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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CONSTANCE A. NEWTON, :
Individually and as Executrix: :
of the Estate of HUBERT G. :
WELLS, and BETTY WELLS, :
Individually and as Widow of :
HUBERT G. WELL, etal, :
Plaintiffs :
vs. : CA NO. A86-435 (JGF)
A. C. & S., etal :
Defendants :

Oral deposition of EDWARD RABON, taken
pursuant to notice, was held at the Law Offices of Goldfein
and Joseph, Packard Building, 17th Floor, 15th and Chestnut
Streets, Philadelphia, Pennsylvania 19102 on Monday, June
13, 1989, beginning at 10:20 a.m., before Dolores R. Ford,
Registered Professional Reporter-Commissioner of Deeds,
there being present.

APPEARANCES:

BAYARD, HANDELMAN & MURDOCH, P.A.
BY: PHEBE S. YOUNG, ESQUIRE
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1 APPEARANCES: (continued)

2 GOLDFEIN & JOSEPH

3 BY: GARY H. KAPLAN, ESQUIRE

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7 Phone: (215) 977-9800

8 Representing Asbestos Corporation
9 Limited

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1 Q. Okay. And what does that mean by supplier?

2 A. We are a distributor, an agent or whatever
3 terminology is used for raw materials to certain ^{from}
4 industries, and we must get those raw materials to people
5 who make them, and in turn sell them to the people who use
6 them. And in a sense we act as a sales arm for the raw ^{material}
7 suppliers, one of the descriptions of the distributor.

8 Q. In this case then for the American Chemet
9 Corporation, would it be correct to assume that you were
10 provided Copper Oxides by American Chemet Corporation?

11 A. Yes.

12 Q. By you I mean Charles Wagner.

13 A. Yes.

14 Q. And for purposes of this deposition when I refer to
15 you, unless I state otherwise, I'll be referring to Charles
16 Wagner. Is that okay, sir?

17 A. Yes.

18 Q. Okay. Now you said raw materials. Were all of the
19 supplies that you carried and distributed raw materials?

20 A. Yes. In our terminology they were raw materials. I
21 can't think of a different terminology for them.

22 Q. And you said in your terminology.

23 A. Uh-huh.

24 Q. Why don't you describe for me what you mean then by
25 raw materials.

1 A. Well raw materials to us means that they are
2 products which are purchased by a manufacturer to be used
3 usually and almost only in conjunction with other products
4 to make a finished product. It's an ingredient we supply
5 to those finished products. We don't supply finished
6 products per se. We supply nothing that the customer takes
7 and uses as is. It's used in some manner in the
8 manufacture of his product. The raw materials says up here
9 the raw materials for and we list the industries on the
10 sheet. So we supply various raw materials for paints,
11 various raw materials to make rubber and so on.

12 Q. Okay. And by the sheet, you are referring to an
13 exhibit which has been marked Exhibit 1?

14 A. Uh-huh.

15 Q. Did you carry any other minerals for American Chemet
16 Corporation?

17 A. No.

18 Q. Are they listed on Exhibit 1 because they were a
19 major supplier of yours?

20 A. No. They were not a major supplier.

21 Q. What purpose were they listed here on the brochure
22 itself?

23 A. They were listed just to advertise the fact we had
24 Copper Oxides. I have no other reason for that.

25 Q. In fact when I said the brochure, I'm referring to

A-105



1 Q. The next company listed on Exhibit 1 is American
2 Colloid Company.

3 A. Right.

4 Q. Do you know where they are located?

5 A. Yes. Their offices are in Skokie I believe, which
6 is a suburb in Chicago and the plants are located in
7 Wyoming and South Dakota.

8 Q. Does Charles Wagner Company still ^{sell their products} ~~supply them?~~ ?

9 A. Yes, we do.

10 Q. ^{from} ~~Do~~ American Colloid Company?

11 A. Yes, we do.

12 Q. How long have you have been supplying materials ^{from} ~~or~~
13 American Colloid Company?

14 A. I would say fifty years to my personal knowledge.

15 Q. On the brochure you list Volclay Bentonite as the
16 material -- or excuse me -- as a substance which is
17 supplied from American. Strike the question. Let me
18 rephrase it. On your brochure you list Volclay Bentonite
19 as a substance which you received from American Colloid
20 Company. Did you receive any other substances from them?

21 A. Bentonite is a generic term for a type of clay they
22 manufactured. Volclay is their own trade name. So all of
23 their products are called or are classified under Volclay
24 Bentonite, but there's a number of grades. They are
25 segregated by particle size, for purposes which they're

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1 They air dry it for a length of time and then they take it
2 into the plant, crush it. It comes out and by this time
3 it's hard lumps. They crush it. They dry it further and
4 they put it through a grinding operation to make the mesh
5 size, the particular grade size, two hundred mesh, three
6 hundred mesh, six hundred mesh. And then it's put in
7 storage ^Hoppers and then it's bagged usually in a fifty
8 pound paper bag or a hundred pound paper bag.

9 Q. Let's turn to the next company. American Tripoli
10 Division, what did they supply, sir?

11 A. Tripoli.

12 Q. And what is Tripoli?

13 A. Tripoli is a silicious type of product. It's about
14 70, 80 percent silica, but it's a particular kind of
15 silica. It's unique. ^{American} Only Tripoli at that time was the
16 only one I believe mining it. It comes from Missouri.
17 It's used as a polishing compound, automotive cleaners, and
18 various types of polishing compounds, plus other abrasive
19 operations. It's parts -- little parts that made
20 polishing, put up against the polishing wheel. It's an
21 abrasive material. A natural abrasive.

22 Q. Was American Tripoli Division a client of yours in
23 the 1950s?

24 MS. YOUNG: A client.

25

- - -

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1 middleman?

2 A. That's right.

3 Q. Responsible for the sales of these raw minerals to
4 the various companies located within geographical
5 boundaries as set by the companies in your --

6 A. That's right.

7 Q. -- servicing?

8 A. It wasn't always the same. It varied with different
9 principals or suppliers depending upon certain factors.

10 Q. Well was that the way it was with ACL? By ACL I'm
11 referring to Asbestos Corporation Limited.

12 MS. YOUNG: It was --

13 THE WITNESS: Quite the way it was.

14 MS. YOUNG: -- quite the way it was.

15 - - -

16 BY MR. RAPLAN:

17 Q. Did your profit come from upping the cost of the
18 minerals that you received or the raw fibers that you
19 received?

20 A. It was -- It's the same with ACL as with every
21 supplier we've ever represented. That's our business. We
22 are distributors for agents. As I've described briefly,
23 we -- our supply of raw materials was by the supplier. We
24 would ask them for ACL products and we sell them and
25 obviously it increased price for the service. They're two

A-108

1 types of sales. In some cases the ACL and other principals
2 would ship directly to the customer, to the consuming
3 customer. If it were a truck, full truckload or carload,
4 then we become -- would get a commission. The lesser
5 ~~carload~~ ^{Carload} sales would come into our warehouse either by
6 truck, truckload or by carload and shipped out in smaller
7 quantities. That's the pattern for the operation with all
8 the people we represented.

9 Q. I want to get into that, but that will be later in
10 the deposition. Let's continue with the companies here.

11 A. Okay.

12 Q. The next company on your listing is Degussa.

13 A. They call it Degussa.

14 Q. Thank you.

15 A. That's a German company.

16 Q. By German company, are they located in West Germany?

17 A. They're -- Yes. Their major operations are in West
18 Germany, however, they have one now at a U.S. plant down in
19 Louisiana.

20 Q. When was that plant started?

21 A. Oh, that was started maybe fifteen years ago.

22 Q. So approximately 1970 or later than that?

23 A. Approximately. Yes. Somewhere in the early '70s.

24 That's my best estimate. Prior to that they sold the
25 products that was manufactured in Germany, shipped over

A-109



1 here and sold that way. ^{until} They had their own plant here
2 making the product.

3 Q. How long have you had a business relationship with
4 Degussa?

5 A. About twenty years.

6 Q. So some time in the early '60s?

7 A. Yes. Early or late.

8 Q. You still have a current business relationship with
9 them?

10 A. Yes.

11 Q. Under Degussa you state, or it states in the
12 brochure, Aerosil and Flatting Agents, and Carbon Blacks.
13 Why don't you describe for me what they are?

14 A. Well Aerosil is their trade name. That's Degussa's
15 trade name for a family of products. It's described as a
16 hydrogenic silica. This is a manufactured product which is
17 manufactured by the flame process. I'm not qualified to go
18 into the details of manufacturing, except that it's as
19 distinguished from a mined product this is a manufactured
20 product.

21 Q. So this is one of the few products which is
22 manufactured that you referred to earlier?

23 A. No. You have to distinguish the time here. We're
24 talking back in the '50s, early '50s and '60s. We did not
25 have some of these products. So there maybe a change in

A-110

1 product line. But still the backbone of our business is we
2 describe as nonmetallic minerals to distinguish them from
3 iron? ^{etc.} There's a list of the metallic minerals, but we do
4 have some of these other products. Aerosil is one of them.

5 Flatting agents again it's still the Aerosil
6 product, but it's used. You want a flat wall paint? In
7 place of glossy wall paints you put a flatting agent in it.
8 Carbon Black is made separate. They don't make the Carbon
9 Black here. Carbon Blacks are made in a separate process
10 and they are used as pigments, coloring paints, rubber,
11 plastics, cork covering. Covering the black of course and
12 it's Carbon Black at black.

13 Q. How did Charles Wagner originally become connected
14 with Degussa?

15 A. They came to us. In the areas where I personally
16 was involved, I can tell you as I did with American
17 Colloid. Them too. Degussa came to us and said we're
18 going to market our product in the United States which we
19 have ~~formally~~ ^{formerly} only marketed to other countries beside the
20 United States. Are you interested? And I said yes, we are
21 interested, and it went from there.

22 Q. Do you know how they found your name?

23 A. Well, yes, because I would guess they would know.
24 We had fairly -- We were fairly well-known after having
25 started in 1910, incorporated in 1920, always in

A-111

1 A. Still is.

2 Q. -- in Philadelphia. Do you work out of -- Does
3 Charles Wagner operate out of a warehouse there?

4 A. Yes. The warehouse and office is combined.

5 Q. And who owns that building?

6 A. My wife and I.

7 Q. When did you become the owner of that building?

8 A. Without referring to records, perhaps twenty years
9 ago.

10 Q. Prior to that time who owned the building?

11 A. Mr. Wagner, Charles A. Wagner.

12 Q. Does Charles Wagner own any equipment?

13 A. No. He's deceased.

14 Q. I'm sorry. Did Charles Wagner Company own any
15 equipment?

16 A. We own lift trucks and we own office equipment,
17 including a computer recently. Possibly a small bagging
18 machine that sits down in -- The normal warehouse
19 equipment. I shouldn't say a bagging machine. I should
20 say a sewing machine. It's not a bagging machine.

21 Q. It's simply a sewing machine?

22 A. Yes. Portable. Just runs across the top. *of the bag.*

23 Q. If you need to repair rips in bags?

24 A. It helps.

25 Q. How big a warehouse is this building at 4455 North

A-112

1 Sixth Street?

2 A. Twenty-five thousand square feet.

3 Q. How many floors is at that warehouse?

4 A. One.

5 Q. And you say there's office space there also?

6 A. Yes.

7 MR. KAPLAN: Let's go off the record
8 for a second.

9 - - -

10 (Whereupon a discussion was held off the
11 record at this time.)

12 - - -

13 BY MR. KAPLAN:

14 Q. Mr. Rabon, how much of your warehouse is used for
15 storage purposes?

16 A. All of it. Oh, wait a minute. Of course, the
17 office is part of the twenty-five thousand square feet. So
18 I don't know whether we have twenty-five hundred, three
19 thousand square feet for office. The rest of it is
20 warehouse. It's all warehouse except for the office.

21 Q. And who has their offices located there? Who in
22 particular?

23 A. We did. Charles A. Wagner Company.

24 Q. And who in particular has an office there? In other
25 words, do you currently have an office there?

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1 Q. Any part of the country you didn't visit on behalf
2 of Charles Wagner in an attempt to bring in business?

3 A. I can't answer that either. I visited any part of
4 the country. I was not limited. At the time we're
5 speaking of now is -- I came there in 1929. So we're
6 talking either forty -- twenty-five years at this time, and
7 I had a pretty good background. And I was Vice President
8 at that time. And that was one of my major
9 responsibilities, was to acquire and make certain we had a
10 line of products which were most desirable to have and to
11 market in our territory and -- But as to where I went, I
12 first went as far as California.

13 Q. How far south? Did you ever go to Texas?

14 A. Texas, yes. Florida. We had acquired some
15 clay mines in Florida.

16 Q. How far north did you travel?

17 A. ~~California~~ CANADA. I saw the asbestos pits one time.

18 Q. You also stated earlier that you represented a
19 company from West Germany. How many companies did you
20 represent from outside the United States? I guess -- Let
21 me rephrase the question.

22 How many companies did you represent which
23 were located outside of the United States?

24 A. Well at the time we're speaking of we already
25 discussed Degussa.

A-114

1 Q. That's right.

2 A. We had one other company, which is not on here,
3 because we only sold one product of theirs. That's the
4 company called Sachtlaven.

5 Q. I think you better spell that one.

6 A. S-A-C-H-T-L-A-^B~~A~~-E-N.

7 Q. And you serviced them? You were affiliated with
8 them in the 1950s?

9 A. I believe we were. It's been a long relationship.

10 And we sell one product ^{for} to them.

11 Q. Which is what, sir?

12 A. It's called Blanc Fixe.

13 Q. And where are they located by the way?

14 A. Where what?

15 Q. Where is Sachtlaven located?

16 A. They were in Cologne. I think they moved, but I --
17 It's -- I wouldn't be sure right now. But Cologne, I have
18 been there. I have been to their operation.

19 Q. And what is Blanc Fixe?

20 A. It's a Barium Sulphate chemically and it's made
21 chemically from Barium one source and Sulph^uric Acid the
22 other to get your ^{SULPHATE}~~salt~~-basis (sic). Strike them together
23 and you get a -- ultimately you get a powder and you put it
24 in bags. And in recent use you put it in containers and
25 you ship it to Wagner in Philadelphia.

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1 MS. YOUNG: Do you understand the
2 question?

3 THE WITNESS: Well not clearly. No.
4 I don't really understand it clearly. There was a
5 lot of --

6 MR. KAPLAN: What I'm trying to do, sir
7 -- let's go off the record for one second.

8 MS. YOUNG: Let's don't.

9 MR. KAPLAN: Okay. Well -- To make it
10 easier, let's go off the record for a minute.

11 - - -

12 (Whereupon a discussion was held off the
13 record at this time.)

14 - - -

15 BY MR. KAPLAN:

16 Q. Mr. Rabon, let me rephrase the question. Do you
17 recall having any conversations, particular conversations
18 with anybody on behalf of ACL?

19 A. That's the same question isn't it?

20 Q. I tried to rephrase it a bit.

21 A. The answer is no.

22 Q. Do you recall when Charles Wagner first became
23 affiliated with ACL?

24 A. I don't specifically, but I've been wrestling with
25 that too. From the record I know that we had sales in '57,

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1 for example, and I know that we had relationships prior to
2 that time. So as accurate as I can tell you, I would have
3 to describe it as the early '50s.

4 Q. Do you know how they came about? How your initial
5 contacts with ACL came about?

6 A. It came about I think with Mr. Wagner and Mr.
7 Marcotte who was the General sales Manager at that time.
8 Mr. Marcotte used to come to the States and -- You want the
9 whole story?

10 Q. If you recall it. Certainly.

11 A. I do recall it fairly well. ~~Misters~~ Whittaker,
12 Clark and Daniels was a distributor in New York handling
13 product lines comparable to ours. And Mr. Sam Clark, who
14 was the Clark of the Whittaker, Clark and Daniels, and Mr.
15 Wagner were old friends. They were in the same age
16 bracket. I was a youngster at the time. And Mr. Marcotte
17 was the representative then and maybe he wasn't. Maybe he
18 was just a salesman at that time. He used to call on Mr.
19 Sam Clark in New York. On one of the days when Mr. Wagner
20 and Sam Clark were together, they talked probably products
21 and asbestos, and Mr. Sam Clark said ^{do}/you handle it and
22 that's how it came about. Mr. Marcotte was introduced to
23 Mr. Wagner and I believe that was the start of the thing.
24 I didn't personally -- I just don't know anything further
25 on that.

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1 the ACL products to Du Pont at anytime?

2 A. Were we exclusive? I don't know that, whether they
3 bought from anybody else or not.

4 Q. Whether who bought?

5 A. Whether Du Pont bought from anybody else or not.

6 Q. But do you know if ACL sold --

7 A. No, I don't know.

8 Q. -- to any other supplier who in turn sold to Du
9 Pont?

10 A. I wouldn't -- I don't know that either.

11 MS. YOUNG: Could we go off the record?

12 - - -

13 (Whereupon a discussion was held off the
14 record at this time.)

15 - - -

16 BY MR. KAPLAN:

17 Q. Let me rephrase the questions, Mr. Rabon.

18 Did you have an exclusive territory for
19 supplies coming from ACL?

20 A. That was my understanding. We had -- To the best of
21 my knowledge, I can't find a written contract, but it's my
22 understanding that they were not selling their products to
23 ~~anybody else~~ ^{any other agent} in the territory that we serviced.

24 Q. And what was that territory?

25 A. Well what has become known as the Greater Delaware

A-118

1 Valley which extended to Delaware. Usually about half way
2 to New York, and it went to New Jersey, which was New
3 Brunswick, because out of New York, ACL out of New York
4 agent which was ^{Whittaker} Clark and Daniels who sold half way down.
5 We sold half way up. So with New Brunswick, New Jersey on
6 the North, and the State of Pennsylvania on the West, and
7 Delaware and possibly Northern Maryland. But I can't be
8 sure of that. But Delaware anyway on the South. That's
9 what I describe as our territory.

10 Q. So would I be correct in assuming that within that
11 geographical area, any sales of ACL products would have
12 been through -- to Du Pont would have been through your
13 company?

14 A. On LCL basis it would have been because --

15 Q. On what basis? I'm sorry, sir.

16 A. Less than carload. Warehouse. Warehouse shipments.

17 Q. Okay.

18 A. As far as I know. I mean you're asking me -- Are
19 you asking me whether ACL protected us or not? I don't
20 quite understand what you're asking me.

21 Q. No. I want to know what ramification -- Well what I
22 wanted to know is what your relationship was with ACL
23 vis-a-vis Du Pont within the geographical area which you
24 defined as being the exclusive supplier?

25 MS. YOUNG: Could I ask you to specify

A-119

1 house account which I don't know about.

2 Q. Do you know of any knowledge of Du Pont receiving
3 any direct supplies from ACL?

4 A. No, I do not.

5 Q. Okay. Do you know whether Du Pont received any type
6 of Asbestos Fibers from any other supplier other than
7 Charles Wagner?

8 A. No, I do not know of them receiving anything.

9 Q. I'm not talking about simply those which came from
10 ACL, but those which came from anyplace.

11 A. I don't have any knowledge that they did buy
12 anything from anybody else.

13 Q. You stated before that some of your supplies that
14 you received from ACL went to your warehouse?

15 A. All of our materials shipped to Wagner came to our
16 warehouse. Yes.

17 Q. And that would include the Asbestos Fibers which you
18 received from ACL?

19 A. Yes.

20 Q. Okay. Would they always -- Did you keep a supply of
21 fibers in your warehouse?

22 A. Yes.

23 Q. So you always had a steady supply there in case a
24 need came up?

25 A. Right exactly. That's the function of any

1 them -- In this case they would have this N -- Where am I
2 reading? They didn't put it on that particular one. N
3 something or other. Whatever the number was.

4 Q. What color was the printing?

5 A. Black I guess. I -- Don't ask me what color it was.
6 N65216, that was -- That's the same number that you'll find
7 on the invoices that Asbestos Corp. sent to us which are
8 part of the record someplace.

9 Q. Now then when you supplied Du Pont, you had the
10 fibers trucked over to Du Pont. Would that be correct?

11 A. Yes. We called the carrier. A public carrier would
12 pick them up and take them away and take them down to Du
13 Pont.

14 Q. Now you've previously stated that one of the assets
15 which the company had was a sewing machine. Was that to
16 mend the broken bags?

17 A. Not necessarily -- Yes. It was to if for any reason
18 there had to be any rebagging done, and we're talking paper
19 bags, that would be to repair a torn bag or to -- If it was
20 necessary to rebag it into some bags that we had, which we
21 brought. And also most -- All manufactures sent spare bags
22 with their ^{SHIPMENTS} ~~cars~~. They put empty bags into the car. You
23 had the option of sliding a torn bag into an over slip bag
24 that we call them and then you have to sew it to close it
25 some way. You would just go across like that and sew it.

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1 Q. Let's take it one step at a time. When ACL sent you
2 these bags of asbestos fiber, were they delivered to your
3 doorstep?

4 A. Yes. Either -- I can't remember without looking at
5 the records whether we started using rail cars or whether
6 we took it by truck. I suspect we took it by truck to
7 smaller clients.

8 Q. Were they stored in any particular place in your
9 warehouse?

10 A. Well, yes, they had certain -- It's up to the
11 warehousemen to use the space to the best advantage and we
12 would just --

13 Q. Let me rephrase the question. I'm sure they kept
14 all the Asbestos Fibers in one area, but they didn't pick a
15 particular section of the warehouse because of any -- you
16 were using to other than convenience to them. Would that
17 be correct?

18 A. That's right.

19 Q. And was it your people that would unload the trucks
20 and take it into the warehouse?

21 A. Yes.

22 Q. Now your employees that worked in that warehouse,
23 did they have respirators available for them?

24 A. Yes.

25 Q. Do you recall what year they had them available for

A-123

1 them?

2 A. No, I can't, because it was quite awhile. We
3 handled, I told you, Pennsylvania Sand Silica for a long
4 time and they were made available.

5 Q. And for what reason were they made available?

6 A. Because the -- our principle suggested they be made
7 available and also we were conscious of the silicosis, the
8 controversy which was going on.

9 Q. So is that you were conscious of the silicosis, or
10 should it be pneumoconiosis? Any kind of illness to the
11 lungs caused by inhalation of dust?

12 A. Generally speaking since we were handling dusty
13 products that's what precipitated it, but there was a lot
14 of dust. To be protected.

15 Q. Now when I say the respirators were supplied, that
16 is Charles Wagner supplied them for the workers?

17 A. Yes.

18 Q. And did that occur in the 1950s?

19 A. No, I'd say not. I have to figure backwards. I
20 would say more likely in the '60s, late '60s.

21 Q. You state you handled Pennsylvania Glass as one of
22 your older customers or suppliers.

23 A. Suppliers.

24 Q. They went back in the 19 -- I think you said before
25 you actually began there.

A-124

9
1 A. Yes.

2 Q. In 1910.

3 A. Uh-huh.

4 Q. And they were a company that supplied you with the
5 silica fibers?

6 A. Well it's not called silica fibers, but it's ground
7 silica

8 Q. It's ground silica. Okay. And they were supplied
9 in paper bags also?

10 A. Yes.

11 Q. And you stated that that was stored in your
12 warehouse?

13 A. Yes.

14 Q. And what is your knowledge of silicosis?

15 MS. YOUNG: Do you mean at the present
16 time?

17 MR. KAPLAN: Okay. Let's start --

18 - - -

19 BY MR. KAPLAN:

20 Q. What is your present knowledge of silicosis? What
21 is it?

22 A. Well a just overall knowledge is that if you inhale
23 enough of it over a long period of time, it will effect
24 your lungs and creat problems.

25 Q. And when did you first became aware of that maybe a

A-125

1 situation that could occur?

2 A. There's no way I can answer that.

3 Q. You don't know if it was in the '60s or the '50s?

4 A. I'd say it was more likely in the '60s, because of
5 the other question asked me about supplying masks and I
6 know that they would have been supplied, but I can't really
7 tell you that. I just don't know. These things don't
8 happen overnight. They happen over a period of time.

9 Q. Would I be correct that you don't actually recall
10 when the employees were first provided with masks by
11 Charles Wagner?

12 A. No, I can't. I can't tell you that. I can't
13 specifically say because I just don't know.

14 Q. Let me ask you this. Did you ever have any employee
15 file a Workmen's Comp. claim against Charles Wagner?

16 A. No, we never did.

17 Q. Does Charles Wagner have a safety committee?

18 A. No.

19 Q. Did it ever have a safety committee?

20 A. No.

21 Q. I know you stated at a prior deposition there was no
22 company doctor.

23 A. That's right.

24 Q. Has there ever been a company industrial hygienist?

25 A. No.

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1 the warehouse?

2 A. They were told they should wear them for their own
3 protection and -- but we had no rules.

4 Q. Did their own protection regard pneumoconiosis?

5 A. Their own protection from inhaling dust at anytime.
6 From dust. See we didn't pack anything.

7 Q. When did you first become aware, you personally now,
8 that breathing any kind of dust could be hazardous?

9 A. I can't answer that question. I just don't know. I
10 know that I can walk down the streets of Philadelphia and
11 inhale -- If I did it long enough, I'm sure I would have a
12 problem. I just can't answer that question. I just don't
13 know.

14 Q. Is there anyone in Charles Wagner Company that would
15 know?

16 A. No.

1 carrier ever told us or not. I know we have had Workmen's
2 Compensation for many years. And whatever was the custom
3 of the carriers at that time to have it, but I can't
4 recall.

5 Q. Where did you -- Did you personally buy or purchase
6 the respirators for your employees at Charles Wagner?

7 A. No, I didn't personally buy them.

8 Q. Do you know who did?

9 A. No, I really don't.

10 Q. Do you know who would be responsible for purposes on
11 behalf of the Charles Wagner Company?

12 A. Well we're talking now -- I don't --

13 Q. This is, I'm sorry, in the 1950s and '60s?

14 MS. YOUNG: You're asking for purchases
15 in general?

16 MR. KAPLAN: That's right, of
17 equipment --

18 THE WITNESS: Well for purchasing
19 general equipment, it would have been a young lady
20 by the name of Clara Pol^Vin~~ic~~ (sic) who is long
21 since dead. She was the secretary of the
22 corporation at that time.

23 - - -

24 BY MR. KAPLAN:

25 Q. Who would have authorized her to purchase equipment

A-128

20

1 for the company?

2 A. Well she was a secretary of the corporation. She
3 had authority to use her judgment unless you're talking
4 about a lift truck at fifteen thousand dollars. There
5 would be some discussion. But basically she --

6 Q. So by secretary you're not talking now as a
7 dictation secretary --

8 A. No, no.

9 Q. -- but a corporate secretary?

10 A. Secretary of the corporation. Yes.

11 Q. Is she related in anyway to Mr. Wagner?

12 A. No.

13 Q. Is she related to you in anyway?

14 A. No.

15 Q. When did she become the corporate secretary of the
16 company?

17 A. I can't tell you without going back in the records.

18 Q. Were the employees of Charles Wagner ever told why
19 they should use the respirators?

20 A. To keep from breathing dust.

21 Q. And they were told that, weren't they?

22 Q. In fact, that was commonly known by the employees,
23 wasn't it?

24 A. Sure.

25

A-129

1 MS. YOUNG: Objection. Leading.

2 - - -

3 BY MR. KAPLAN:

4 Q. Was it --

5 MR. KAPLAN: Well your objection was
6 leading. This is a deposition, however.

7 MS. YOUNG: I didn't tell him not
8 to answer.

9 MR. KAPLAN: You can answer the
10 question.

11 THE WITNESS: Would you repeat it,
12 please?

13 MR. KAPLAN: Why don't you read back the
14 question, reporter.

15 - - -

16 (Whereupon the last question was read
17 aloud as follows:

18 "QUESTION: In fact, that was commonly
19 known by the employees, wasn't it?")

20 - - -

21 THE WITNESS: I don't know what the
22 employees knew really.

23 - - -

24 BY MR. KAPLAN:

25 Q. But they were informed that breathing or inhaling

A-130

1 dust might be dangerous to their health; Is that correct?

2 A. Yes, I would say so. However, that didn't -- Well
3 yes.

4 Q. Who advised them of that?

5 A. Who advised what?

6 Q. Who advised the employees that inhaling dust might
7 be hazardous to their health?

8 A. I don't know.

9 Q. But you are sure that they were advised of that --

10 A. I am not personally --

11 Q. -- as you have previously stated?

12 A. I am not personally sure of that. They -- But it's
13 logical if you supply a mask for somebody in the warehouse,
14 in the kind of -- I mean the people that we had working, it
15 was an hazard to them. It's only normal that you would
16 say -- They would say why do you want me to wear that thing
17 and you would tell them. And, of course, nine times out of
18 ten when you turned your back, it was a hot day, they
19 weren't wearing them. But I can't control that.

20 Q. So all you can do is tell them?

21 A. That's right.

22 Q. And if they don't, as long as they understand the
23 potential risk that would be okay?

24 A. I'm not sure they understood the risk, but they --

25 Q. But they were informed?

A-131

1 A. Sure. We don't presume to advise anybody supplying
2 them.

3 Q. Who did you sell that product to, the silica to?

4 A. Paint.

5 Q. Did you sell any to Du Pont?

6 A. Yes, a lot of it.

7 Q. At the Seaford plant?

8 A. No. At the Philadelphia Paint Plant. ^{THEY} ~~we~~ had one of
9 the largest paint plants in the country.

10 Q. Did you bill the Wilmington plant when you sold to
11 the Philadelphia plant?

12 A. Yes.

13 Q. And that would be the same address and location as
14 the billing for the deliveries to the Seaford plant?

15 A. The billing address in -- Well it would be
16 Wilmington. I can't tell you what the details are.

17 Q. It would be the corporate headquarters?

18 A. That's the way it's always been.

19 Q. When you sold your silica to the Du Pont plant, the
20 painting plant, did you advise them of the hazards,
21 potential hazards of silicosis?

22 A. I can't answer. But advising, whatever we advised
23 our customers, was what our principals advised us. The
24 Pennsylvania Glass Sand sent us, communicated and said
25 here's a certain test that was run. We did this, that and

A-132

1 the other thing. We recommend this. That would be sent to
2 our customers. And as far as for the practical matter, Du
3 Pont could -- forgot more about safety and dust masks and ^{THAT}
4 we ^{EVER} ^{AT} knew Charles Wagner Company. They had their own Safety
5 Department and everything else. And they were years ahead.
6 But to answer your question, no, unless we had gotten it
7 from Pennsylvania Sand and I don't know that.

8 Q. You don't know if you received any kind of notice
9 from Pennsylvania Glass and Sand?

10 A. Over a period of years, I'm sure he must have,
11 because they would send a copy of a publication once and
12 awhile. That kind of stuff.

13 Q. Do you recall receiving any particular notice of the
14 potential hazards from the usage of --

15 A. I don't recall receiving notice, but I remember that
16 they -- The warning labels are when the ⁷ (legions) were put on
17 bags many years before Asbestos Corp. ^{PUT} But on their bags I
18 know that.

19 Q. Well since you put up warnings, do you recall what
20 the warnings stated on the silica bags?

21 A. I couldn't give it to you verbatim, but essentially
22 a warning inhaling, prolonged inhaling dust and so forth
23 might be injurious to your health. We recommend wearing
24 protection, wearing masks, this kind of stuff.

25 Q. Have you inquired of the Pennsylvania Glass and Sand

A-133

1 Corporation as to why it was potentially hazardous?

2 A. No. I think most everybody by this time knew that
3 there was a dust problem.

4 Q. By this time, what time are you referring to?

5 A. I don't know. Some time -- By the time they put it
6 on, I don't know when they put it on. I would have to --
7 Possibly I can get the information from Pennsylvania Glass
8 and Sand, but I can't -- I don't have my own personal
9 knowledge when they put it on. I don't know when.

10 MR. KAPLAN: Will counsel provide us
11 with that information?

12 MS. YOUNG: What specific information is
13 being requested?

14 MR. KAPLAN: When Pennsylvania Glass and
15 Sand Corporation put warnings on the bag.

16 THE WITNESS: When they first put
17 warnings on their bags about not breathing the dust.

18 - - -

19 BY MR. KAPLAN:

20 Q. Did Pennsylvania Glass and Sand Corporation actually
21 tell you that silicosis was a condition or disease?

22 A. I don't know whether they told us or not.

23 Q. Where did your knowledge of silicosis come from?

24 A. I can't answer. I don't know the things -- kind of
25 things they question. It probably came from reading about

1 it I guess.

2 Q. Reading about pneumoconiosis and what it actually
3 meant?

4 MS. YOUNG: Well you used the word
5 pneumoconiosis. He used the word silicosis.

6 MR. KAPLAN: Okay.

7 - - -

8 BY MR. KAPLAN:

9 Q. Learning about dust in the earth can cause or
10 potentially cause?

11 A. Yes.

12 Q. What kind of magazines or journals did you read? Do
13 you recall the names of them?

14 MS. YOUNG: Are you talking about with
15 regard to silicosis danger?

16 MR. KAPLAN: Uh-hum.

17 MS. YOUNG: Is that yes?

18 MR. KAPLAN: Yes, in any kind of disease
19 or condition that can be caused by inhaling.

20 THE WITNESS: Well again we're talking
21 paint. The paint journal is a weekly thing that
22 comes around and we subscribed to it for many years.
23 Later years we received Chemical Week. We received
24 a magazine called the Oil Paint and Drug Report.

25 - - -

A-135

1 BY MR. KAPLAN:

2 Q. Can you be a little more specific in terms of the
3 time frame that you received these magazines?

4 A. How many years we received them?

5 Q. Yes. Do you know how long?

6 A. No.

7 Q. Were these trade journals received back in the 1930s
8 and '40s and '50s and thereafter, or are these more of a
9 creation of the 1980s?

10 A. No, they're more recently. But I wouldn't say 1980.
11 Before 1980, of course. I just don't know when.

12 Q. Now did the articles in those magazine journals
13 pertain to silicosis?

14 A. No.

15 Q. Were they pertaining simply to potential hazardous
16 of inhaling the ambient air?

17 A. They were pertaining more to manufacturing paint and
18 how to do it, and more to selling or more to describing new
19 products for paint and so forth. During the course of some
20 of -- Once in awhile an article would come up which you
21 asked me the source of information. To the best of my
22 knowledge, that's the type of places where I would have
23 gotten it. The Philadelphia -- The newspaper from time to
24 time.

25 Q. Would your office have records in terms of when they

A-136

1 A. Yes. ^{??} (A friend of mine too) I'd like to comment,
2 that our~~y~~ was a warehousing operation. All the products we
3 get are packaged, and the manufacturers have bags there,
4 disposable which don't leak. And these packages are clean
5 when they come in and they're put in a pile, segregated and
6 piled and they're taken down most of the time on pallets
7 and not handle ^{ONE} ^a the bag at/the time. Take a forlift truck
8 in and pick up a whole pallet load. Take away and put it
9 back. You don't create too much dust. You keep the floor
10 clean. The dustiest part comes from the lift truck, a
11 cowboy running it down the aisle, something like that. But
12 basically it is a clean operation. We're not talking
13 about manufacturing outfits.

14 Q. I understand that.

15 A. Okay. Now this was a sort of an added precaution.

16 Q. Not withstanding that fact -- I'm sorry.

17 A. Go ahead.

18 Q. Not withstanding that fact though, you did require
19 your employees to wear the respirators?

20 A. Yes.

21 Q. And for the purposes of the silica, that was
22 probably some time in the '50s.

23 A. Purposes of the silica, well I -- I -- I don't want
24 to hedge. I just don't know. And I don't like to say
25 something and I don't know. I don't know when it was. But

A-138

1 received these various journals?

2 A. No. You mean you're talking about when they started
3 receiving it?

4 Q. That's right.

5 A. I wouldn't know.

6 MS. YOUNG: Can we take a short break?

7 MR. KAPLAN: Sure.

8

9 (Whereupon a short break was taken at
10 this time.)

11

12 BY MR. KAPLAN:

13 Q. Mr. Rabon, let me just make sure I understand this.
14 You knew in the '60s or '50s that you were selling a
15 product that in your belief that may have caused dust
16 whether it be silica or anything else; Is that correct?

17 A. All the products we sell were powders mostly under
18 certain circumstances that caused dust.

19 Q. Okay. And you knew that. And then because of that
20 reason you gave respirators to your employees at Charles
21 Wagner; Is that correct?

22 A. Yes.

23 Q. And that was because, you've already said, that
24 there may have been a potential hazard associated with
25 inhaling created by these products?

~ A-137

1 I know that the general knowledge of silica, potential
2 hazards of silica seem to be in the industry before the
3 general knowledge of asbestos. That's from my personal
4 observation. Whether I'm correct or not, I don't know.
5 And I can't say just when it was, but, yes, we did have it.
6 Yes, we did warn them about dust.

7 Q. Okay. So you have the bags in your warehouse?

8 A. Uh-huh.

9 Q. When you were about to ship it out to Du Pont, did
10 you change any of the writing on the bags?

11 A. No, I didn't change anything. We added something.

12 Q. You added?

13 A. Yes.

14 Q. What did you add in the bags?

15 A. Well we would add a Du Pont, Seafood, Delaware,
16 order number so and so, or requisition number so and so,
17 lot so and so. And as time went on, it seemed like they
18 went and ordered more things all the time. That ^{TO BE MARKED ON}
19 type of thing. _{THE BAGS}

20 Q. You had Charles Wagner's name on the bag also,
21 didn't you?

22 A. No.

23 Q. Your name never appeared on the bags at all?

24 A. No, there was no reason to. It was -- The bags, the
25 manufacturer's name was on the bags and the ^{PRODUCTS} ~~containers~~

A-139

1 course, our own invoice detailing everything, details all
2 the order numbers. Again all that stuff, FOB point,
3 discounts if any, exactly what was shipped, the number of
4 bags, the weight of the bags, the weight of the entire
5 shipment. And that then was it until it came time to send
6 the statement to them if they didn't pay the bill right
7 away. If they didn't pay it in thirty days or whatever it
8 was. It can't -- That somewhat jogs my memory. I can't
9 think of what else we did with the whole thing.

10 Q. Now did you ever know the purpose for which the
11 Asbestos Fibers that you were supplying Du Pont were to be
12 used?

13 A. No.

14 Q. And you stated earlier that you did sell asbestos to
15 various of the companies, and would I be correct that they
16 were used for roofing coatings?

17 A. Some of them.

18 Q. And asbestos that you also sold was used for
19 flooring compound; Is that correct?

20 A. That's correct.

21 Q. And ^{CAULKING} ~~certing~~ compound?

22 A. Yes.

23 Q. And --

24 A. Some went into the floor tile. There's different
25 applications for it.

A 140

1 Q. Okay. When did you first gain knowledge of
2 asbestos?

3 A. First knowledge of asbestos?

4 MS. YOUNG: You mean existence?

5 MR. KAPLAN: Let me change the question.

6 - - -

7 BY MR. KAPLAN:

8 Q. The possible hazards of asbestos?

9 A. I don't know. I can't tell you. I guess maybe when
10 it started hitting the headlines with Johns-Manville.

11 Q. You don't recall at this time?

12 A. Beg your pardon?

13 Q. You don't recall at this time?

14 A. I don't recall when. No.

15 MR. KAPLAN: Let's have these pages
16 marked. Can you mark these few exhibits?

17 - - -

18 (Whereupon Rabon Exhibits 4 to 6 were
19 marked for identification at this time.)

20 - - -

21 BY MR. KAPLAN:

22 Q. Mr. Rabon, I'm showing you what's been marked as
23 Exhibits 4, 5 and 6. Can you first identify for me what
24 Exhibit 4 is?

25 A. It's a copy of a letter written by our company over

A-141

1 A. To the best of my knowledge, no, but they were sent
2 to the Seaford plant, and they may have had a gate number
3 or building number or something. But beyond that I'd say
4 no.

5 Q. Can you recall the person's name at the bottom of
6 Exhibit P-5 or Rabon 5?

7 MS. YOUNG: Can he recall it?

8 - - -

9 BY MR. KAPLAN:

10 Q. Can you read it? Mine is kind of difficult to read.
11 Yours maybe a little more --

12 A. It's Russell I think.

13 MS. YOUNG: Just a minute. I may have a
14 better copy. This name is G. T. Russell.

15 - - -

16 BY MR. KAPLAN:

17 Q. Did you personally know Mr. Russell?

18 A. No.

19 Q. Did you have any dealings with Mr. Russell prior to
20 receiving the letter of January 29th, 1969?

21 A. No.

22 Q. In fact, immediately to the left of the date January
23 29th, 1969 there's a date stamped on the letter. That date
24 is January 31st, 1969.

25 A. That's when we got it in our office.

A-142

5 1 Q. So it was received by your office on January 31st.

2 Do you actually recall receiving this particular letter?

3 A. No. I honestly don't recall it, but I have seen it
4 enough since. I thought about it. So I do not recall
5 receiving the letter. No.

6 Q. Do you recall receiving any letters similar to this
7 by any employee of Du Pont?

8 A. I can't tell whether -- I can't answer whether its
9 Process Hazards Committee. We sold fairly a substantial
10 number of different products to the Du Pont Company over a
11 period of years, particularly Philadelphia. And they have
12 a system whereby they write specifications.

13 Q. Okay. Let me rephrase the question.

14 Did you ever receive from Du Pont any letter
15 similar to this inquiring about a mineral or substance
16 which you supplied Du Pont with, that is any mineral or
17 substance?

18 A. Inquiring as to the safety of it, no.

19 Q. Had you ever received any letter from any of the
20 companies that you supplied in a letter or inquiry
21 pertaining to the safety of using the material that you
22 supplied?

23 A. Any materials you're speaking of?

24 Q. Yes.

25 MS. YOUNG: Had he received such a

A-143

1 letter prior to this?

2 MR. KAPLAN: Prior to January 29th,
3 1969.

4 THE WITNESS: We're not -- We're
5 speaking of any company?

6 MR. KAPLAN: Yes.

7 THE WITNESS: To the best of my
8 knowledge, no.

9 - - -

10 BY MR. KAPLAN:

11 Q. So no company ever inquired as to the safety of
12 using the mineral or the product which you were supplying
13 it with?

14 MS. YOUNG: Prior to 1969?

15 MR. KAPLAN: That's right.

16 THE WITNESS: In a form such as this,
17 no.

18 - - -

19 BY MR. KAPLAN:

20 Q. What other forms would they be in?

21 A. During the course of business we worked from data
22 sheets. A customer normally knows what he's buying. He
23 normally knows what he's going to do with it. He wants to
24 know the chemical competition and all that stuff. At that
25 point if there's any problem, we would have -- that's when

A-144



1 that would come up. But in -- As I have testified before,
2 at this point and time our product lines were basically
3 nonmetallic minerals. They were all, as I described many
4 times, dug out of the ground, beneficiated, put in bags,
5 and that's the way you sell it. They're inert materials.
6 They're nontoxic in the sense that you put your hand in the
7 bag and it won't hurt you. You can rub it on your skin and
8 you can eat it if you want to and it won't hurt you, but I
9 wouldn't recommend it.

10 Q. Okay. You have already stated at this deposition
11 that you knew there was a potential hazard from silica, and
12 because of that potential hazard, you issued and required
13 your employees to wear respirators?

14 A. Yes.

15 Q. How did any companies, to whom you supplied silica,
16 inquire as to the safety of the product that you were
17 supplying them with?

18 A. I can't answer that. I just don't know.

19 Q. They may have. You just don't recall?

20 A. I don't know.

21 Q. Who would know?

22 A. At this late date no one would know. I couldn't
23 even research correspondence, because it wouldn't be there.
24 I just couldn't. I just can't help you on that. This is
25 self explanatory.

A-145

1 A. Yes.

2 Q. And you have no reason not to believe that this was
3 read by you in January of 1970, do you?

4 A. No, I have no reason.

5 Q. Now who is Mr. Leclerc?

6 A. He was Regional Sales Manager it says right there.

7 Q. Did you know Mr. Leclerc?

8 A. He was one of the -- I think he either succeeded
9 Steel or -- No, I don't remember whether I ever met him or
10 not. I really don't know.

11 Q. This letter is on the stationery of Asbestos
12 Corporation Limited?

13 A. Yes.

14 Q. And there's no question in your mind that this was a
15 letter coming from ACL?

16 A. No, none whatever.

17 Q. And you had heard of Mr. Leclerc at that time,
18 although you had not dealt with him?

19 A. Oh, yes. He was legitimate I'm sure.

20 Q. Did you have any dealings with Mr. Leclerc?

21 A. I just don't know. If he was assigned to the
22 territory I possibly did. But I just -- Right now I can't
23 tell you.

24 Q. Okay. Now Exhibit Rabon 6 contains a question that
25 the letter states is going to be printed on all future

A-146

1 shipments of asbestos. Is that true?

2 A. Yes.

3 Q. Okay. After you got what's been marked as Rabon

4 6 --

5 A. Yes.

6 Q. -- did you ever call Mr. Leclerc up? Or I should
7 say you didn't call Mr. Leclerc, did you?

8 A. No.

9 MS. YOUNG: You mean with regard to this
10 letter?

11 MR. KAPLAN: With regard to this
12 letter.

13 THE WITNESS: No.

14 - - -

15 BY MR. KAPLAN:

16 Q. And you never sent Mr. Leclerc a letter questioning
17 him as to the label itself, did you?

18 A. No. I had no occasion to.

19 Q. And you never wrote Du Pont informing them that now
20 the bags would contain a label, did you.

21 A. No. That would be self evident that I didn't write
22 them.

23 Q. And you didn't call anybody at Du Pont that the bags
24 here and after would contain a label or a cautionary label,
25 did you?

A-147

1 A. I didn't call anybody. I'll tell you the normal
2 procedure in our company has been traditionally on all
3 notices, just like Mr. Leclerc says, we are advising your
4 customers whenever the invoices are done by us. Normally
5 we copy this on a copy machine and send it to each account.
6 That's the normal procedure.

7 Q. Does -- Is there any indication on the face of
8 what's been marked as Rabon 6 that it was forwarded to Du
9 Pont by you?

10 A. No, there isn't.

11 Q. Or anybody else on your behalf or Charles Wagner's
12 behalf?

13 A. No, there isn't.

14 Q. And you have received no correspondence from Du Pont
15 indicating that they received this from you --

16 A. No.

17 Q. -- did you? And so to the best of your
18 recollection, you can't say that you forwarded this to Du
19 Pont can you?

20 MS. YOUNG: Objection.

21 THE WITNESS: I can tell you what our
22 procedures have been, and I have been running the
23 company for many many years, and I can tell you that
24 the instructions that our people have are carried
25 out. We get price change notices from Asbestos

A-148

1 Corp. Our customers are notified. There's nothing
2 in my file to say that they were. I know that they
3 were. We get notices on freight changes, tariff
4 changes, a lot of things. They go out. The copying
5 goes out to the customer. We don't try to hide
6 anything from our customers.

7 - - -

8 BY MR. KAPLAN:

9 Q. Looking at the second paragraph of the letter where
10 it starts, "This practice is being initiated now."

11 A. Yes.

12 Q. Did you ever call anybody at Du Pont and inform them
13 that some of the bags they might be receiving would not be
14 containing the cautionary label?

15 A. No.

16 Q. And so you made no attempt to contact Du Pont upon
17 receiving this letter?

18 MS. YOUNG: Objection. That's not what
19 he testified to. You can answer the question.

20 THE WITNESS: I testified that our
21 practice in all cases like this has always been and
22 continues to be copying the announcement and sending
23 it to the customer. And the customer -- And I'm
24 certain we did that in this case. And the customer
25 can read as well as I can, that he would know the

A-149

1 present inventories that he might receive some
2 materials that was not -- would not have this
3 cautionary label on them.

4 - - -

5 BY MR. KAPLAN;

6 Q. You said it was customary. How many situations of
7 this nature have arisen?

8 A. I don't know what you mean by this nature.

9 Q. Where you were informed by a supplier that they
10 would be attaching or placing a label, cautionary label on
11 the product?

12 A. Very few.

13 Q. And that you informed therefore the ultimate user?

14 A. Very few. And when I referred to the customer
15 practice, I didn't mean just the letter that was typed. As
16 I explained before, I mean any kind of letter involving the
17 customer. As I said, freight prices, discontinuance of
18 grades. Any general business subject was handled that way.
19 And I have every reason to believe that this was handled
20 this way.

21 Q. Looking at the top left hand corner of the page, who
22 is W.O.?

23 A. Bill Owens who is a salesman.

24 Q. And who is C. K.?

25 A. Claire Key who was my personal secretary for awhile,

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1 and I'm not sure whether she's still living or not.

2 Q. Who was is P.N., the initials under C. K.?

3 A. I can go on with the other ones. W. S. is Ward
4 Stackhouse who is I think still alive in Florida. N. K,
5 Natalie Kessler who is a bookkeeper. Wayne Rabon is my
6 son. And going back to -- Oh, that's F. N., Frank Nelson.
7 That's who that is. Frank Nelson was one of those who
8 handled orders. He is still with us. That's F. N. I'm
9 sure.

10 Q. This letter of January 13th indicates that -- Mr.
11 Leclerc states that he will be advising the customers
12 whenever the invoices is done by ACL.

13 A. Right.

14 Q. ACL didn't do invoicing for Du Pont did they?

15 A. That's right. They did not.

16

17 (Whereupon Rabon Exhibit 7 was marked
18 for identification at this time.)

19

20 BY MR. KAPLAN:

21 Q. This is marked Exhibit Rabon 7. Have you ever seen
22 this document before (Indicating.)?

23 A. If I did, it would have to do with some of these
24 recent suits, but I don't think I did.

25 Q. Do you know who R. V. Lauber is, L-A-U-B-E-R?

A-151