

FILE NAME: RT Vanderbilt (RTV)

DATE: 1991 Oct 24

DOC#: RTV248

DOCUMENT DESCRIPTION: Legal - Deposition of Charles P. Minckler
[Excerpts]

22- Excerpts from Deposition of Charles P. Minckler held October 24, 1991
(Pages 2069-2078)

STATE OF NEW YORK
SUPREME COURT

ST. LAWRENCE COUNTY

CHARLES P. MINCKLER and
REGINA A. MINCKLER,

Plaintiffs,

VS

R. T. VANDERBILT COMPANY, INC., ET AL,

Defendants.

Deposition of CHARLES P. MINCKLER taken on
October 24, 1991 at the Law Offices of Setright,
Ciabotti and Longstreet, 313 Montgomery Street,
Syracuse, New York 13202.

A P P E A R A N C E S:

For the Plaintiff:

SETRIGHT, CIABOTTI & LONGSTREET
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Syracuse, New York 13202
BY: MICHAEL LONGSTREET, ESQ.

For the Defendants:
(R.T. Vanderbilt &
Gouverneur Talc)

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For the Defendants:
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Fluor Corporation)

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MR. LONGSTREET: In general.

MR. VULCANO: I object on foundation.

A They send you to the cleanest places, they don't send you where it's loaded up with dust but they put it on when you worked the crusher and that crusher was dusty.

Q Do you have a recollection, as you sit here today, of the times when you were wearing the dust collector? Any specific times?

A No.

Q Who were some of the other fellows you worked with over the years at Gouverneur?

A Carl Matthews, Harold Aye, John Conklin, Bill Fuller, Ed Tario, Ed Flemmings, Ely Shippy, I can keep going on, there is a lot of them I worked with, a lot of guys.

Q Okay. Were you aware whether any of those fellows have pulmonary problems as a result of the dust?

MR. VULCANO: Objection.

A Yes, pretty near all of them.

Q Did the Gouverneur Talc Company conduct physicals on a regular basis?

A We either had the physicals every year or the x-rays every two years or the x-rays every year and the physical every two years or whatever, in the later years.

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Q Who were the doctors that did the physicals?

A I think Dr. Dodd did most of them, Dr. Wright, there was a Dr. Fung who did one on me, Dr. Vanslig did the first one, there might have been more in between there, I don't know.

Q Were those doctors your personal physicians or were they employed or engaged by someone else?

A No, they come from Gouverneur Talc, Vanderbilt or whoever hired them. Dr. Dodd is my family physician.

Q But when he did the physicals, was it something you asked him to do?

A No, he did it for the company.

Q Did any of those doctors tell you of problems that you were having with your lungs or your pulmonary system?

A No.

MR. VULCANO: Objection.

Q Any time prior to August of 1989?

MR. VULCANO: Objection.

A No.

Q Did any of those doctors tell you, prior to August of 1989, that you didn't have a problem with your lungs or pulmonary system?

MR. VULCANO: Objection.

A No.

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2 Q Did any of those doctors reveal the results of the
3 physical or the x-rays taken on behalf of the
4 Gouverneur Talc Company?

5 A No.

6 Q Have you ever been hurt -- Strike that.
7 Before August of 1989, had you ever been hurt?

8 A Yeah, I hurt my back or shoulder blade or back,
9 broke a couple of fingers, other than that, there hasn't
10 been nothing too serious, never missed any time.

11 Q When you say you hadn't missed any time, could you
12 be more specific about that?

13 A Well, I hadn't lost a days work in 23, 24 years,
14 something like that. I hadn't missed a day of work.

15 Q Prior to August of '89?

16 A Right.

17 (An off the record discussion was held.)

18 Q Have you ever met a fellow by the name of
19 Hugh Vanderbilt?

20 A I never met him personally, but I saw him.

21 Q When did you first see Mr. Vanderbilt?

22 A Well, he walked through the mine a few times and I
23 saw him in the carpenter shop.

24 Q Could you describe for us the circumstances
25 surrounding the time you saw him in the carpenter shop?

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2 A Well, that is when he was having a lot of trouble
3 about the fibers or asbestos or something. He came up and
4 talked to us, there was pieces in the paper where it
5 didn't look too good for Vanderbilt and all this stuff or
6 Gouverneur Talc. He told us not to worry about it because
7 everything was under control.

8 Q Can you tell us specifically what you remember him
9 saying to you?

10 A Well, he said he was gonna work -- he spent a lot
11 of money trying to get this fiber, asbestos or whatever he
12 was calling this, taken care of, spent fifteen,
13 twenty million dollars on it, I guess he said if that
14 didn't work, he knew somebody that could help him out
15 pretty good.

16 Q Who was that?

17 A Some senator, he said -- I am not mentioning no
18 names, he said he had him right here.

19 Q When you say had him right here, you're pointing
20 to your back pocket?

21 A That's right.

22 Q How many people witnessed that speech that
23 Mr. Vanderbilt gave?

24 A Well, all the miners were there, the day shift,
25 all the millers were there, the day shift, I think all the

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pit was there, but I am not sure, it was an open pit.

Q Were you ever told by anyone at the company whether the product was asbestos or not?

A Nobody ever told me nothing about it.

Q Did there come a time in early 1989 when you made an inquiry of somebody at the company concerning your lungs?

A Yeah.

Q How did that come about?

A Well, I -- they sent one guy to Ogdensburg to some specialist for his lungs. I couldn't breath so I asked them if I could go. So, he said he didn't know if I could go or not but he'd write to somebody that could let him know. He wrote to Connecticut -- somebody, they reviewed my file, he said I couldn't go, there was nothing wrong with me.

Q Who were you dealing with when you made that request?

A Doug Beshardt (ph).

Q Who is he?

A Personnel Manager.

(An off the record discussion was held.)

(WHEREUPON EXHIBIT 5 WAS MARKED FOR IDENTIFICATION.)

Q Charlie, I am showing you Exhibit 5 for

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2 identification. What is that set of documents?

3 A This is what Doug sent down to see if I could go
4 get the physical, this is what I got back.

5 Q Did you read this over back in 1989?

6 A Yeah.

7 Q Now, there is a reference in the first page here --

8 MR. VULCANO: Just before you start to read
9 or refer to them, so I don't put a standing
10 objection to any reading from or reference to
11 those documents, they're not in evidence.
12 Obviously there is nobody here to accept them into
13 evidence. There is no foundation to make those
14 that anyways.

15 MR. LONGSTREET: I will just ask him a few
16 questions about the documents.

17 Q There is a reference in here to a Dr. Bolecky. Do
18 you know who that doctor is?

19 A I never saw him.

20 Q Did that doctor ever contact you?

21 A No.

22 Q Who told you that you wouldn't need further
23 medical attention?

24 A Well, Doug sent all that stuff back over from the
25 mill to me.

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MR. VULCANO: Object to the last question.

Q Did you have a conversation with Mr. Beshardt about the condition of your lungs or the need for future medical attention?

A Yeah,

Q What did he tell you?

A He said he had contacted this guy to see if I needed it and if I needed it, he'd recommend it.

Q After that conversation, did he tell you whether you needed further medical attention or not?

MR. VULCANO: Objection.

A He said I didn't need it.

Q Prior to August of 1990, did you ever seek medical attention from your own personal physician for --

A No.

Q -- heart or lung problems?

A No.

Q When was the last time, prior to August of 1989, that you had seen a physician for any medical problem, other than the company's doctors?

A I don't know when it was, probably when I broke my fingers. I never been to the doctors, probably the last physical I had, that was the last time I seen a doctor.

Q Did there come a time in August of 1989 when you

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2 went to see a physician?

3 A Yeah, I went to see Dr. Lax.

4 Q That's Dr. Michael Lax here in Syracuse?

5 A Right.

6 Q When did you see Dr. Lax?

7 A I think it was August 10th of '89.

8 Q What did Dr. Lax do for you?

9 A Well, he said I had a heart attack for one thing,
10 he sent me to Dr. Ashruf, he did a physical on me, sent me
11 back here to St. Joe's Hospital for catheterization.

12 Q Who performed the catheterization?

13 A Dr. Mark Reger.

14 Q Did there come a time that you found out the
15 results of the catheterization?

16 A Yeah, that same day, I had to -- then they made an
17 appointment for surgery.

18 Q Who did the surgery?

19 A Dr. Isaac Levy.

20 Q When was the surgery done?

21 A September 28, 1989.

22 Q Did there come a time after the surgery that you
23 sought medical attention for your lungs?

24 A I still go to Dr. Ashruf every month or two
25 months.

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MR. VULCANO: Just object for non-responsive,
you asked him about lungs.

Q Does he treat you for your lungs?

A Both, I think.

Q Both your heart and lungs?

A I think so.

MR. VULCANO: That's Dr. Ashruf?

MR. LONGSTREET: Yes.

Q What has Dr. Ashruf told you about your lungs?

A I had talcosis.

Q When did Dr. Ashruf first tell you that?

A I don't know, when I go up there I try to do the
treadmill machine, I couldn't do that. He took me right
off, he wouldn't let me do it at all.

Q This was after your heart surgery?

A No, before. They wouldn't let me do that up
there, I had to come back down here to try it, Dr. Sipple.

Q Dr. Sipple is not your doctor, is he?

A No.

Q Who is he the doctor for?

A Insurance carrier, I think, I don't know who is.

Q When did you go see Dr. Sipple?

A I don't know if it was in June of '90, probably.

Q Other than Dr. Ashruf, have you seen any other