Longview, Texas 75601
903-753-0787

Dr. Stockman is a pulmonologist who will testify concerning the effects of asbestos on the human body and possibly concerning her examination of the Plaintiff in this case.

11. Dr. Philip T. Cagle
Center for Pulmonary Pathology
Department of Pathology
One Baylor Plaza
Houston, Texas 77030

Dr. Cagle is a pathologist who will testify concerning the pathological examination of tissue and the relationship of certain cancers to asbestos exposure.

12. Dr. Andrew Churg
Department of Pathology
UNIVERSITY OF BRITISH COLUMBIA
2212 Westbrook Mall
Vancouver, British Columbia V6TIW5
604-732-0186

Dr. Churg is a pathologist who will testify concerning the pathological examination of tissue and the relationship of certain cancers to asbestos exposure.

13. Dr. Hans Weill
755 Hearthstone Drive
Basalt, Colorado 81621
970-927-9321

Dr. Weill is an M.D. pulmonologist who will testify concerning the state of the medical knowledge as it has existed from time to time as it relates to the effects of asbestos on the human body.

14. Dr. Janet M. Hughes
School of Medicine
TULANE UNIVERSITY
1700 Perdido Street
New Orleans, Louisiana 70112
504-588-5265

Dr. Hughes is an M.D. pulmonologist who will testify concerning the state of the medical knowledge as it has existed from time to time as it relates to the effects of asbestos on the human body.

15. Dr. Elliot Henkies
301 N. Prairie, #311
Inglewood, California 90301
310-674-0050

Dr. Henkies is a pulmonologist and oncologist who will testify concerning the state of the medical knowledge as it has existed from time to time and the medical conditions of the Plaintiffs and their causes including the relationship of cigarette smoking.

16. Joseph F. Frantz
THE FRANTZ COMPANY
14019 Southwest Freeway, Suite 301
Sugar Land, Texas 77478

Dr. Frantz is knowledgeable concerning the use of asbestos insulation and the alternatives therefor. Dr. Frantz will also testify that it was not until the late 1960s or early 1970s that substitutes for asbestos products were developed.

17. Kathryn Hale, M.D.
Baylor College of Medicine
6550 Fannin
Smith Tower, Suite 1236
Houston, TX 77030
713-790-2076

Dr. Hale is a pulmonologist who will testify concerning the effects of asbestos on the human body and possibly concerning her examination of the Plaintiff in this case.

18. Lawrence R. Birkner
McKintyre Birkner & Associates, Inc.
Thousand Oaks, California
805-494-8173

Dr. Birkner will testify in the field of industrial hygiene and the state of knowledge as it existed from time to time relating to the health effects of asbestos exposure.

19. James O. Rasmuson
Chemistry and Industrial Hygiene, Inc.
4251 Kipling, Suite 110
Wheat Ridge, CO 80033
303-420-8242

Mr. Rasmuson will testify in the field of industrial hygiene and toxicology and the state of knowledge as it existed from time to time relating to the health effects of asbestos exposure.

20. Robert Marshall Ross, M.D.
2202 Sunset Blvd.
Houston, TX 77005
713-526-6470

Dr. Ross may testify in the field of pulmonary medicine and the results of his examination of the Plaintiff.

21. Robert J. Awe, M.D.
Baylor College of Medicine
Ben Taub General Hospital
1504 Taub Loop
Houston, TX 77030
713-793-2467

Dr. Awe will testify in the field of internal and pulmonary medicine and the state of knowledge as it existed from time to time relating to the health effects of asbestos exposure.

22. Jack E. Peterson, P.E.
Peterson Associates
2830 Via Viejas Oeste
Alpine, CA 91901
619-445-9668

Dr. Peterson will testify in the field of industrial hygiene and the state of knowledge as it existed from time to time relating to the health effects of asbestos exposure.

23. Peter J. Barrett, M.D.
10 Martin's Lane
Hingham, MA 24043
617-749-5876

Dr. Barrett is currently a Staff Radiologist and former Chairman of Radiology Department and President of the medical staff at Quincy City Hospital, Quincy, Massachusetts. He is also Director of Radiologic Services at the Massachusetts Respiratory Hospital in Braintree. He is board certified in diagnostic radiology and nuclear medicine and has been a "B" reader from NIOSH since 1984. He is a fellow of the American College of Radiology and a member of the American Roentgen Ray Society, the American Thoracic Society, and the Massachusetts Radiological Society in which he has held several offices including the president 1977-1978. He has been a consultant to the U.S. government regarding asbestos concerns and a consultant to the Department of Labor Black Lung Program.

Dr. Barrett will testify concerning the significance of asbestos related abnormalities and neoplastic disease, that asbestos related pleural plaques have no relationship to any type of neoplasm and do not represent asbestosis. He will testify based upon his review of the radiographs as to the presence or absence of radiographic abnormalities related to asbestos in the Plaintiff and that not all alleged mesotheliomas can be attributed to asbestos exposure but that some mesotheliomas are in fact idiopathic in nature. He will testify concerning the dose needed to cause malignant mesothelioma in general and the difficulty in making pathologic diagnosis of mesothelioma.

24. James D. Crapo, M.D.
National Jewish Medical and Research Center
1400 Jackson Street
Denver, CO 80206
(303) 398-1436

Dr. Crapo received a Bachelor of Science degree from Brigham Young University in 1967 and his medical degree from the University of Rochester, New York, in 1971. He taught medicine for many years at Duke University in Durham, North Carolina. Dr. Crapo is board

certified in internal medicine with a sub-specialty certification in pulmonary disease. He presently practices medicine at the National Jewish Medical Center in Denver, Colorado, and teaches at the University of Colorado Health Science Center. Dr. Crapo is a fellow of the American Thoracic Society, the American College of Chest Physicians, and other professional organizations. Dr. Crapo may testify live or by deposition at trial in this matter.

Dr. Crapo is expected to testify about the pulmonary aspects of asbestos exposure, including matters such as dose response, pathogenicity, carcinogenicity and the potential for asbestos-related disease as a result of exposure to the different types of fiber. Dr. Crapo is also expected to testify as to general medical issues and physiology.

Dr. Crapo's testimony is based in part on the personal knowledge of relevant facts, but he also possesses general expertise in his field based upon specialized knowledge, skills and training. Dr. Crapo is expected to testify about alleged occupational exposure - as described by Plaintiff and Plaintiff's witnesses - and whether such exposure occurred for a sufficient period of time and in a sufficient dose to be of medical consequence, and whether such exposure could be considered a substantial contributing factor to Plaintiff's alleged disease.

In connection with this, based on his own experience and a review of the medical, scientific and/or technical literature and the opinions and conclusions contained in that literature, Dr. Crapo will provide historical state-of-the-art testimony on the gradual development of knowledge within the medical profession of the asbestos-related illnesses. Dr. Crapo may provide testimony regarding the reasonableness of Defendant's usage and control of asbestos at its premises from a medical standpoint, based on the developing state of medical knowledge concerning asbestos overtime.

Dr. Crapo is expected to testify about the principles of epidemiologic and what is involved in an epidemiologic study. He is expected to testify that studies of particular groups or occupations of people are not necessarily applicable to other groups or occupations. Dr. Crapo is expected to testify as to the information necessary to determine whether a group of people or persons are at risk for contracting an asbestos-related disease and if it is scientifically possible to attribute a disease to a particular exposure. Dr. Crapo is expected to discuss epidemiological analysis of asbestos-related disease in the context of given levels of exposure, and to discuss how such analysis may be applied to the evidence regarding the Plaintiff in this case.

Finally, Dr. Crapo may testify regarding Plaintiff's medical condition, cigarette smoking and lung disease, and generally about the pulmonary system and its functions as well as conditions and diseases of the pulmonary system. Dr. Crapo may also testify regarding the diagnosis and prognosis of asbestos-related markers and diseases, and the risks associated with developing cancers. Dr. Crapo may also testify about any matter raised by experts called by Plaintiff or any Co-defendant, to include but not limited to Plaintiff's medical condition, the state of medical knowledge concerning asbestos, asbestos-related disease and other occupational diseases.

25. Gregory H. Foster, M.D.
6808 Helen Court
Plano, TX 75023

Dr. Foster is a pulmonologist who will testify concerning the effects of asbestos on the human body and his testimony will possibly concern his examination of the Plaintiff.

26. Scott G. Donaldson, M.D.
3108 Kennison Ct.
Plano, Texas 75093
214-680-0666

Dr. Donaldson is a pulmonologist who will testify concerning the effects of asbestos on the human body and his testimony will possibly concern his examination of the Plaintiff.

27. Sam Cade, M.D.
Baylor University Medical Center, Department of Radiology
3500 Gaston Avenue
Dallas, TX 75246
214-820-3219

Dr. Cade is an M.D. and a "B"-reader, who will testify concerning his review of the radiographs and CT scans of the Plaintiff in this case and the significance of various x-ray findings on the radiographs of the Plaintiff.

28. John R. Holcomb, M.D.
4410 Memorial Drive, Suite 440
San Antonio, Texas 78229
(210) 692-9400

Dr. Holcomb is a medical doctor with a specialty in pulmonary medicine, who will examine the Plaintiff, and his opinions are stated in the report to be provided when available. The subject matter on which Dr. Holcomb will testify concerns the pulmonary condition of the Plaintiff based upon his examination, x-rays, and tests performed that Plaintiff does not have asbestos-related disease and that he is not likely to develop asbestos-related malignancies, based upon the valid medical and scientific literature.

29. Dr. John Pettigrove
7121 South Padre Island Drive
Suite 300
Corpus Christi, TX
361-696-6163 or 6162

Dr. Pettigrove is a medical doctor with a specialty in pulmonary medicine. The subject matter on which Dr. Pettigrove is expected to testify concerns the pulmonary condition of

the Plaintiff based upon his examination, x-rays, and tests performed, that the Plaintiff does not have asbestos-related disease and is not likely to develop an asbestos-related malignancy, based upon the valid medical and scientific literature.

30. Dr. William Burgin
2601 Hospital Blvd.
Corpus Christi, Texas 78405

Dr. Burgin is a medical doctor with a specialty in pulmonary medicine. The subject matter on which Dr. Burgin is expected to testify concerns the pulmonary condition of the Plaintiff based upon his examination, x-rays, and tests performed.

31. Mark R. Wick, MD, FCAP
University of Virginia Health System
Department of Pathology
Box 214
O.M.S. Bldg., Room 2882
Charlottesville, VA 22908
804-924-9038

Dr. Wick will testify that based on his examination of the pathological tissue regarding Plaintiff and based on the medical and scientific literature that a certain percentage of mesotheliomas are idiopathic in nature and cannot be attributed to asbestos exposure. Dr. Wick will testify concerning his examination of pathological tissues and conclusions based thereon as to the relationship of any malignancy to asbestos exposure.

32. Arthur A. Cohen, M.D.
Curie Medical Building
1733 Curie Drive, Suite 309
El Paso, TX 79902
915-533-9388

Dr. Cohen is a medical doctor in pulmonary medicine. The subject matter on which Dr. Cohen is expected to testify concerns the pulmonary condition of the Plaintiff based upon his examination, x-rays and tests performed.

33. Ronald Richards
15877 West Laurel Canyon Court
Surprise, Arizona 85374
602-546-7811

Mr. Richards is a retired industrial hygienist for Texaco who is knowledgeable about asbestos issues for Texaco.

34. James L. Castille CIH, CSP
2709 Miller Street
Port Neches, TX 77651
409-727-0691

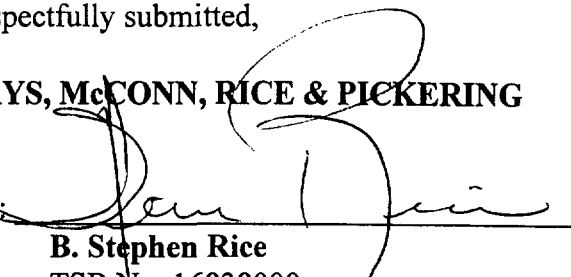
Mr. Castille was an industrial hygienist at the Texaco Port Arthur plant beginning in the early 1970s and is knowledgeable about the industrial hygiene issues at Texaco facilities, including asbestos.

Defendant also designates the following depositions taken in previous litigation which may contain opinions constituting expert knowledge and opinions:

1. Joe Shrode in the case of ***Claude J. Tomplait v. Combustion Engineering, et al.***; U.S. District Court for the Eastern District of Texas, Beaumont Division; and/or in ***Samuel R. Porter v. Fibreboard Corporation, et al.***, also in the U.S. District Court for the Eastern District of Texas, Beaumont Division, and/or Mr. Shrode's deposition testimony in the ***Clarence Borel*** trial, also in the U.S. District Court for the Eastern District of Texas
2. Dr. Corwin Hinshaw, expert regarding state of the medical art, in the cases of ***Jimmie L. Vaughan v. Johns-Manville***, CA-3-01-0070-F, USDC, N.D. Tex; ***Antonio Mendoza, et al. v. Fibreboard Corporation, et al.***, CA-2-80-006, USDC, N.D. Tex; ***In Re: Related Asbestos Cases***, C-83-6251-RFP, USDC, N.D. Calif
3. Andrew T. Haas in the cases of ***Barsh v. Keene Corp., et al.***, 1986; and ***Jackie R. Starnes, et ux vs. Combustion Engineering Inc., et al.***, No. 2-75-122, USDC, Eastern District of Tennessee, Northeastern Division, Knoxville, Tennessee, deposition testimony May 10, 1976
4. Roy Steinfurth in the case of ***Jackie R. Starnes v. Combustion Engineering Inc., et al.***, No. 2-75-122, USDC, Eastern District of Tennessee, Northeastern Division, Knoxville, Tennessee, deposition testimony May 10, 1976
5. Dr. Stephen M. Ayres in the cases of ***James F. Srite v. A. C. & S., Inc.***, trial testimony taken April 26, 1991; and ***Lloyd Galveston 82***, Cause No. 6-82-344, June 11, 1987
6. Dr. Kenneth Wallace Smith in the case of ***James Roy DeRocco & Andrew v. Carollo v. Forty-eight Insulation, Inc., et al.***; In the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Action No. 7880, July Term, 1974
7. William Nicholson in Cause No. B-126,986; ***Russell Allen, et al. vs. American Petrofina, Inc., et al.***; In the 60th Judicial District Court of Jefferson County, Texas
8. Stephen Levine in Cause No. B-126,986; ***Russell Allen, et al. vs. American Petrofina, Inc., et al.***; In the 60th Judicial District Court of Jefferson County, Texas.

Respectfully submitted,

HAYS, McCONN, RICE & PICKERING

BY: 

B. Stephen Rice

TSB No. 16838000

1200 Smith Street, Suite 400

Houston, Texas 77002

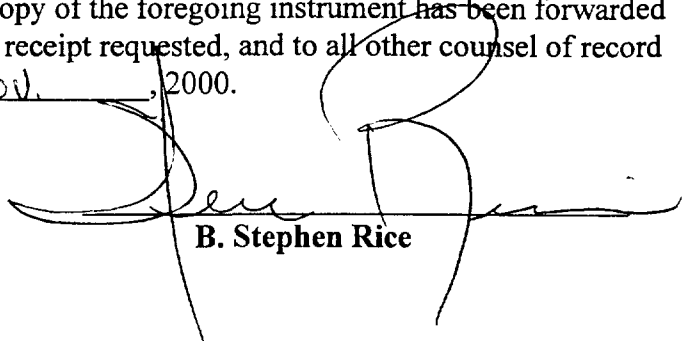
713-654-1111

713-655-9212-fax

Attorney for Defendant TEXACO INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to counsel for Plaintiff by certified mail, return receipt requested, and to all other counsel of record by regular mail, on this 14th day of Nov., 2000.


B. Stephen Rice