

FILE NAME: Reichhold (REI)

DATE: 2012 REI012

DOC#: REI012

DOCUMENT DESCRIPTION: Legal-Excerpts from Testimony of TR Madden-pg  
320-323

1           A.       Yes, that is what it states here, and that  
2           is my general understanding, based on this article.

3           Q.       And in fact, you testified about that in  
4           the past, and this isn't the first time you have seen  
5           that exhibit, correct?

6           A.       No. Not at all and the only question I ask  
7           to see it is to make sure the '72 date that I wasn't  
8           going to say oh, no it's an a different date than  
9           that. That is the only reason I want to see these.

10          Q.       And the date was 1972, correct?

11          A.       Yes, it was.

12          Q.       All right. Now, you were asked this  
13          afternoon by your Counsel, questions about your  
14          drafting Material Safety Data sheets in the early '70s  
15          and ensuring the warnings were posted in the Carteret  
16          plant and that kind of thing, correct?

17          A.       Yes.

18          Q.       Are you able to produce any substantiation  
19          in support for your testimony today from either  
20          pictures that were taken at the time, documents that  
21          were created at the time, anything other than what you  
22          say here when Reichhold is being sued in personal  
23          injury cases?

24                   MS. SPARDONE: Object to form.

1 Argumentative.

2 Q. (By Mr. Thompson) You can answer.

3 A. You know, the universe of documents that  
4 have been produced, not only here and through the  
5 depositions and all of that, I think they support  
6 that. You know, there is -- you know, I know we did  
7 it. I knew we put them on there. People have looked  
8 and testified, and don't ask me what cases, and I  
9 think even some of these peoples commented that they  
10 saw writing on the Reichhold bags or containers or  
11 whatever. And that is -- that would be not only just  
12 retort and globe, but it would have to be the labels  
13 that we affixed to them.

14 The labels refer to Material Safety Data  
15 Sheet. The data sheets were widely distributed, and  
16 later on in the '70s were attached to any product  
17 bulletin that was given out by any of the sales calls.

18 Q. But in all of the litigation that Reichhold  
19 has been involved with, and you say you testified  
20 seven times; is that right?

21 A. To the best of my recollection.

22 Q. I don't have seven transcripts, but that is  
23 another issue.

24 A. I might be off one.

1 Q. Okay. Regardless of that. I will strike  
2 that and I will ask you this question. You are not  
3 able to produce any copy of any Material Safety Data  
4 Sheet other than now the two from January of 1980 that  
5 we've talked about today, correct?

6 A. That is correct.

7 Q. All right. And in all of this litigation,  
8 are you aware that anybody anyplace has come up with  
9 copies of any such documents?

10 MS. SPARDONE: Object to form.

11 Argumentative. Asked and answered.

12 THE WITNESS: No.

13 MS. SPARDONE: Speculation.

14 THE WITNESS: I mean, you know, I  
15 have not seen any document produced in  
16 anything that has been shown to me that,  
17 you know, was in MSDS or an earlier  
18 version.

19 Q. (By Mr. Thompson) So basically, it all  
20 hinges on what you are saying today?

21 MS. SPARDONE: Object to form.

22 Argumentative.

23 Q. (By Mr. Thompson) Correct in the way you  
24 testified in a similar manner in the past?

1           A.       I don't know.

2                   MS. SPARDONE: Object to form  
3                   argumentative.

4                   THE WITNESS: I mean, you know, I  
5                   tried to answer all of the questions the  
6                   best I could no matter how many times that  
7                   we are asked, and I don't want to get into,  
8                   you know, semantics about that, but I have  
9                   done my best job whatever I have said is to  
10                  the best of I my knowledge, and it's the  
11                  best I can do.

12           Q.       (By Mr. Thompson) You would consider  
13           yourself a loyal company man as far as Reichhold  
14           Chemicals is concerned, correct?

15                   MS. SPARDONE: Object to form.

16                   THE WITNESS: I don't mean by loyal.

17           Q.       (By Mr. Thompson) Well, loyal company man.  
18           You are a loyal company man?

19                   MS. SPARDONE: Object to form.  
20                   Argumentative.

21                   THE WITNESS: Yeah, I enjoy working  
22                   for Reichhold, and but I'm not going to lie  
23                   for them.

24           Q.       (By Mr. Thompson) Well, when Reichhold