FILE NAME: AT&T and other Phone Companies (ATT)

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. L-5469-07 (AS)

PHILIP & KAREN DEGNAN,

Plaintiff,

vs.

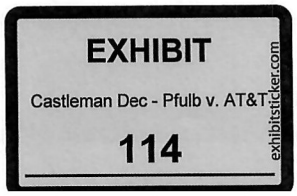
ALCATEL LUCENT, et al,

Defendant(s).

VIDEOTAPE
DEPOSITION UNDER
ORAL EXAMINATION
OF
CHARLES P. LICHTENWALNER

TRANSCRIPT of the deposition of the witness called for Oral Examination in the above-captioned matter, said deposition being taken pursuant to Superior Court Rules of Practice and Procedure by and before RACHEL SANTIAGO, a Notary Public and Shorthand Reporter of the State of New Jersey, at the offices of THACHER, PROFFITT & WOOD, 25 DeForest Avenue, Summit, New Jersey on Friday, July 25, 2008, commencing at approximately 10:00 in the forenoon.

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of AT&T?

A. That was my understanding also.

Q. And the funding for Bell Laboratories came 50 percent from Western Electric and 50 percent from AT&T; is that correct?

MR. MCGOWAN: Object to form.

A. That was my understanding.

Q. And when you went, first job you had you went to work at Murray Hill, New Jersey, correct?

A. That is correct.

Q. And at that time there was, approximately, 24,000 employees at that job site?

A. That is incorrect.

Q. How many were there?

A. Approximately, 4,000 at that job site.

Q. What about Bell Labs generally?

A. I was told Bell Labs generally had 24,000 employees.

Q. Okay. What was the function, when you first started to work there, what was the function of Bell Laboratories as it related to

Q. Bell Laboratories provided the scientific and research end for the Bell Operating Companies; is that a fair statement?

A. That is a fair statement.

Q. As part of that function, Bell Labs conducted health and safety research for Operating Companies; is that right?

A. It did.

Q. I want to just focus prior to 1984, in 1984 there was some kind of divestiture?

A. That is correct.

Q. Okay. What happened? What was your understanding of the divestiture in 1984?

A. My understanding was that AT&T split up into regional Bell Operating Companies and AT&T, which became, was a mixture of Long Lines, Bell Laboratories, and Western Electric.

Q. Let's just focus pre-1984, before the divestiture in 1984, all of the Bell Operating Companies relied upon Bell Laboratories for industrial hygiene advice; is that correct?

MR. MCGOWAN: I'm just going to object to the form in terms of the start date. Pre-'84 I don't know how far back

we're going.

MR. PLACITELLA: Uh-hum, right.

A. They relied on Bell Laboratories and perhaps other resources.

Q. Okay. But Bell Laboratories, but one of the companies they relied upon -- well, let me ask the question this way, prior to 1984, did New Jersey Bell rely upon Bell Laboratories for industrial hygiene advice?

MR. MCGOWAN: Form.

A. Yes.

Q. Did Western Electric before 1984 rely upon Bell Laboratories for industrial hygiene services and advice?

MR. MCGOWAN: Form.

A. My statement would be that Western Electric has its own Industrial Hygiene Group. They also used Bell Laboratories. When you say relied, they didn't rely solely, it wasn't even majority Bell Laboratories.

Q. Okay. But in terms of, say, New Jersey Bell, they relied solely upon Bell Laboratories, to your knowledge, from industrial hygiene, correct?

MS. CRAWFORD: Objection to form.

MR. MCGOWAN: Form.

A. True.

Q. And you would agree with me that it had been recognized for decades before you started with Bell that workers were entitled to a sane appreciation of risk they would encounter in the workplace when working with asbestos-containing products, true?

MR. MCGOWAN: Form.

A. Could you please rephrase that question?

Q. Would you agree that workers were entitled as a principle of industrial hygiene to a sane appreciation of the risk?

A. I'm not sure of the word sane. Sane, what do you mean by that?

Q. You've never seen that in an industrial hygiene publication?

A. Sane, s-a-n-e?

Q. Correct.

A. I must have seen it, but I'm not familiar with the use of the word sane.

Q. No problem. You would agree that any warning should be clear as to the level of risk when related to the worker?

A. I would agree.
Q. And that in addition anytime you would need to warn somebody, training would also be part of an industrial hygiene program to protect against exposure to asbestos?
A. I consider warning to be a facet of training.
Q. Okay. Now, do industrial hygiene principles recognize that a worker has a right to know of hazardous operations being carried out in his or her vicinity?
A. I agree.
Q. And that would also go back decades before you became an industrial hygienist?
A. It would.
Q. Do industrial hygiene principles recognize the worker had a right to know whether products he is being asked to use had toxic ingredients?
A. I agree with that.
Q. And that would also go back decades before you became an industrial hygienist?
A. Yes.
Q. Do industrial hygiene principles recognize workers' right to know if the dust

generated by the cutting or fabrication materials he's using is toxic?

A. Yes.

Q. Okay. Did industrial hygiene principles recognized that any exposure to human carcinogen should be eliminated whenever possible?

A. Yes.

Q. And that also predated your becoming an industrial hygienist by decades, true?

MR. MCGOWAN: Form.

A. Yes.

Q. And for asbestos at least into the 1950's, true?

MR. MCGOWAN: Form.

A. Would you please rephrase that?

Q. Yeah. In other words it was a recognized principle that for asbestos, that was a carcinogen going back at least to the 1950's.

MR. MCGOWAN: Form.

A. I believe so.

MR. PLACITELLA: He's got like two minutes on the tape, do you want to take a

warned of asbestos hazardous in the workplace?

MR. MCGOWAN: Form.

A. Yes.

Q. Did Western Electric have the money and resources to conduct the proper testing to determine if asbestos hazardous existed in the workplace?

MR. MCGOWAN: Form.

A. Yes.

Q. Did Western Electric have the money and resources to ensure workers were properly warned of hazards in the workplace?

MR. MCGOWAN: Form.

A. Yes.

Q. Did Western Electric have the money and the resources to ensure that workers were properly warned of hazardous associated with the products they sold to Bell Operating Companies?

MR. MCGOWAN: Form.

A. Yes.

Q. Including New Jersey Bell?

A. Including New Jersey Bell.

Q. Did Bell Laboratories have the money and the resources to conduct proper

testing to determine if asbestos hazards existed in the workplace?

A. Yes.

Q. Did Bell Laboratories have the money and the resources to ensure workers were properly warned of hazards in the workplace?

A. Yes.

Q. Now, am I correct that when you started at, as an industrial hygienist, Bell Labs had already recognized asbestos as a potential human carcinogen?

A. I'm not sure what you mean by Bell Labs already recognized individuals at Bell Labs?

Q. People working in the Industrial Hygiene Department.

A. Yes.

Q. And did individuals working in the Industrial Hygiene Department at Bell Laboratories recognized that asbestos exposure can cause mesothelioma when you first started working there?

A. Yes.

Q. At the time you started working at Bell Laboratories, did Bell Laboratories

recognize asbestos as a carcinogen to be concerned about in the workplace of the Operating Companies?

A. Yes.

Q. Was it your understanding that this knowledge predated your joining Bell Labs as an industrial hygienist?

A. Yes.

Q. Your boss, Mr. Schreibeis --

A. Schreibeis.

Q. He had extensive knowledge about the dangers of asbestos --

MR. MCGOWAN: Form.

Q. -- did he not?

A. Do you mean extensive was he an expert?

Q. Yes.

A. In asbestos, no.

Q. Okay.

A. But he was an expert in industrial hygiene.

Q. He was before he became to Bell Laboratories, he was actually the industrial hygienist for the Industrial Hygiene Foundation, did you know that?

A. I believe, I knew he was a member of the Industrial Hygiene Foundation.

Q. Did you know he worked as an industrial hygienist for the Industrial Hygiene Foundation?

A. I did not know that.

Q. And whatever information he had as an industrial hygienist for the Industrial Hygiene Foundation he would have brought with him to Bell Laboratories. Would you agree with that?

MR. MCGOWAN: Form.

MR. HORNBY: Objection.

A. I don't believe he would have forgotten information that he knew in the past.

Q. So he was aware of all the -- he worked at the Industrial Hygiene Foundation back in the 1950's, right?

A. I do not know.

Q. You were a member of the American Industrial Hygiene Association, correct?

A. And still am.

Q. Still am. And so is Mr. Schreibeis, correct?

A. Correct.

Q. Now, when you're a member of the American Industrial Hygiene Association, what were the benefits of membership?

A. The ability to attend professional conferences at reduced rates and monthly journal, I believe it was a monthly journal, actually bimonthly journal, professional meetings local and national, the ability to meet people with, you know, networking. All of that.

Q. From time to time, did the American Industrial Hygiene Association's journal contain articles on asbestos exposure and the potential dangers of asbestos?

A. It did.

MR. PLACITELLA: Could you mark this on P-1.

(Whereupon document is marked as P-1 for identification.)

Q. Take a look at P-1, Mr. Lichtenwalner. In front of you, you have something called Membership Booklet American Industrial Association 1958, 1959. Do you see that?

A. I see it.

Q. And it's not the full booklet

'cause it is hundreds of pages. Could you flip to the last page? You see the last page?

A. I do.

Q. The fourth name from the top on the left side on page 69, what is that name?

A. Fourth name from the top?

Q. From the bottom, I'm sorry.

A. You're talking about Mr. Schreibeis, Mr. William J.?

Q. Right. Was that the same person that was your boss?

A. I believe that was my boss.

Q. And it says there that he worked for whom?

A. Industrial Hygiene Foundation.

Q. Now, that's all I have on that.

MR. PLACITELLA: Mark this one next.

(Whereupon document is marked as P-2 for identification.)

Q. I have in front of you the 1966, 1967 Membership book for the American Association Industrial Hygiene Association, correct?

A. Correct.

Q. Can you flip to the last page? You see the third name from the top on the right-hand side of page 88?

A. Mr. William J. Schreibeis, I do.

Q. And is that the same William J. Schreibeis who worked for the Industrial Hygiene Foundation.

MR. MCGOWAN: Form.

Q. -- by virtue of the prior membership list?

A. I believe it is.

Q. And it says, who does he work for there?

A. Bell Telephone Labs.

Q. Now, would you agree with me that without proper abatement an area contaminated with asbestos remains contaminated with asbestos?

A. No.

Q. Why not?

A. I'm sorry, yes, it remains contaminated with asbestos. It may or may not be airborne that it could expose people.

Q. What do you mean by that?

A. What I am talking about, an area

monitor, do a monitoring to see if asbestos fibers can be released, would agree with that?

A. I would agree with that.

Q. Okay. Now, at some point in time, did Bell Laboratories create a videotape relating to asbestos hazards to be used in training?

A. Possibly.

Q. Do you remember seeing such a videotape?

A. At the moment I don't remember.

Q. To your knowledge, when is the first time that Bell Laboratories conducted any testing for the presence of asbestos-containing dust in the work environment for any Bell Operating Company?

A. To my knowledge, it would have been after June or July of 1975 but there may have been prior ones done by Mr. Schreibeis.

Q. Why June or July 1975 stand out?

A. That's the time when I was hired to work in the Bell Systems Group.

Q. All right. So one of the reasons you were hired was to actually help do the air monitoring?

A. That is correct.
Q. Okay. And prior to that time, was there any program in place in the Bell Operating Companies for air monitoring for asbestos-containing dust?
MR. MCGOWAN: Form.
A. Not to my knowledge.
Q. Given the fact that you articulated that monitoring was something that should be done going back to the 1940's, do you know why it was never done before 1975 --
MR. MCGOWAN: Form.
Q. -- by Bell?
A. Okay. Bell Laboratories --
Q. Correct?
A. -- Western Electric, New Jersey Bell, I'm sorry, which company are you referring to?
Q. Any of them.
A. I believe that Western Electric would have conducted air monitoring for asbestos. I am not aware of it, but I believe they would have done so.
Q. And they would have done that in the context of their manufacturing facilities?