

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SAN FRANCISCO

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4
5 JAMES RODAMER and NANCY RODAMER,)

)

6 Plaintiffs,)

)

7 vs.)

No. 06-456569

)

8 A.W. CHESTERTON COMPANY, et al.,)

)

9 Defendants.)

)

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12
13 Telephone Deposition of

14 KIM ANDERSON, PH.D.

15 May 14, 2007

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17
18
19 Reported by:

20 James Matthews, CSR 7916

21
22 TOOKER & ANTZ

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Deposition of KIM ANDERSON, PH.D.	Page
Examination by Ms. Berman	5
Plaintiff's Exhibits (KIM ANDERSON, PH.D.)	Iden
A Dr. Anderson's notes	77

1 Be it remembered that, pursuant to notice of taking
2 deposition, and on Monday, the 14th day of May, 2007
3 commencing at the hour of 11:02 a.m. thereof, at 262 Murphy
4 Avenue, Sebastopol, California before me, James Matthews,
5 duly authorized to administer oaths pursuant to section
6 2093(b) of the California Code of Civil Procedure,
7 telephonically appeared

8 KIM ANDERSON, PH.D.
9 called as a witness by the plaintiff; and the said witness,
10 having stated that he would testify the truth, the whole
11 truth, and nothing but the truth, was thereupon examined and
12 testified as hereinafter set forth.

13 APPEARING TELEPHONICALLY

14 LAW OFFICES OF LEVIN, SIMES, KAISER & GORNICK, 44
15 Montgomery Street, 36th Floor, San Francisco, California
16 94104, represented by MARTHA BERMAN, Esq., appeared as
17 counsel on behalf of the plaintiff.

18 LAW OFFICES OF HASSARD BONNINGTON, Two Embarcadero
19 Center, Suite 1800, San Francisco, California 94111,
20 represented by RICHARD KATERNDAHL, Esq., appeared as counsel
21 on behalf of the defendant Kaiser Gypsum, Inc.

22 LAW OFFICES OF POOLE & SHAFFERY, LLP, 445 South
23 Figuerroa Street, Suite 2520, Los Angeles, California 90071,
24 represented by MACY CHAN, Esq., appeared as counsel on behalf
25 of the defendant Gardner Denver, Inc.

1 LAW OFFICES OF SELMAN BREITMAN, 33 New Montgomery
2 Street, Sixth Floor, San Francisco, California 94105,
3 represented by JOE GUNTER, Esq., appeared as counsel on
4 behalf of the defendants Douglass Insulation Company, Inc.
5 and Hellwig Plumbing Company.

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1 KIM ANDERSON, PH.D.

2 having first stated that he would testify the truth, the
3 whole truth, and nothing but the truth, testified as follows:

4 EXAMINATION BY MS. BERMAN

5 MS. BERMAN: Q. I guess it's good afternoon where
6 you're at, right?

7 A. Yeah, it's 1:04.

8 Q. Where are we speaking to you?

9 A. A suburb of Milwaukee, Wisconsin.

10 Q. And can you state your full name for the record?

11 A. Certainly. Kim, middle initial E, Anderson.

12 Q. A-n-d-e-r-s-o-n?

13 A. That's correct.

14 Q. Okay. Who have you been retained by in this case?

15 A. Retained by Hassard Bonnington Law Firm on behalf
16 of Kaiser Gypsum.

17 Q. And when were you retained?

18 A. I believe the letter was filed that was sent on
19 April 30th, 2007.

20 Q. Were you given any documentation?

21 A. Yes, ma'am.

22 Q. What were you given?

23 A. Deposition transcripts including five for Mr. James
24 Rodamer. One each for Mr. James Taplin and Mr. Frank
25 Gutierrez, and two volumes for Al Haole, H-a-o-l-e. I'm not

1 sure on the pronunciation.

2 Q. Were you given anything else?

3 A. No, ma'am.

4 Q. All right. Have you reviewed anything else in
5 preparation for this case?

6 A. Scientific literature.

7 Q. Okay. We'll get to that in a minute. Do you know
8 exactly what you reviewed?

9 A. With respect to the scientific literature?

10 Q. Yeah.

11 A. I routinely will look at probably 20 different
12 references as well as the Toxilogical Profile by the Agency
13 for Toxic Substance and Disease Registry.

14 Q. Have you spoken to anyone about this case?

15 A. Yes, ma'am.

16 Q. To whom have you spoken?

17 A. John Katerndahl.

18 Q. How many times have you spoken with Mr. Katerndahl?

19 A. One time.

20 Q. And when was that?

21 A. Approximately an hour ago.

22 Q. How long was the conversation?

23 A. 20 minutes.

24 Q. I'm sorry? How many minutes?

25 A. 20.

1 Q. 20 minutes. Okay. And what did -- you hadn't
2 spoken to anyone else prior to speaking with Mr. Katerndahl
3 about this case?

4 A. No, ma'am.

5 Q. And the only documents you received in this case
6 are the depositions you listed?

7 Hello?

8 A. I said yes.

9 Q. Oh, okay. I don't know if anyone else hears a
10 buzzing on the line, but I didn't hear your response.

11 Did you prepare any notes in this case?

12 A. Yes, ma'am.

13 Q. And when were your notes prepared?

14 A. Prior to Tuesday of last week. And it took several
15 days to review this file.

16 Q. So your notes were prepared prior to Tuesday of
17 last week?

18 Hello?

19 A. Yes. I said yes.

20 Q. Okay. I'm not hearing your response.

21 A. I'm sorry.

22 Q. Is Hassard Bonnington the only firm that's retained
23 you?

24 A. Yes, that's correct.

25 Q. Okay. And how many times has the Hassard

1 Bonnington firm retained you?

2 A. I guess less than ten, more than five. Somewhere
3 in that area, Ms. Berman.

4 Q. When was the last time they retained you?

5 A. I was at a trial last week for them.

6 Q. And when was the first time they retained you?

7 A. In the last three or four months, I would
8 suggest.

9 Q. How many hours have you spent on this case,
10 preparing for this case?

11 A. I don't know for sure. I would guess 20 to 30.

12 Q. And how much has the Hassard Bonnington firm paid
13 you for your services for the fewer than ten but greater than
14 five cases that you've worked on for them?

15 A. I have no idea.

16 Q. Is it over \$100,000?

17 MR. KATERNDAHL: Calls for speculation. Asked and
18 answered, irrelevant. Go ahead.

19 THE WITNESS: Oh, no. It's wouldn't even approach
20 that.

21 MS. BERMAN: Q. What's your hourly fee that you
22 charge them?

23 A. Commencing the beginning of our fiscal year, which
24 would have been March 1, 2007, my hourly is 225 an hour
25 except for sworn testimony which is two times the fee

1 schedule rate or 450.

2 Prior to that it was 210 an hour.

3 Q. All right. When you spoke with Mr. Katerndahl this
4 morning what did you tell him?

5 A. John was confirming that I was aware the deposition
6 was going to take place at this time. See if I had any
7 questions on I guess the process of the deposition. And
8 discussed some of my opinions and findings related to this
9 case.

10 Q. Okay. Before we get to some of those opinions and
11 findings, have you testified at trial on behalf of Kaiser
12 Gypsum?

13 A. Yes, ma'am.

14 Q. How many times?

15 A. One time.

16 Q. When was that?

17 A. Last Thursday, May 10th.

18 Q. Are any of the defendants on whose behalf you've
19 been retained anyone other than Kaiser Gypsum or Kaiser
20 Cement?

21 MR. KATERNDAHL: Sorry, Katerndahl. Irrelevant.
22 Kaiser Cement is not a defendant in this case, and it's vague
23 and ambiguous if you mean defendants who retained him in
24 other cases, because he's already told you Kaiser Gypsum is
25 the only defendant that has retained him.

1 MS. BERMAN: Q. Go ahead, you can answer the
2 question.

3 A. I don't understand the question.

4 Q. Okay.

5 MR. KATERNDAHL: I told you it was vague and
6 ambiguous.

7 Go ahead, Counsel.

8 MS. BERMAN: Okay. John, since I'm paying for
9 this, let's knock it off, okay?

10 MR. KATERNDAHL: I'm waiting for you.

11 MS. BERMAN: I don't need any snotty comments from
12 you, all right? I'll take legal objections but the snotty
13 comments you can save for your wife or your family members or
14 other people you think you can do it to. Okay? Don't do it
15 here.

16 MR. KATERNDAHL: I will move to strike your
17 ridiculous speech. Now ask a serious question and don't
18 waste our time.

19 MS. BERMAN: Oh, thank you, Mr. Katerndahl.

20 Q. Are you only retained by asbestos defendants or
21 have you testified ever on behalf of any plaintiff?

22 A. Oh, yes.

23 Q. In asbestos litigation?

24 A. Oh. Not on asbestos, no, ma'am.

25 Q. You've never testified on behalf of any plaintiff

1 in asbestos litigation; is that right?

2 A. No, ma'am.

3 Q. That's correct, then, right?

4 A. You are correct, I'm sorry.

5 Q. Okay. How many defendants in asbestos cases -- how
6 many other defendants have you represented in asbestos
7 litigation?

8 A. Probably a half a dozen.

9 Q. And who are those?

10 A. I've worked cases for Bondex International. Welco
11 Products. Let's see. Beezer. Building Services Industrial
12 Sales. Bartelt Insulation. Thompson Hayward Agriculture and
13 Nutrition. And that may be it. That's all I can come up
14 with now, Ms. Berman.

15 Q. Do any of those defendants have product that
16 contained amphibole fibers?

17 A. Building Services Industrial Sales was a supply
18 house type operation. And back in the '60's they would sell
19 some insulation products that did contain amphiboles.

20 The others I do not believe so.

21 Q. I want to go to your --

22 A. Oh, I take that back. Bartelt Insulation did
23 install some insulation that did as well.

24 Q. What type of product?

25 A. Worked with some asbestos mud. And some preformed

1 asbestos products, as I recall.

2 Q. Meaning pipe insulation?

3 A. Yes, ma'am.

4 Q. And what time period are we talking about that they
5 installed products that contained amphiboles?

6 A. I believe it was in the '50's. Perhaps as early as
7 1950's. Primarily in the '60's and early '70's.

8 Q. So it wouldn't surprise you then that insulation in
9 the '50's and '60's contained amphiboles?

10 A. No, ma'am, it would not.

11 Q. Would you say the majority of insulation products
12 in the '50's and '60's contained amphiboles?

13 A. Any of the products that -- with which I've had
14 experience during that time period did contain amphiboles,
15 yes, ma'am.

16 Q. Would you say most of them then did?

17 A. I would believe so, yes.

18 Q. Can you give me a percent on that?

19 MR. KATERNDAHL: Vague and ambiguous as to the type
20 of insulation you're talking about.

21 MS. BERMAN: Q. Let's talk about preformed pipe
22 insulation. What percentage of preformed pipe insulation
23 materials contained amphiboles in the '60's?

24 A. The majority. I don't know that I can put a
25 precise percentage figure on it, ma'am.

1 Q. How about what percentage of insulating cement
2 contained amphiboles in the '60's?

3 A. My experience, a very high percentage.

4 Q. And what type of amphiboles?

5 A. I've seen data sheets on both crocidolite as well
6 as amosite being included in some of the muds.

7 Q. All right. Do you -- I got a note from Hassard
8 Bonnington that said you hadn't prepared a report in
9 connection with this case, but you've prepared notes; is that
10 right?

11 A. That is correct.

12 Q. Is that the same as a report for you?

13 A. Oh, no, ma'am.

14 Q. Do you ever prepare reports in cases?

15 A. Yes, I do.

16 Q. Okay. And when you do prepare reports in general
17 what type of information do you provide in the report?

18 A. A report would generally have four sections. The
19 first section would be a summary of work history and
20 background on the respective plaintiff.

21 The second section then would be devoted primarily
22 to a discussion of any potential asbestos exposure in the
23 work place.

24 The third section then would discuss potential
25 exposure to my client's product, if any, and if there was

1 exposure to a client's asbestos product I might conduct a
2 dose reconstruction for those type exposures.

3 And then the fourth section would be a statement of
4 the scientific literature, where the scientific literature is
5 with respect to the product of the client and the type of
6 asbestos, and then include the conclusions of my opinions.

7 Q. Okay. I have your report, but your writing isn't
8 all that legible to me, so I'm going to ask you to --

9 A. I don't have a report, again.

10 Q. I'm sorry, your notes.

11 A. Okay, very good.

12 MR. KATERNDAHL: Belated objection.
13 Mischaracterizes his testimony. Go ahead.

14 MS. BERMAN: Q. Your notes.

15 Let's go to the first page of your notes, and I
16 just want you to read in your notes.

17 A. I don't know which page you have.

18 Q. Well, the first page says Gutierrez.

19 Let me ask you this. How many pages are your
20 notes?

21 A. There are several pages for each deposition and
22 then I believe there are two other pages. One at the top
23 says Gutierrez, and the second one says Haole, or however the
24 gentleman pronounces his name.

25 Q. So what's the answer? How many pages are your

1 notes?

2 A. I'd have to count.

3 Q. Okay. Why don't you count them.

4 A. Taplin there are three.

5 Q. Why don't you count the total first, okay?

6 A. I have to go through each one, so --

7 Q. Why don't you just count the total and give me the
8 total, okay?

9 (Pause.)

10 A. Counting. So bear with me.

11 (Pause.)

12 If I didn't miss a page there would be a total of
13 29.

14 Q. And what order do you have them in?

15 MR. KATERNDAHL: Vague and ambiguous.

16 MS. BERMAN: Q. Why don't you tell me what your
17 first page has on it.

18 A. I have all but the two pages we discussed attached
19 to each respective.

20 Q. What two pages that we just discussed?

21 A. One that says Gutierrez at the top and the second
22 one that says Haole at the top.

23 Q. Okay. There's one that has Haole at the top? Has
24 Haole depo at the top?

25 A. Yes, ma'am, I'm sorry.

1 Q. Are there scribble marks on it?

2 A. There are.

3 Q. Are those yours?

4 A. I believe that was my granddaughter.

5 Q. All right. Okay. So all but these two pages are
6 what?

7 A. Individual extractions from individual deposition
8 transcripts that I've attached to that individual deposition
9 transcript.

10 Q. Okay, is there any significance to the pages from
11 Gutierrez and Haole that are separate from the other
12 information?

13 A. Yes.

14 Q. What's the significance of them?

15 A. Extraction of the key facts from the individual
16 deposition transcript.

17 Q. Okay, why don't we go forward with the -- is
18 there -- is there anywhere in these notes that has your
19 opinions stated?

20 A. No, ma'am.

21 Q. Okay. What did you -- what did you tell Mr.
22 Katerndahl your opinions were?

23 A. My opinion on this case due to the chemical
24 composition as well as the dose of the Kaiser Gypsum joint
25 compound, that Mr. Rodamer would not have had significant

1 exposure to increase his risk above that of the general
2 population for any asbestos disease much less mesothelioma.

3 Q. Anything else?

4 A. Also the fact that there is scant information
5 including the use of -- we got a guy mowing the yard. Hang
6 on.

7 That there was scant information in the depositions
8 related to any exposure, and even at the dosage that I
9 counted -- or included through the dose reconstruction it was
10 very minimal.

11 Q. Kaiser information?

12 A. Yes, ma'am.

13 Q. Okay. So you're just looking at Kaiser
14 information, right?

15 A. Yes, ma'am.

16 Q. Okay. So you said there's scant information in the
17 depositions to say what?

18 A. To suggest any exposure to Kaiser Gypsum joint
19 compound by Mr. Rodamer.

20 Q. So your opinion is that Mr. Rodamer wasn't exposed
21 to Kaiser Gypsum joint compound?

22 A. No, that isn't what my opinion -- I just said that
23 because of the composition as well as the dose, if in fact he
24 was exposed to Kaiser Gypsum joint compound there would not
25 be any relationship between that exposure due to the chemical

1 composition and the dose to put him at any risk above that of
2 the general population for any asbestos disease including
3 mesothelioma.

4 Q. Okay. All right. And you indicated earlier
5 there's about 20 scientific articles that you rely on for
6 your opinion. What are those articles?

7 A. Well, the first thing is I discussed was the ATSDR
8 Toxicological Profile for Asbestos. And the respective
9 cancer effect levels that are included in Table 3-1 that show
10 a variety of exposures through studies for both chrysotile,
11 amphibole, and mixed. Above and beyond that I do use a
12 number of other studies. Bernstein.

13 Q. What's the title of the study and year?

14 A. Generally in Bernstein I'll use two different
15 studies. One is related to I don't recall the exact title,
16 but Bernstein et al. compares Calidria, chrysotile asbestos.

17 Q. Okay. But is there a title to the study?

18 A. Yeah. And I said I don't recall the exact title of
19 that one.

20 Q. Okay. Is it published anywhere?

21 A. Inhalation Toxicology.

22 Q. Do you know what year?

23 A. 2004 -- 2005.

24 Q. And there's two studies in that?

25 A. No, there's two studies by Bernstein. That's one

1 study I utilize. The second one discusses -- let's see. The
2 Biopersistence of Chrysotile Asbestos Following Inhalation.

3 Q. What's the title of that study?

4 A. That is the title.

5 Q. Where was that published?

6 A. Also in Inhalation Toxicology.

7 Q. What year?

8 A. It would have been the year before the preceding
9 one, so 2004.

10 Q. And what other studies do you rely on for your
11 conclusion?

12 A. H-o-d-g-s-o-n. Hodgson. And Darnton,
13 D-a-r-n-t-o-n. And it's entitled The Quantitative Risks of
14 Mesothelioma and Lung cancer in Relation to Asbestos
15 Exposure.

16 Q. Where was that published?

17 A. The Annals of Occupational Hygiene.

18 Q. What year?

19 A. 2000.

20 Q. What other studies do you rely on?

21 A. There's a study by Liddell, L-i-d-d-e-l-l.

22 Q. What's the title of that?

23 A. Dust Exposure and Lung Cancer in Quebec Miners and
24 Millers.

25 Q. Where is that published?

1 A. The Annals of Occupational Hygiene.

2 Q. What year is that published?

3 A. 1998.

4 Q. What year was the Hodgson study published?

5 A. 2000.

6 Q. Okay. What other literature do you rely on?

7 A. Yarborough has a study entitled Chrysotile as a
8 Cause of Mesothelioma.

9 Q. And how is that name spelled?

10 A. Y-a-r-b-o-r-o-u-g-h, I believe. Yarborough.

11 Q. What year was that study published?

12 A. 2006.

13 Q. Where was it published?

14 A. Critical Reviews of Toxicology.

15 Q. What other literature do you rely on?

16 A. Roggli et al. Entitled Malignant Mesothelioma and
17 Occupational Exposure to Asbestos.

18 Q. What year was that published?

19 A. 2002.

20 Q. Where was that published?

21 A. Ultrastructural Pathology.

22 Q. All right. And what other literature do you rely
23 on?

24 A. A study by Robinson et al. entitled Assessment of
25 Mortality in the Construction Industry in the United States,

1 1984 to 1986.

2 Q. What year was that published?

3 A. 1995.

4 Q. Where was that published?

5 A. American Journal of Industrial Medicine.

6 Q. What other literature do you rely on?

7 A. Another study by Hodgson, however he says his name,
8 H-o-d-g-s-o-n, entitled The Expected Burden of Mesothelioma
9 Mortality in Great Britain from 2002 to 2050.

10 Q. And what year was that published?

11 A. 2005.

12 Q. Where was that published?

13 A. British Journal of Cancer.

14 Q. Okay. What other scientific literature do you rely
15 on?

16 A. There's a compilation by the National Institute for
17 Occupational Health which is Publication 97-114 entitled
18 Mortality Results. There's a longer title, but that's all I
19 can recall at this time.

20 Q. And when was that published?

21 A. Again, '97.

22 Q. And where was that published?

23 A. It's their own publication. Through the --

24 Q. So-called the National Institute of Occupational
25 Health?

1 A. National Institute for Occupational Safety and
2 Health. This was their publication number 97-114.

3 Q. Okay. So a NIOSH study. And what else -- what
4 other literature do you rely on?

5 A. Wagner et al. Entitled Comparative Effects of
6 Three Chrysotiles by Injection and Inhalation in Rats.

7 Q. What year was that published?

8 A. 1980.

9 Q. Where was that published?

10 A. In IARC, I-A-R-C, which is the acronym for
11 International Agency for Research on Cancer. So it's IARC
12 Scientific Publications.

13 Q. All right. What other literature do you rely on?

14 A. The ATSDR has a second compilation that's their
15 Influence on Short Fibers.

16 Q. Influence on Short Fibers?

17 A. Of Short fibers. Excuse me.

18 Q. Okay. All right. What year is that published?

19 A. I think 2005.

20 Q. Where is that published?

21 A. It's again a governmental publication.

22 Q. All right. Any other literature?

23 A. Oh, yeah.

24 Q. Go ahead.

25 A. I would use a study by Rohl et al. entitled

1 Exposure to Asbestos in the Use of Consumer Spackling,
2 Patching, and Taping Compounds.

3 Q. What year was that published?

4 A. 1975.

5 Q. Where was it published?

6 A. Science.

7 Q. Any other literature?

8 A. Fischbein. F-i-s-c-h-b-e-i-n et al.

9 Q. Um-hum. What's the article?

10 A. It's -- it's Analysis of a Drywall Working. I
11 don't have the title off the top of my head.

12 Q. What year was it published?

13 A. 1979.

14 Q. Where was it published?

15 A. The American Industrial Hygiene Association
16 Journal.

17 Q. All right. Any other literature?

18 A. Verma and Middleton.

19 Q. What's the name of the article?

20 A. Occupational Exposure to Asbestos in the Drywall
21 Taping Process.

22 Q. All right. And what year was it published?

23 A. 1980.

24 Q. And where was it published?

25 A. American Industrial Hygiene Journal.

1 Q. All right. Any other literature?

2 A. United States Environmental Protection Agency.

3 Q. What article or what publication?

4 A. The technical support documentation for a protocol
5 to assess asbestos related risk.

6 Q. What year are we talking about?

7 A. 2003.

8 Q. And how do you find the document?

9 A. Oh, it's publication number 9345.4-06.

10 Q. Any other literature?

11 A. I would also throw in Wagner et al. in an article
12 entitled A Comparative -- oh, I think I did that one
13 already.

14 Q. Yeah, Effects of Injection Inhalation. You have
15 that.

16 A. Yes, ma'am.

17 Q. Any other article?

18 A. I looked at others but these would be the primary
19 articles I would have used.

20 Q. Did you look at the Miller study?

21 A. Well, Miller has several studies. Are you
22 talking -- the study on fiber lengths?

23 Q. Right.

24 A. And biopersistence? Yes, I have looked at that
25 one.

1 Q. Okay. Would you include that in that?

2 A. That would be a good study to include, yes, ma'am.

3 Q. Would the Pooley study be a good study to include?

4 A. I have looked at the Pooley study, if we're
5 talking --

6 Q. Okay. And what's the title of the Miller study?

7 A. Miller is something about influence of fiber length
8 and biopersistence. I don't recall the full study.

9 Q. Okay.

10 A. I mean the full name of the article.

11 Q. And what year was that published?

12 A. I don't recall.

13 Q. Okay. Do you know where it was published?

14 A. No, ma'am.

15 Q. Okay. How about the Pooley study?

16 A. Well, Pooley --

17 Q. Pooley article.

18 A. Pooley has lots of studies. One of which relates
19 to his findings on Canadian Carey asbestos and the lack of
20 tremolite contamination.

21 Q. What year is that article?

22 A. I don't recall. I'm sorry.

23 Q. Where is it published?

24 A. That I'd have to pull my articles on that one.

25 Q. Okay. Can you pull that at a break and fax it to

1 me, please?

2 A. Sure.

3 Q. Okay, I'm going to give you a fax number. Ready?

4 A. Okay.

5 Q. 415-981-1270.

6 A. Okay.

7 Q. And if you could send the US EPA study as well.

8 A. Oh, that's --

9 Q. Huge?

10 A. Yes.

11 Q. Okay.

12 A. I may have a link. If I have a link I'll be happy
13 to get it to you.

14 Q. Okay. And the Miller article, do you know what
15 decade that might have been published in?

16 A. It was either the latter part of the 1900's or
17 early 2000.

18 Q. Okay. All right. You broke down your opinion into
19 chemical composition and dose. And I want to talk about
20 chemical composition. And what is it about the chemical
21 composition of -- of Kaiser Gypsum joint compound that has
22 significance to you?

23 Why don't we, before we -- just take a two minute
24 break here, okay? I have to sign some things.

25 All right.

1 Hang on.

2 Dr. Anderson?

3 A. Yes.

4 Q. Can you fax me those articles while we're on a
5 break? If you need longer, take longer.

6 A. Yeah, I'm going to have to go back to my office and
7 pull the files.

8 Q. Okay. Thanks.

9 A. Want me to do that now?

10 Q. Yeah.

11 A. Okay.

12 (Brief recess taken.)

13 MS. BERMAN: Q. Okay, are you back?

14 A. Okay, I'm back now. I gave it to someone to fax to
15 your attention.

16 Q. Okay. All right. In your opinion you said that
17 the chemical composition and dose of -- of Kaiser Gypsum --
18 let me withdraw that.

19 My understanding is your opinion is that the --
20 because of the chemical composition of Kaiser Gypsum Mr.
21 Rodamer would not have had significant exposure that would
22 have increased his risk to getting any asbestos-related
23 diseases in conjunction with the particular dose of Kaiser
24 Gypsum joint compound that he was exposed to; is that right?

25 A. What I actually said, and my opinion is that

1 because of the chemical composition and the dose it would not
2 put Mr. Rodamer at a risk above that of the general
3 population for any asbestos disease including mesothelioma.

4 Q. Okay. But it's the chemical composition and dose
5 of Kaiser Gypsum joint compound, right?

6 A. That's correct.

7 Q. You said that is correct?

8 A. Yes, ma'am.

9 Q. Okay. Are you going to be giving any opinions at
10 time of trial regarding the chemical -- whether the chemical
11 composition and dose of any other products would have
12 increased Mr. Rodamer's risk of an asbestos-related disease?

13 A. I assume I will.

14 Q. Do you know now what products you're going to be --
15 let me ask you.

16 Is there any product that you believe would have
17 increased Mr. Rodamer's risk of getting an asbestos-related
18 disease?

19 A. I said yes, ma'am.

20 Q. Okay. I'm not hearing when you -- you answer.

21 A. Really?

22 Q. Yeah.

23 A. I'll try to pick up. I'll do it until my ear gives
24 out.

25 Q. Okay.

1 A. I said yes. I'm sorry.

2 Q. Okay. And so what products are you going to be
3 testifying increase Mr. Rodamer's risk of getting an asbestos
4 related disease?

5 A. If he was in fact as included in testimony exposed
6 to amphiboles that would include amosite and crocidolite and
7 perhaps even tremolite, and because of the chemical
8 composition as well as the chemical structure or morphology
9 of the individual fibers that would have put him at an
10 increased risk above the general population for asbestos
11 related diseases.

12 Q. And what particular products are you saying had
13 that particular amphibole content?

14 A. Perhaps the many and varied insulation products
15 which he removed and applied. Perhaps some of the --

16 Q. Hang on one second.

17 (Pause.)

18 MR. KATERNDAHL: Ms. Berman, did you want to take a
19 break?

20 (Pause.)

21 MS. BERMAN: Q. All right. I'm sorry, I'm trying
22 to deal with an issue for tomorrow.

23 All right. You were talking about the products
24 that Mr. Rodamer would have been exposed to that had
25 amphiboles.

1 A. You had asked specifically about insulation
2 products.

3 Q. Okay. And you said the many and varied insulation
4 products. Those are the ones he worked with at Raychem?

5 A. Yes, ma'am.

6 Q. Okay. And that would include the preformed half
7 rounds as well as the insulating cement?

8 A. Yes, ma'am.

9 Q. Okay. And that would include the Transite sheets?

10 A. Correct.

11 Q. And it would include the Transite pipe?

12 A. Correct.

13 Q. Okay. Would that include what other products?

14 A. The concerns they had about some of the gaskets,
15 flanges, valves.

16 Q. Okay.

17 A. And then when he retubed a large boiler whether or
18 not he was exposed to refractory including refractory cement.

19 Q. Okay. And are you aware of what refractory
20 material was in there? Because it's my understanding that
21 not all refractory materials contain asbestos; is that right?

22 A. That's why I termed it concern about that.

23 Q. Okay. So you wouldn't say more likely than not
24 that that had amphiboles in it; is that right?

25 A. I wouldn't know at this time. I would just have a

1 concern.

2 Q. Okay. Any other products that Mr. Rodamer worked
3 with at Raychem that you believe had amphiboles in them?
4 Other than what we already mentioned?

5 A. I don't believe so.

6 Q. Okay. All right. Would it be your opinion that
7 each of those products had amphiboles in them and each of
8 those products would -- or are capable of increasing one's
9 risk including Mr. Rodamer for getting an asbestos-related
10 disease?

11 A. Boy, that's a compound question.

12 Q. Okay. Let's break it down.

13 A. Please.

14 Q. Each of the -- you've already said that each of
15 these products contained amphiboles; is that right?

16 A. No, I said they -- they well could.

17 Q. Okay. So more likely than not that the insulation
18 products that Mr. Rodamer applied had -- that the half round
19 pipe insulation that Mr. Rodamer applied had amphiboles in
20 it?

21 A. I would be very concerned, yes, ma'am.

22 Q. Is that a yes?

23 A. That's a yes.

24 Q. Okay. Is it more likely than not that the
25 insulation cement that Mr. Rodamer used at Raychem had

1 amphiboles in it?

2 A. It well could have. I don't know that I'd -- I
3 have contemplated this based on your terminology that it was
4 more likely than not. I'd just have concern that that would
5 have been an excellent opportunity for an amphibole type
6 product to have been used by Mr. Rodamer.

7 Q. And do you have an opinion as to whether the
8 insulating cement contained amphiboles? Insulating cement
9 used by Mr. Rodamer contained amphiboles? In 1950's, '60's
10 and '70's? Early '70's?

11 A. Again, I would have concerns that it well could
12 have.

13 Q. And the Transite sheets that Mr. Rodamer used or
14 was around others using, those contained amphiboles; isn't
15 that right?

16 A. Again, I'd have concerns, but not all Transite
17 would have had amphibole type materials.

18 Q. Okay. Did -- do you know one way or the other
19 whether JM Transite sheets had amphibole -- amphibole
20 materials in them?

21 A. I do not recall at this time.

22 Q. So you don't have an opinion one way or the other?

23 A. No, not without pulling some information back from
24 my office again.

25 Q. Okay. Well, I'm going to ask you to pull some

1 other information so we can go back to that.

2 And I'll ask you to pull that information on -- on
3 Transite sheets.

4 Do you -- have you ever studied or examined any
5 Transite sheet from any JM plant in California?

6 A. No, ma'am, I have not.

7 Q. Have you ever read any articles about any JM
8 Transite sheet from California?

9 A. I know I've seen information. You know. I'm sure
10 I've read about it. I just don't recall it at this time.

11 Q. Okay. And what is it that you have back at your
12 office about Transite sheet?

13 A. I believe I just have a folder related to Transite
14 materials.

15 Q. Okay. Is it your opinion that asbestos cement pipe
16 used in the '50's and '60's had amphiboles in them?

17 A. It could.

18 Q. And you don't know one way or the other?

19 A. My recollection is some pipe they -- they did have
20 some amphiboles that would have gone in. Others depending on
21 the era and the manufacturer again did not.

22 Q. Okay. Do you know whether JM asbestos cement pipe
23 had amphiboles in it?

24 A. I don't recall.

25 Q. Are you going to be testifying at time of trial

1 whether that JM asbestos cement pipe had amphiboles in it?

2 A. I don't know. We haven't talked about trial
3 testimony. I guess if asked before the trial to do the
4 research I would do the research, Ms. Berman.

5 Q. Okay. All right. Let's go back to your opinion
6 about the chemical composition of Kaiser Gypsum joint
7 compound. What is it about the chemical composition of
8 Kaiser joint compound that is significant in your opinion
9 that the chemical composition dose of Kaiser Gypsum joint
10 compound would not have put Mr. Rodamer at risk for an
11 asbestos-related disease?

12 A. That Kaiser Gypsum joint compound contained a small
13 percentage of chrysotile asbestos. Specifically a short
14 fiber grade 7 chrysotile. And looking at the literature we
15 went through chrysotile asbestos is a hydrated magnesium
16 silicate that exists as independent layers around the silicon
17 tetrahedral. With that type of structure coupled with the
18 short fiber, meaning less than 5 microns, with respect to
19 grade 7 there is a limited biopersistence at the terminal
20 portion of the lung.

21 The biopersistence is in days or weeks. The fact
22 that the metallic cation is magnesium and is not a reactive
23 type of metallic, we do not see at the cellular level if
24 there is alveolar phagocytosis that results from the alveolar
25 microphages. We do not see any formations or minimal

1 formations of reactive oxidants including reactive oxygen
2 species and reactive nitrogen species.

3 Thus we don't see the evoking of a variety of
4 protein inflammatory structures that in turn we believe is
5 called the transcription errors at the DNA.

6 Secondly, when you couple the fiber dimension, both
7 the length and the diameter of the short fiber it is
8 generally less than the size of a typical alveolar microphage
9 which is about 7 microns. So the phagocytosis and resulting
10 lymphatic transfer can happen and happens very aggressively,
11 which again reduces the biopersistent potential of the
12 chrysotile fiber.

13 When in turn you're exposed to an amphibole that is
14 of either amosite or crocidolite where it's a iron hydrated
15 silicate that is a larger fiber, larger length fiber and
16 different dimension with respect to diameter, then you don't
17 see the phagocytosis happening as readily. When you do you
18 may end up with vascular transfer. You may also end up with
19 some --

20 Q. What is vascular transfer? You see some blood
21 going into the area?

22 A. Instead of having a selective transfer of
23 phagocytes to what we call the sewage treatment system of the
24 body, the lymphatic system, you can actually have transfer
25 through the blood system to the metapoetic system that can

1 actually take the fibers directly to the pleura in and around
2 the lung.

3 When you get those tissues either again through the
4 translocation which some call transmigration or through the
5 transfer to the pleura, then you do have the ability for this
6 chemistry of these fibers, the iron being very reactive, the
7 iron causing the body to evoke and result in a variety of --
8 of reactive oxidants including reactive oxygen species which
9 manifest as a superoxide, the superoxide then can affect the
10 body, can cause cellular damages --

11 Q. Infect the body?

12 A. Affect.

13 Q. Um-hum.

14 A. Can affect the body. Evoke a reaction with the
15 nitrogen that can cause the formation of a peroxinitrite.
16 And the combined effect of the superoxide peroxinitrite can
17 in turn cause transcription errors at the DNA that can result
18 in abnormal cellular growth, and what we believe once the
19 mesothelial cells are impacted can result in what we term
20 mesothelioma.

21 Q. All right. There's a lot here, so let me first ask
22 about, are you saying that the iron component of the
23 amphibole fibers is what is lacking in the shorter fibers
24 that causes the -- the reaction that ultimately results in
25 the formation of peroxinitrites which ultimately cause

1 transcription errors?

2 A. It's not quite that simple.

3 First, it's the fiber length is not, does not
4 determine the chemical composition and whether or not there's
5 iron. It's the fiber type.

6 Q. Right. So are you saying that because chrysotile
7 doesn't have iron it doesn't -- and it can't result in
8 transcription errors?

9 A. Well, because it doesn't have iron we don't go
10 through this reaction at the mesothelial cells that in turn
11 can evoke reactive oxygen species, reactive nitrogen species
12 and therefore cause the ultimate effect that can manifest as
13 a transcription error.

14 Q. Okay. So it's because chrysotile doesn't have an
15 iron component there isn't a reactive effect that results in
16 a transcription error?

17 A. That's one of the mechanisms, yes, ma'am.

18 Q. Okay. And when you talk about limited
19 biopersistence of the terminal portion of the lung being
20 limited in chrysotile fibers, this terminal portion of the
21 lung isn't the pleura, is it? It's the lung itself and not
22 the lining?

23 A. It's what we term the alveoli.

24 Q. Okay. Have you ever heard of or read about the
25 chrysotile fibers translocating to the pleura?

1 A. Certainly.

2 Q. Okay. And of what significance is that?

3 A. Again, that's where we also have a very short
4 resistance time. I guess if we drew an analogy between the
5 chrysotile and the amosite at the pleural interface we would
6 talk perhaps in a month or two months for chrysotile, and
7 amosite we could talk in 20 years. With respect to
8 biological half life. As a measure of biopersistence.

9 Q. So chrysotile fibers in the pleura last a month or
10 two months, but amphibole fibers in the pleura last for 20
11 years.

12 A. Amosite.

13 Q. Oh, amosite only. Okay. How about crocidolite?

14 A. The biological half life is more varied, but again
15 we're talking many years again.

16 Q. Over 20?

17 A. Depends on, you know, which -- which reference you
18 care to read. I've seen some as long as 30 for crocidolite.
19 I've seen others I believe as short as 15. Thereabouts.

20 Q. I'm sorry. That range was what -- 15?

21 A. 15 to 30.

22 Q. How do you know that the fiber in the Kaiser Gypsum
23 products was solely chrysotile?

24 A. My understanding is there were two primary
25 suppliers to Kaiser Gypsum. I believe there was some

1 secondary suppliers, but the two primary would have been the
2 Union Carbide Calidria and the other would have been Canadian
3 Carey, or Philip Carey.

4 For both of those there are studies -- talked about
5 Pooley doing a study related to Canadian Carey.

6 Q. And you just sent that to me?

7 A. I asked someone to. I assume they did.

8 Q. Okay.

9 A. And the second is Bernstein did the work with
10 respect to the Union Carbide Calidria. And also my
11 recollection is Dr. Gibbs also did the work on Canadian Carey
12 on that geology.

13 Q. Okay. Do you have an article on that?

14 A. Gibbs, I believe, I may have an affidavit.

15 Q. Okay. I'm going to ask you to have that faxed to
16 me. But I'll -- I'm going to ask you to fax me a couple of
17 others things, so we'll include that in the list.

18 And who are the secondary suppliers?

19 A. I don't recall at this time.

20 Q. Do you recall where the secondary suppliers' fiber
21 came from?

22 A. No, ma'am, I do not.

23 Q. Do you know how much the secondary suppliers
24 supplied versus the two suppliers you mentioned? The UC
25 Calidria supplier and the Philip Carey or Canadian Carey

1 supplier?

2 A. I don't recall the exact percentages, no, ma'am.

3 Q. Do you have a range?

4 A. No, I do not.

5 Q. And who gave you the information that there were
6 two suppliers and then secondary suppliers of fiber that went
7 into the Kaiser Gypsum joint compound?

8 A. It was legal counsel.

9 Q. Meaning Hassard Bonnington?

10 A. No, another law firm.

11 Q. What firm was that?

12 A. Williams Kastner.

13 Q. Where are they located?

14 A. Seattle.

15 Q. And were you representing Kaiser Gypsum -- or were
16 you retained on behalf of Kaiser Gypsum in this case?

17 A. Yes, ma'am.

18 Q. How long ago was that?

19 A. Again, just in the last few months.

20 Q. Okay. And did they give you that information
21 orally? Or something in writing?

22 A. I believe just orally.

23 Q. And did the person who was the plaintiff in the
24 case in which you received the information about the Kaiser
25 Gypsum joint compound suppliers -- or fiber suppliers, did

1 that plaintiff work in California?

2 A. Yes, ma'am.

3 Q. And was all his or her work in California or
4 exposure in California?

5 A. It was on the West Coast. I don't recall if there
6 was some exposure in Oregon and Washington State. In that
7 particular case.

8 Q. Is magnesium not reactive at all?

9 A. Oh, you never say a chemical is not reactive at
10 all.

11 Q. Okay.

12 A. It is not as reactive through a biochemical
13 mechanism as you would see with iron.

14 Q. Is there a scientific scale of reactivity of
15 chemicals?

16 A. I guess I don't know what you mean.

17 Q. Okay. Is there some sort of list that rates
18 reactivity of chemicals? Like ferron -- or ferrous, you said
19 iron is very reactive but magnesium isn't. And is there some
20 list that grades or indicates the reactivity of different
21 chemicals?

22 A. I don't -- I don't know of any, because you don't
23 know if you're causing the reaction between a cation and an
24 ion. And if we're dealing with the cation you don't always
25 know what the ion is going to be. Therefore it may be a more

1 reactive or less reactive situation. If we're talking about
2 bonding, we're going through a chemical reaction to bond iron
3 with oxygen, the reaction is -- is much more profound than
4 you would have from magnesium wanting to bond with oxygen.

5 Q. Why is that?

6 A. It's just the nature of the beast. The iron
7 compound will very aggressively bond with the -- with the
8 iron. I mean, that's why we have rust. You know. That's
9 why rust is so active. That's why we can take oxygen so
10 readily throughout the blood system, because the hemoglobin
11 is primarily an iron compound, so it just -- I would not
12 necessarily say it's an oxygen seeker, but it will bond very
13 rapidly with oxygen.

14 Q. And is there a time duration in which iron bonds
15 with oxygen versus magnesium bonding with oxygen?

16 A. I don't know that I've ever looked at it that
17 way. We're talking very rapid reactivity with the oxygen, so
18 I guess I don't know how to answer that one, Ms. Berman.

19 Q. Okay. Hang on one second.

20 (Pause.)

21 Okay, your article apparently just arrived.

22 All right. So you talked about the -- some of the
23 reasons that chrysotile doesn't cause mesothelioma as being
24 it has limited biopersistence. The metallic cation in
25 magnesium is not as reactive as iron. Which you find in

1 amphiboles. And the diameter and the length of chrysotile
2 fibers is also significant because macrophages can overtake
3 these smaller chrysotile fibers versus the longer amphibole
4 fibers; is that right?

5 A. That's part of it, yes.

6 Q. Okay. What other distinctions do you make between
7 chrysotile and amphibole fibers that affect whether
8 chrysotile can cause mesothelioma?

9 A. Again, we talked about the layering morphology that
10 we would see with chrysotile, whereas amphiboles are chains.
11 The chrysotiles are flexible, curved, some would even say
12 curly, where we have a needle -- needle-like inflexible type
13 of rigid fiber because of the morphology that we'd see from
14 amphiboles.

15 So it's a combination of all these factors.

16 Q. Okay. How does -- I'm missing how the layering
17 morphology of these curly fibers affects the ability of
18 chrysotile to cause mesothelioma.

19 A. Well, when you have the shorter fibers that are not
20 as rigid and not as durable we end up with -- with fibrils or
21 portions of fibers being formed if and when the fiber makes
22 it to the terminal portion of the lung.

23 Then it also allows the fibers to, I guess break
24 would be a good term, and then be even more susceptible to
25 phagocytosis.

1 Q. Okay.

2 A. Then we also don't have the rigidity to allow the
3 actual fibers to work their way physically from the lung
4 tissue into the pleura. As you would with the needle-like
5 thinner fibers that you would see from amphiboles.

6 Q. All right. Let me see if I understand what that
7 last part of what you're saying is.

8 Because the morphology of the chrysotile fiber is
9 not as rigid it breaks apart and it doesn't make it to the
10 pleura? Versus the --

11 A. By translocation it wouldn't.

12 Q. Okay. But it can by what other mechanism?

13 A. Again, you can have some either vascular transfer
14 that would get it there or perhaps some type of accompanying
15 transfer as opposed to physically being able to move as a
16 rigid fiber, rigid thin fiber that you would see with the
17 amphiboles actually being translocated.

18 Q. Okay. So you're saying that the chrysotile fibers
19 can't translocate themselves but the amphibole fibers can
20 translocate themselves to the pleura?

21 A. That's correct.

22 Q. Okay. But -- but the vascular system can move
23 chrysotile fibers to the pleura; is that right?

24 A. That's correct.

25 Q. And how else do chrysotile fibers get to the

1 pleura?

2 A. Then I guess that would be the primary mechanism.

3 Q. And other than the amphibole fiber being able to
4 translocate itself to the pleura does the vascular system
5 transfer amphiboles to the pleura?

6 A. Yes, ma'am.

7 Q. Okay. Does anything else transfer the amphiboles
8 to the pleura other than the rigid fiber being able to
9 translocate itself and the vascular system being able to
10 transfer the amphibole to the pleura?

11 A. That should do it.

12 Q. Okay. So we've talked about the biopersistence of
13 chrysotile being less than amphiboles. We've talked about
14 the chemical composition of chrysotile containing magnesium
15 and not being as reactive, and thereby not causing
16 transcription errors versus amphiboles being more reactive
17 and thereby causing transcription errors.

18 We've talked about the morphologic distinction
19 between amphiboles and chrysotile as having an influence on
20 why chrysotile can't cause mesothelioma. We've talked about
21 the length of the fiber and the diameter of the fiber as
22 being significant and why chrysotile can't cause mesothelioma
23 in your opinion versus the amphiboles.

24 Are there any other reasons why you believe that
25 chrysotile can't cause mesothelioma?

1 A. I believe that would be a fair synopsis.

2 Q. Okay. And is it your opinion that chrysotile in
3 any amount cannot cause mesothelioma?

4 A. I guess my opinion related to a dosage is that I
5 have not seen exposures that one would encounter from a,
6 quote unquote, a normal work activity that has resulted in a
7 dose that could manifest mesothelioma. I haven't looked nor
8 have I seen in the literature many hundreds or thousands of
9 fiber year exposures. And I know someone exposed to the
10 normal type work activity that would result in a dosage
11 related to that work activity, I haven't seen any causal
12 relationship between chrysotile and mesothelioma.

13 Q. Does chrysotile cause any asbestos-related
14 diseases?

15 A. I believe so.

16 Q. And what asbestos-related diseases does it cause?

17 A. I believe we could show a relationship between
18 asbestos and asbestosis. Pleural plaques. And lung
19 cancer.

20 Q. And is there a dose amount that one would have to
21 have of chrysotile fiber to be at increased risk for
22 asbestosis?

23 A. I believe if you look at the literature there
24 are -- you know, dosages that are shown for chronic exposure
25 that, you know, would show some causal link between that

1 chronic exposure and some type of nonmalignant respiratory,
2 or a pneumoconiosis, including asbestosis.

3 Q. Do you know the amount, though?

4 A. It's un -- you know -- again, who you read.
5 There's a fairly significant discussion again in the ATSDR
6 toxicological profile. And it goes through many studies.
7 Boy, I don't remember every study in there. But I know there
8 are showings of asbestosis, you know, with I believe in the
9 40 to 50 fiber year type exposures. And I know there are
10 some that are up in the hundreds for asbestosis. The ones I
11 recall at the lower exposures would be another 40, 50 fiber
12 year type of exposures.

13 Q. In the literature that you've looked at, what is
14 the dose amount that one would have to have to chrysotile
15 fibers to get pleural plaques?

16 A. I don't believe the literature is as definitive on
17 doses -- dosage -- excuse me, or a diagnosis that there is
18 pleural plaques. Most of the studies have centered on the
19 pneumoconiosis or some type of malignant neoplasm.

20 Q. So is it your understanding that Mr. Rodamer has
21 pleural plaques?

22 A. Yes, ma'am.

23 Q. Are you going to be testifying at time of trial why
24 he has those pleural plaques?

25 A. I don't know.

1 Q. What's your understanding of what causes pleural
2 plaques?

3 A. I'm sorry, I don't understand the question.

4 Q. Well, why do people get pleural plaques?

5 MR. KATERNDAHL: Calls for a medical opinion.

6 THE WITNESS: Yeah, again, it's -- I guess the best
7 way I could call it would be the overwhelming of the
8 clearance mechanism. Either the mucociliary escalator,
9 phagocytosis, or tidal air clearing that you, you know, end
10 up with a -- the plaquing effect that affects the blood
11 transfer through the individual alveoli, and therefore you'd
12 get the plaques. The exact mechanism --

13 MS. BERMAN: Q. Okay, let me just focus in. Is it
14 your understanding that asbestos causes pleural plaques?

15 A. Yes, ma'am.

16 Q. Okay. Do you think anything else causes pleural
17 plaques?

18 MR. KATERNDAHL: Calls for a medical opinion.

19 THE WITNESS: Yeah, I don't know.

20 MS. BERMAN: Q. Do you know of any other thing that
21 causes pleural plaques or have you read of anything other
22 than asbestos that causes pleural plaques?

23 MR. KATERNDAHL: Same objection.

24 THE WITNESS: No, ma'am.

25 MS. BERMAN: Q. Okay. And do you have an opinion

1 about how much -- what type of dose one would have to be
2 exposed to of chrysotile fibers to be at an increased risk
3 for lung cancer?

4 A. Okay. Again, if we just go to the ATSDR, that's
5 the one that we've been talking, there's only a couple of
6 studies that I recall that deal with nonmixed fiber exposure
7 and lung cancer.

8 One I recall it's like again in the 50's or 60
9 fiber years for the chrysotile exposure and lung cancer. I
10 don't recall the others.

11 Q. Okay. Are there any studies that you looked at
12 that were chrysotile only studies?

13 A. That's the one I just tried to describe. It was
14 just a chrysotile and not a mixed fiber exposure.

15 Q. Okay. But it only related to lung cancer?

16 A. I thought that was the question.

17 Q. Yes.

18 A. If I didn't answer I'm sorry.

19 Q. Yeah. No. Let me clarify my question.

20 A. Okay.

21 Q. I understand what you said about lung cancer. Are
22 there any studies related to mesothelioma that looked at
23 people who had only been exposed to chrysotile fibers?

24 A. And essentially, the wealth of the literature that
25 I've seen out there, there's always been a concomitant

1 exposure to an amphibole, primarily a goodly amount of
2 tremolite, or other mixed exposures. Mixed fiber exposures.

3 Some of the studies came out originally, Ms.
4 Berman, and they would talk about chrysotile exposure, and
5 when the cohort was actually examined, as far as respective
6 work history, or the type of material invariably there's a
7 finding that there has been a mixed fiber exposure.

8 Q. So what I hear you to be saying is there's no study
9 that has been proven to look only at people who have only
10 been exposed to chrysotile and -- is that right?

11 A. No. I think there may be some studies out there
12 that are making that -- that claim. I can't say I've looked
13 at each and every study and all the resulting commentary that
14 comes from that study, but a majority of the studies that
15 I've reviewed, the initial study may well say it's -- it's
16 not a mixed fiber, it's just chrysotile. Then after the
17 cohort is examined either vis-a-vis work history, complete
18 work history, or the type of material to which they were
19 exposed, we invariably find a mixed fiber exposure.

20 Q. All right. Why don't we take a ten-minute break
21 here, but let me tell you I'd like you to get some studies
22 for me.

23 All right? Some of the ones that you mentioned.
24 All right? You said you -- you had a declaration of Gibbs.
25 And said there was a Robinson, 1995 study in the American

1 Journal of Industrial Medicine.

2 A. Robinson? Excuse me, okay.

3 Q. And Yarborough.

4 A. Okay.

5 Q. Wagner.

6 A. You want me to fax this many pages?

7 Q. You can -- you can e-mail them to me. The other
8 one was just a couple pages.

9 A. Yeah. Believe me, we're talking now, we're getting
10 into some beef here. Well, we have Gibbs, Robinson,
11 Yarborough.

12 Q. Wagner and Rohl. And Miller.

13 A. Could I mail these?

14 Q. Yeah. You can overnight mail them to me.

15 A. Okay.

16 Q. I'll give you a --

17 A. Otherwise it's going to tie up my fax machine for
18 the rest of the day.

19 Q. Okay. So let's make sure we have the list here.

20 Gibbs, Miller --

21 A. Yes, yes.

22 Q. Rohl.

23 A. Yes.

24 Q. Wagner, Robinson, Yarborough.

25 And let me ask you about this -- the US EPA study.

1 Is -- was that ever published?

2 A. US EPA study, you mean the Technical Support
3 document?

4 Q. Yeah.

5 A. Yes.

6 Q. That's not known -- is that the Eastern Research
7 Study?

8 A. Yes.

9 Q. Okay.

10 A. And I asked my guy to get the link. He may have
11 that when I go --

12 Q. Okay. All right. So why don't we take a ten
13 minute break and the court reporter can have a little break
14 and we'll come back.

15 A. Okay.

16 MR. KATERNDAHL: Do you have an estimate of how
17 long we're going to go today?

18 MS. BERMAN: Well, we have to leave by 1:30, so
19 we're not going to go more than another hour.

20 All right, thanks.

21 (Brief recess taken.)

22 MS. BERMAN: Q. All right. Did you get a sense
23 from the material that you reviewed how often Mr. Rodamer
24 actually worked hands on with amphibole-containing asbestos
25 products?

1 A. I believe so.

2 Q. Okay. And where do you believe, and what do you
3 believe -- where do you believe Mr. Rodamer worked with
4 amphibole-containing asbestos products?

5 A. I would make a clarification to potentially
6 amphibole-containing products, and predicated upon that minor
7 change, you know, his job frequently had him, you know,
8 working with insulation products, Transite products, and
9 other products that may have contained, you know, amphiboles.

10 Q. Do you believe that Mr. Rodamer's mesothelioma was
11 caused by asbestos exposure?

12 Hello?

13 A. I don't know. I'm -- I would assume that if we,
14 you know, look at growing up in New Jersey in and around the
15 Johns-Manville facility there, his father and uncle both
16 working there, that he may well have had a varied exposure
17 from very youth all the way through his working career as we
18 know it in California.

19 Q. Okay. Now, do you know whether Mr. Rodamer's
20 father worked with asbestos-containing products?

21 A. The testimony is limited. It basically said his
22 father worked at the facility and the facility made asbestos
23 products. So that's about as much as I could glean from the
24 transcripts that I was provided.

25 Q. So that means you don't know if Mr. Rodamer's

1 father worked with asbestos-containing products?

2 A. No, ma'am.

3 MR. KATERNDAHL: Argumentative. Go ahead.

4 MS. BERMAN: Q. Is that right?

5 A. I said no, I don't.

6 Q. And you don't know if Mr. Rodamer's uncle worked
7 with asbestos-containing products either; is that right?

8 A. Well, I do know his uncle had asbestosis. So --

9 Q. Well, do you know anything about what Mr. Rodamer's
10 father did at the Johns-Manville plant?

11 A. If I recall what it said -- with respect to his
12 father's -- his father's work there.

13 Q. We're talking about his uncle.

14 MR. KATERNDAHL: Counsel, you asked about the
15 father a moment ago. Maybe you misspoke.

16 THE WITNESS: You went back to the father.

17 MS. BERMAN: Q. Okay, all right. Let me see if I
18 understand you. You don't know what Mr. Rodamer's father did
19 at Manville, correct?

20 A. That is correct.

21 Q. Okay. And you don't know if Mr. Rodamer ever saw
22 his uncle, correct?

23 A. No, I don't recall from the testimony.

24 Q. Okay. Mr. Rodamer didn't live with Mr. Rodamer's
25 uncle; isn't that right?

1 A. That's my understanding.

2 Q. Okay.

3 A. That he did not.

4 Q. And Mr. Rodamer himself didn't work at the
5 Johns-Manville plant; isn't that right?

6 A. I was looking at something. About his commentary
7 about his uncle. I take that back. It does ask him that he
8 lived with his uncle for four years. And he said when he was
9 living in Pennsylvania and I was born.

10 So he did live with his uncle for four years the
11 way the testimony goes in his first deposition transcript.

12 Q. That was in Pennsylvania, though, right?

13 A. Yeah.

14 Q. Okay.

15 A. Your question was, didn't say where. It said did
16 he ever live with him. So I wanted to correct that.

17 Q. That was in Pennsylvania, not in New Jersey,
18 correct?

19 A. It was Pennsylvania, yes, ma'am.

20 Q. Okay. In -- but I'm not sure I got an answer to
21 the question. Mr. Rodamer never worked at the Johns-Manville
22 plant in New Jersey; is that correct?

23 A. Not from the records I saw.

24 Q. Okay. Do you believe that Mr. Rodamer was exposed
25 to chrysotile fibers when he lived in Manville, New Jersey?

1 A. I don't know for sure. I would suspect he could
2 have been exposed because many of us as we walk outside we're
3 going to be exposed to asbestos. So I don't know how to say
4 he wasn't.

5 Q. Okay. Would -- was -- is it your opinion that Mr.
6 Rodamer had an increased risk of getting mesothelioma from
7 his living in Manville, New Jersey?

8 A. I don't know that I've seen the epidemiological
9 studies related to those workers. I guess I'd need to see
10 that before I could answer.

11 Q. So at this time you're not prepared to say that Mr.
12 Rodamer was at an increased risk of getting mesothelioma
13 because he lived in Manville, New Jersey? Is that correct?

14 A. At this time that's correct.

15 Q. Now, was Mr. Rodamer at increased risk of getting
16 mesothelioma because of his work at Raychem?

17 A. I haven't evaluated those for his various work. I
18 know if we look at insulation and if we look again at the
19 scientific literature that the exposures are much higher than
20 one would expect from drywall. Therefore if he worked with
21 insulation even a fraction at the time he was going to have a
22 much larger dose of asbestos exposure from the insulation
23 work than he would ever get from any drywall work.

24 Q. And higher by what order of magnitude?

25 Hello?

1 A. Almost 300 percent for the same period of time.

2 Did you hear that one?

3 Q. I heard 300 percent for the same period of time.

4 A. Yes, that's my answer.

5 Q. And what's the period of time you're looking at?

6 A. You were just asking risk from dose.

7 Q. Okay. So if someone is spending the same amount of
8 time being exposed to drywall as they are to insulation
9 products, the exposure to the insulation products is 300
10 times greater than the exposure to the drywall?

11 MR. KATERNDAHL: Incomplete hypothetical.

12 THE WITNESS: You know, may I help and maybe I can
13 clear it up.

14 MS. BERMAN: Q. Sure.

15 A. The way I would state it, Ms. Berman, is a person
16 performing drywall work with premixed compound including
17 everything from opening the can to applying, to sanding and
18 cleanup as compared to someone performing drywall work
19 including opening a bag, wetting the mud, applying the mud,
20 and cleanup, the exposure concentration is almost 300 percent
21 if you look at the literature values.

22 When you add to that the fact that not only did he
23 testify he installed but he removed via sawing and using a
24 hammer as I recall, then the exposures would even go up much
25 higher, perhaps 15 to 50 times higher than a drywall

1 person.

2 So yeah, the exposures and resulting dose.

3 Q. 15 to how many times?

4 A. Well, it could go up to 100 fibers per cc, so 15 to
5 50.

6 Q. Okay. Is that just a comparison of using
7 insulating cement?

8 A. No. The latter as I discussed.

9 Q. Okay. Let me withdraw that.

10 Is the 300 percent you just described related to
11 insulating cement? Because that's what you were talking
12 about, applying mud.

13 A. Yeah. It's -- it's putting down, if you're putting
14 down half round preformed and then applying the mud over it.
15 It's performing the insulation process.

16 Q. Okay. And it doesn't include cutting half rounds
17 in the initial amount of the 300 percent? Is that right?

18 A. No, my recollection it -- you know -- I don't
19 recall. I'd have to look at Balzer and Cooper as a reference
20 I'm referring to.

21 Q. Okay. All right. And then the 15 to 50 times
22 figure came from removing pipe insulation and through the
23 process of cleaning up; is that right?

24 A. In the methods that he described.

25 Q. Okay. And then -- so that would be dose, and then

1 the other significant area that's related to your opinion
2 would be that the drywall compound that you're comparing was
3 only chrysotile versus the insulation products, meaning the
4 half rounds and the insulating cements have a high likelihood
5 of being -- containing amphibole fibers; is that right?

6 A. They may well contain amphiboles, yes, ma'am.

7 Q. Okay.

8 A. Whereas the joint compound does not. So -- so I'm
9 making it complete.

10 Q. Um-hum. And your understanding of -- all right.

11 Do you believe that -- well, can I get percentages
12 of relating drywall compound to cutting Transite sheets? In
13 terms of exposure doses?

14 A. I don't recall an exposure concentration for
15 cutting Transite sheets right off the top of my head.

16 Q. Okay.

17 A. Again, I'd have to look it up.

18 Q. Do you recall a dosage exposure -- a dosage amount
19 for asbestos cement pipe? Cutting asbestos cement pipe?

20 A. No. And again, it's an exposure concentration.
21 Dose is proportional to how much times how long.

22 So if we're looking at just how much that's
23 exposure concentration, and I off the top of my head, no,
24 ma'am, I wouldn't want to guess.

25 Q. Okay. And do you have an exposure concentration

1 comparison for removing gaskets in the manner in which Mr.
2 Rodamer described versus exposure concentrations for the work
3 with drywall?

4 A. No. Again, I'd have to look those up.

5 Q. And do you have exposure concentration amounts for
6 removing packing?

7 A. Same answer. I'd have to look up.

8 Q. You'd have to look up gaskets, valves, and cutting
9 asbestos cement pipe or Transite sheets?

10 What's your sense of whether cutting Transite sheet
11 or cutting asbestos cement pipe is relative to exposure
12 concentrations to working with the insulation products as the
13 preformed half rounds and the asbestos cement mud?

14 A. I would hate to guess. I'd -- it's been too long
15 since I've looked them up.

16 Q. Okay. Do you know where Mr. Rodamer obtained the
17 insulation products that he worked with?

18 A. I believe so.

19 Q. Okay. Where did he obtain them?

20 A. O'Hair was the primary. Then he mentioned -- what
21 was it -- Peninsula Plumbing I believe was the second.

22 Q. And what's your understanding of when he purchased
23 products, or when Raychem used products from P.E. O'Hair
24 versus when they used products from Peninsula Plumbing?

25 A. Oh, it was primarily P.E. O'Hair. I'd have to pull

1 the deposition transcript. There was much less at a much
2 shorter time period from Peninsula Plumbing as I recall.

3 Q. Okay. Do you know if insulation products were ever
4 purchased from Peninsula Plumbing?

5 A. I don't recall insulation products being purchased
6 from Peninsula Plumbing.

7 Q. Okay. Do you know if Transite sheet products were
8 ever purchased from Peninsula Plumbing?

9 A. I don't recall that either.

10 Q. And your answer would be the same with regard to
11 asbestos cement pipe?

12 A. Yes, ma'am.

13 Q. Okay. I want to -- do you know if any drywall
14 products had tremolite in them?

15 A. We're not talking Kaiser Gypsum? We're talking
16 any?

17 Q. Any. Well, let me ask you this. Do you know if
18 Georgia Pacific drywall product had tremolite in it?

19 A. Not to my knowledge.

20 Q. Okay. Do you know one way or the other?

21 A. Well, I was going to make a clarification. When
22 we're talking about companies for which I've done work, I've
23 also worked for -- I forgot until we took a break. Georgia
24 Pacific on some of their drywall joint compound as well as
25 Ruco, R-u-c-o and their drywall joint compound.

1 So I wanted to get that on the record so I wasn't
2 misleading anyone.

3 Q. Okay.

4 A. And for the information I had on Georgia Pacific my
5 recollection is they never had a product that contained
6 tremolite either.

7 Q. Okay. And on what do you base that?

8 A. That I believe again came from counsel. I don't
9 recall having any sales materials, descriptive materials from
10 Georgia Pacific.

11 Q. Do you have an opinion as to the relative
12 percentages of chrysotile fiber that came from Canada that
13 had tremolite contaminant versus that which had no tremolite
14 contaminant?

15 MR. KATERNDAHL: Over broad and not specific to
16 fiber grade.

17 MS. BERMAN: Q. Well, let's break it down to the
18 years 1959 to 1973.

19 A. My understanding on Canadian mining is that the
20 northern and northeast lines which included the Carey mine,
21 Philip Carey, did not have the veins of tremolite
22 geologically that were seen in the southern and central mines
23 including Bells and Thetford.

24 Q. Okay. And where does that information come from?

25 A. There's some of the studies that I think you asked

1 about earlier as well as the work of Dr. Pooley.

2 Q. Which of the other studies talk about that?

3 A. If we look at the work by I think it was Wagner.
4 Wagner pulls three different Canadian chrysotiles and didn't
5 find tremolite and didn't find tumors in the grade 7.

6 Q. Did he find tumors in other grade?

7 A. He found one tumor -- one mesothelioma, as I
8 recall, from I think it was like a grade 13 or something.

9 Q. Is that the study of the comparative effects of
10 injection inhalation?

11 A. Yes.

12 Q. All right. Let's talk about these grades.

13 A. Well, and there's another.

14 Q. Okay.

15 A. Someone else -- I'm thinking, so bear with me.

16 I think -- no, I believe there's another study. I
17 just cannot recall it.

18 Q. All right. Let's go -- let's go to a discussion of
19 the grades. What -- I know grade 7 is -- refers to a method
20 of processing the fiber; is that right?

21 A. That's my understanding.

22 Q. Okay. What's grade 1?

23 A. Well, if you look at the grading system it's a
24 function -- I got -- can you hang on one second? My fellow's
25 asking me about the stuff you need before he gets out of

1 here.

2 Q. Okay.

3 (Pause.)

4 MS. BERMAN: Q. All right, we're back to the
5 grading. And you said if you looked at the grading system --
6 where do you look at the grading system? I mean is there
7 someplace it's published?

8 A. I have a document that goes through the various
9 grades.

10 Q. What is that document?

11 A. I don't remember if it was from a Canadian Carey
12 document or another document, but it talks about the various
13 grades and the fibers that are provided.

14 Q. Okay. Do you have that document with you?

15 A. I have it in my office.

16 Q. Okay. You can fax that one -- or if that's a large
17 one we'll figure out another way to get it, okay?

18 A. Okay. Make another -- just a second -- one
19 second.

20 (Pause.)

21 Okay, we'll leave the package unsealed.

22 Q. Okay. All right. You're saying a document that
23 goes through various grades and you were talking about grade
24 1.

25 A. Yeah. It just goes through the various grades.

1 Some of the grades are -- there's not even product that was
2 available. Either because no one used it or it was not
3 obtainable when they put the product through the sieving and
4 the screening and the laundry list went I remember as low as
5 grade 1, and I believe there was a grade above grade 7.

6 Q. I thought you just said that Wagner said something
7 about grade 13.

8 A. Yeah, that's what I said. There's something above
9 it. I don't know how the differentiation went above grade
10 7.

11 Well -- do the grades go 1, 2, 3, 4, 5, 6, 7?

12 A. On this sheet -- or the -- on the document that
13 I've seen, yes.

14 Q. But you're not sure what's above grade 7?

15 A. No, there's -- I just don't recall.

16 Q. Does it go from grade 1 and increasing numbers --
17 is there more sieving or less?

18 A. My understanding that there is a tighter sieving as
19 you would descend.

20 So, you know, grade 7 has the particle sizes or
21 fiber sizes that we would see with a majority of the fibers
22 being less than 5 microns, perhaps even less than 3 microns,
23 and across the board less than 8 microns, and you can go all
24 the way down to what's called SFA, which is a superfine.

25 Q. Now, what -- what size fiber falls into this grade

1 7?

2 A. Grade 7 would be substantially less than 3. Still
3 a majority -- excuse me -- substantially less than 5, a
4 majority less than 3, and essentially all fibers but perhaps
5 some outliers less than 8.

6 Q. That's in length.

7 A. Yes, ma'am.

8 I said yes, in case you couldn't hear me.

9 Q. Okay. And do you know what grade 13 is in terms of
10 size?

11 A. No, ma'am. Off the top of my head.

12 Q. And the superfine is -- would be the lower grades?

13 A. Well, classically we would call asbestos by grade
14 or -- in a catch-all what's called fiber shorts, and then
15 there was a superfine that was available. I don't know the
16 size profile without again looking at this publication, what
17 SFA had with respect to fiber size.

18 Q. All right. The fiber shorts, is that equivalent to
19 grade 7?

20 A. I've seen grade 7 frequently called fiber shorts.

21 Q. Have you seen other grades called fiber shorts?

22 A. No, ma'am.

23 Q. Does grade 7 only treat chrysotile?

24 A. That's my understanding.

25 Q. Do people other than Carey Canada grade fibers

1 according to this grade of 1 through 7 plus?

2 A. That's my understanding also.

3 Q. Other people do that as well?

4 A. Yes, ma'am.

5 Q. And they use this -- this is a sort of universal
6 system, then, through fiber suppliers?

7 A. It's -- my understanding is it's a consortium that
8 they've set it on a standard classification and methodology
9 to grade the fibers.

10 Q. Okay. All right. All right. I wanted to ask you
11 to go to your first two pages of your notes and just read
12 those into the record, because I think you said the first
13 page has Gutierrez at the top and the second page has Haole
14 depo at the top?

15 A. That's correct.

16 Q. Okay. If you can just read those into the
17 record.

18 A. The first line is six months at
19 Oakside/Northside.

20 Second line indented, sanding 4-5 days.

21 Third line indented, Mr. Rodamer around 25 percent
22 of day.

23 Fourth line indented, Kaiser premix used 80 percent
24 and the word premix again.

25 Skipping down the symbol for therefore. And

1 skipping down under that a minor mathematical equation here,
2 5 days times 8-hour per day equals 40 hours times 25 percent
3 equals 10 hours times 80 percent kg equals eight hours.

4 Next line, 8 hours times 1 year per 2080 hours
5 equals 0.004 year times 2.1 fiber per cc for premix and pole
6 sand.

7 And under that in brackets is Verma and Middleton
8 and equals 0.008 fiber years per cc. And skipping down a
9 couple lines, if full time. And under that more math. 5
10 days times 8 hours per day times 80 percent kg use equals 32
11 hours.

12 Directly under that 32 hours times 1 year per 2080
13 hours equals 0.015 years times 2.1 fiber per cc equals 0.032
14 fiber year per cc. And under that the word Menlo Park.
15 Words Menlo Park. And under that Taplin -- no finishing of
16 walls. Him or contractor.

17 Second page says, and again I'm going to butcher
18 the guy's name, and I apologize to him. Haole, H-a-o-l-e
19 depos. And it says Volume II, drywall work at Menlo Park
20 building B or 1.

21 Under that it says all GP, joint compound. And
22 under that, no other drywall work that Mr. Rodamer was
23 around. And then my granddaughter's artwork.

24 Q. Okay, let's go back to that first page of
25 Gutierrez. And what does the number .003 fiber years mean?

1 A. You mean 008?

2 Q. Oh, that's an 8? 008.

3 A. Okay. That is the dose for Mr. Rodamer to premix
4 Kaiser Gypsum joint compound. If I use the full 5 days of
5 sanding with him being there the full 8 hours a day which is
6 beyond me why he would be around there, that wasn't his
7 job -- then multiplied by 25 percent as you see above gets
8 you to the eight hours including the 80 percent Kaiser Gypsum
9 use, then we convert hours.

10 Q. Okay, wait a second. The 25 percent relates to the
11 amount of time that you're saying Gutierrez said Mr. Rodamer
12 was present?

13 A. Yeah. Initially he said 2 percent. And then when
14 questioned again suddenly his 2 percent number went to 25
15 percent.

16 Q. So he's not saying it was 40 hours. He's saying
17 it's 25 percent, right?

18 A. Yeah. Which is still 20 hours.

19 Q. Okay. All right. So the 40 hours where you said
20 you can't believe he'd say that, that's sort of an irrelevant
21 matter. He's saying 25 percent of 40, right? That's where
22 you get your 10?

23 A. And initially he said a couple days sanding and
24 suddenly we go four to five days. Regardless I used the full
25 four to five days.

1 Q. Okay. Does that sound about right to you?

2 A. It -- it sounded like a heck of a long time after
3 the drywall had been installed just to apply premix and three
4 coats and perform all the sanding.

5 Q. Okay. Have you ever applied drywall?

6 A. Yes, I have.

7 Q. Okay. On how many occasions?

8 A. And I assume you mean joint compound.

9 Q. Well, have you ever put up Sheetrock?

10 A. Oh, yeah.

11 Q. And have you applied joint compound to it?

12 A. Yes, ma'am.

13 Q. Okay. On how many occasions?

14 A. Three or four.

15 Q. When were those?

16 A. The last was four years ago.

17 Q. And when was the first?

18 A. Oh, gosh. In the late 1960's.

19 Q. Do you remember what brand you used?

20 A. I'm not that good.

21 Q. All right. Do you remember whether there were
22 warnings on the joint compound that you used?

23 A. No, ma'am.

24 Q. There weren't warnings or you do not remember?

25 A. I do not remember.

1 Q. Did you use any respiratory protection?

2 A. No, ma'am.

3 Q. At that time did you have any reason to believe
4 that asbestos was in the joint compound that you were using?

5 A. The first time I was in high school. And I
6 probably couldn't spell asbestos.

7 Q. Okay.

8 A. The last time was like I said two thousand
9 something, and I wasn't really worried about asbestos in
10 joint compound at that time.

11 Q. All right. Do you know of any public health
12 document that says that chrysotile does not cause
13 mesothelioma?

14 A. Again, the ATSDR document presents all the studies
15 and then causes public health concern. I think in their
16 summary they make a one sentence statement about such. If
17 you look at other documents --

18 Q. Public health documents?

19 A. Yeah. If you look at, for example, OSHA, OSHA's
20 concern is --

21 Q. What document am I looking at?

22 A. Okay. If you look at the preamble to the, I guess
23 to the most comprehensive preamble was before the '76
24 standard. And essentially they throw all physical anomalies
25 in together, whether it's asbestosis, lung cancer or

1 mesothelioma, and all fiber types. And I guess from a public
2 health perspective I don't know how they'd do it any other
3 way.

4 So I don't --

5 Q. Okay. So other than the -- these two documents,
6 are you aware of any other public health document that says
7 or that you believe says that chrysotile doesn't cause
8 mesothelioma?

9 A. Well, I know the -- that the study we talked about
10 earlier from the technical support document talks potency and
11 describes a minimal potency for chrysotile and a very --

12 Q. This is the eastern research study?

13 A. Yes, ma'am.

14 Q. Okay.

15 A. And it also describes, you know, particle size --
16 excuse me -- a fiber size much greater than we're talking
17 about to be of concern in that document.

18 Q. Let me -- let me ask you -- okay. So are we done
19 with the public health documents? That you believe say that
20 chrysotile does not cause mesothelioma?

21 A. Sure.

22 Q. Okay. You say that chrysotile can cause
23 asbestosis, and chrysotile can cause lung cancer. And
24 pleural plaques. But it can't cause mesothelioma. Is
25 that -- do I have you right?

1 A. Yes, ma'am.

2 Q. Okay. Why can it cause those other diseases?

3 A. Well, asbestosis is an unrelated disease.

4 Q. All right. It's just because it's a different
5 disease. It's not because of the particular characteristics
6 of -- of the fiber size or the chemical composition.

7 A. Well, yes and no. It's -- asbestosis is a classic
8 pneumoconiosis, which means dusty lung.

9 Q. Um-hum.

10 A. And essentially what it means is you're getting
11 enough fibrous material that, you know, the lung does not
12 through self-defense mechanisms or other type of actions
13 remove a sufficient amount of it. So then you end up with,
14 you know, the asbestosis, the -- and you know, some
15 interstitial, you know, fibrosis as well.

16 Because of the -- you know -- the irritation of the
17 fibers remaining in the terminal portion of the lung again.

18 So it's -- it's a different process than one would
19 see, you know, from -- you know, any type of malignant
20 neoplasm -- or any type of cancer resulting. You know, you
21 can get --

22 Q. But did you --

23 A. Excuse me. You can get pneumoconiosis from all
24 kinds of dust materials, many of which have no relationship
25 to a malignant neoplasm. I mean, you can get it from iron

1 oxide. You can get it from raw cotton dust. You can get it
2 from coal dust. And at least on those three materials I
3 don't know of any association between any type of malignant
4 neoplasm.

5 Q. All right. How about, you said that chrysotile
6 fibers can cause lung cancer?

7 A. Yeah. I guess I'd want to clarify first.

8 Q. Okay.

9 A. There's a relationship between the two. As a
10 toxicologist I don't say they cause -- some type of physical
11 anomaly. It's just a relationship. So yes, there is a
12 relationship between asbestos exposure and at least some
13 studies that I know of including chrysotile and the cause --
14 and the resulting lung cancer.

15 Q. So if I understand what you're saying is the
16 studies that you rely on don't show a relationship between
17 chrysotile and mesothelioma, but the studies do show a
18 relationship between chrysotile and the end resulting
19 asbestosis, pleural plaques, and lung cancer.

20 A. Yes. I would agree.

21 Q. Okay. When you said you had 29 pages of notes, in
22 the pages that I have I don't have 29 pages of notes, but I
23 also don't have any notes from Volume -- oh, maybe it's out
24 of order here.

25 Okay.

1 (Pause.)

2 Okay. All right. I have Volume III.

3 All right, will you go back and just count your
4 pages? Because I have a different number of pages than you
5 do. Or we can go through -- why don't we go off the record
6 right now, unless anyone else has any questions.

7 (Pause.)

8 MS. BERMAN: Q. All right, Dr. Anderson, have you
9 given us all the opinions that you intend to testify to at
10 time of trial?

11 A. Again, I don't know. I haven't discussed any trial
12 testimony yet with my client.

13 Q. Okay. Have you given us all your opinions about
14 chrysotile -- chrysotile's ability to cause mesothelioma?

15 A. I believe so.

16 Q. Okay. And have you given us all the opinions that
17 you have about your information relating to your information
18 about Kaiser Gypsum's products? Joint compound products?
19 I'm sorry?

20 A. Yes, ma'am.

21 Q. Okay. You -- you've taken notes from the
22 depositions, and I'm going to ask you if there's anything in
23 these notes that you rely on other than what you told us with
24 regard to Mr. Gutierrez and Mr. Haole's deposition that you
25 intend to rely on at time of trial with regard to the Kaiser

1 Gypsum products.

2 A. I don't believe so.

3 Q. All right. I don't think -- there's a page -- it's
4 the 5th page of Gutierrez, and it just lists different
5 entities. It starts with Grinnell, Crane, Hellwig. Is that
6 a reference to just what pages those entities are discussed
7 on?

8 A. Yes, ma'am.

9 Q. There's no significance to this other than that; is
10 that right?

11 A. That's correct.

12 Q. You're not going to be testifying at time of trial
13 about any of these entities' products; is that correct?

14 A. Not to my knowledge.

15 Q. All right, I don't have any other questions. If I
16 do have to have some note interpreted I'll go through your
17 attorney rather than have you read all these into the record;
18 is that all right?

19 A. Yes, ma'am.

20 Q. Okay. And why don't we attach a copy of your notes
21 to the transcript as Exhibit A. And can you please get a
22 copy of that to the court reporter?

23 A. You being me?

24 Q. Yes.

25 A. Okay.

1 (Whereupon Plaintiff's Exhibit A was marked for
2 identification.)

3 MS. BERMAN: Q. And I know -- is there anything
4 else in your file other than this? These notes?

5 A. Yes, I have the letter of retention. From Hassard
6 Bonnington.

7 Q. Anything else?

8 A. And I have a copy of an e-mail telling me the
9 call-in number for today.

10 Q. Anything else?

11 A. No. Everything's pretty well spelled out here.

12 Q. Okay. All right. All right. We can go off the
13 record now.

14 (Whereupon the deposition of Kim Anderson, Ph.D.
15 was concluded at 1:38 p.m.)

16 _____
17 KIM ANDERSON, PH.D.
18
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1 CERTIFICATE OF DEPOSITION OFFICER

2
3 I, JAMES MATTHEWS, CSR No. 7916, duly authorized to
4 administer oaths pursuant to section 2093(b) of the
5 California Code of Civil Procedure, hereby certify that at
6 the commencement of the foregoing deposition the witness
7 stated he or she would testify the truth, the whole truth,
8 and nothing but the truth in the within-entitled cause; that
9 said deposition was taken at the time and place therein
10 stated; that the testimony of said witness was reported by me
11 and thereafter transcribed by me or under my direction into
12 typewriting by computer; that the foregoing is a full,
13 complete, and true record of said testimony; and that the
14 witness was given an opportunity to read and correct said
15 deposition and to subscribe the same.

16 I FURTHER CERTIFY that I am not of counsel nor attorney
17 for either or any of the parties in the foregoing deposition
18 and caption named, or in any way interested in the outcome of
19 the cause named in said caption.
20

21 DEPOSITION OFFICER

22 I hereby certify this copy is a
23 true and exact copy of the
24 original

25 DEPOSITION OFFICER

1 KIM ANDERSON, PH.D.
c/o Law Offices of Hassard Bonnington
2 Two Embarcadero Center, Suite 1800
San Francisco, California 94111
3 Attn: Richard Katerndahl, Esq.
4
5

6 RE: Rodamer v. A.W. Chesterton et al.
7

8 Dear Dr. Anderson:
9

10 Your deposition taken in the above-entitled matter has been
11 transcribed. This deposition will be available at our
12 offices for reading and signing by you for a period of thirty
13 (30) days from the date of this letter, after which time the
14 original of your deposition will be sealed and sent to the
15 office which noticed the deposition, in accordance with
16 Section 2025.520(b) of the California Code of Civil
17 Procedure.
18

19 Sincerely,
20

21 Tooker & Antz
22

23 cc: All Counsel
24
25