

1
2 IN THE CIRCUIT COURT
3 FOR THE THIRD JUDICIAL CIRCUIT
4 MADISON COUNTY, ILLINOIS

5 IN RE: ASBESTOS LITIGATION
6 CASES FILED BY BARON & BUDD

7 Plaintiffs,

8 -vs-

9 A. P. GREEN, ET AL.,

10 Defendants.

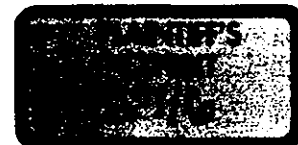
11 Deposition of G. ELLWOOD HOUGHTON held at the
12 Sheraton Hotel, 125 North Main Street, Newark, New York on
13 the 9th day of June, 1988.

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21
22 **ALSO PRESENT:**

HELEN M. ZORNOW
G. Ellwood Houghton's nurse

23
24 **REPORTED BY:**

SUSAN M. ANDOLINO

I N D E X

<u>Witness</u>	<u>Page Number</u>
G. Ellwood Houghton	
by Mr. Baron	3-30
by Mr. Levinthal	30-34

E X H I B I T S

<u>Exhibit Number</u>	<u>Page Number</u>
Plaintiff's Exhibit 1	13
Defendant's Exhibit 1	35

1
2 MR. BARON: The stipulations
3 that I understand that we are entering
4 into is all objections except as to
5 form are reserved;

6 And that further the
7 deposition is being noticed for
8 evidentiary purposes and cases in which
9 the notices have already gone out.

10 There are cases pending in
11 several jurisdictions, as I understand
12 it.

13 MR. LEVINTHAL: That's
14 likewise my understanding of the
15 stipulations.

16 I would ask that the record
17 reflect that also present is Helen
18 Zornow, who is Mr. Houghton's nurse,
19 who is present with him.

20 MR. SHULTZ: Let me say as
21 far as my involvement here on behalf of
22 Wellington, who have been named the
23 Greco lead case in Madison County, it's
24 my understanding that's the only case
25 that has been noticed. I don't have

1
2 the list of the defendants with me, but
3 that's who appears here.

4 MR. BARON: It's all of the
5 cases in Madison County --

6 MR. SCHULTZ: Then we have a
7 difference of opinion. It's in the
8 notice, in the Greco case and that's my
9 understanding as to how the case is,
10 which is under those -- as to those
11 defendants who have been noticed in
12 your group of cases, the Greco
13 file.

14 * * * * *

15
16
17 G. E L L W O O D H O U G H T O N, called herein as a
18 witness, being duly sworn, testified as follows:

19 EXAMINATION BY MR. BARON:

20 Q. Mr. Houghton, my name is Fred Baron. Could you hear
21 me okay, sir?

22 A. Very well.

23 Q. If I am talking too loudly or too softly let me
24 know; all right, sir?

25 A. I will do that.

1 Q. Mr. Houghton, first if you would state your name for
2 the court reporter?

3 A. G. Ellwood Houghton, H-O-U-G-H-T-O-N.

4 Q. And you pronounce it Houghton rather than Hoeghton?
5 (Phonetic)

6 A. Yes.

7 Q. Mr. Houghton, can you tell us your date of birth
8 first, please?

9 A. October 22, 1905.

10 Q. So that makes you older than me.

11 A. I'm 82. Some say going on 83.

12 Q. Mr. Houghton, where do you live now?

13 A. I live in Palmyra.

14 Q. Okay. Mr. Houghton, you have had your deposition
15 taken at least once before, have you not, sir?

16 A. Yes.

17 Q. So you are generally familiar with the process, you
18 understand what a deposition is?

19 A. Yes.

20 Q. If I ask you a question that you don't understand,
21 would you be sure to tell me that?

22 A. I would.

23 Q. Because I want to be certain that we are
24 communicating properly. All right, sir?
25

1
2 A. Okay.

3 Q. Mr. Houghton, tell me where you went to school?

4 A. I went to Philadelphia Textile School --
5 Philadelphia Textile. I graduated in 1927.

6 Q. What is a textile school?

7 A. A textile school was a specialized school handling
8 various phases of the manufacturing of Yayson cloth,
9 dying and the uses of various types of weaving, like
10 Jacquard, that's a french name, J-A-C-Q-U-A-R-D.

11 Q. All right. After you finished that school, did you
12 take a job?

13 A. I was asked -- interviewed by a man from
14 Johns-Manville, and then three of us went from that
15 school to Johns-Manville in 1927.

16 Q. All right. Now, what base was Johns-Manville in
17 that would have involved textiles?

18 A. They made cloth and yarns, and they also used the
19 yarns in a braiding department for packing. And the
20 cloth was used in various departments, sheet goods,
21 for gaskets and other forms of packing.

22 Q. Was the cloth made out of cotton or was it made out
23 of some other material?

24 A. It was cotton used in it, although the majority was
25 of asbestos.

1
2 Q. So Johns-Manville then would weave the asbestos into
3 these various products that you have just described?

4 A. Uh-huh.

5 Q. Is that right?

6 A. Yes.

7 MR. LEVINTHAL: Mr. Houghton,
8 when he asks you a question, you have
9 to answer verbally so the court
10 reporter can take it down.

11 Q. What was your job with Johns-Manville in the
12 asbestos textile business?

13 A. Over the 12 years I was there, I was in the various
14 departments in the manufacturing and supervision of
15 yarn manufacturers, fabric manufacturers and also in
16 the making of safety clothing.

17 Q. Were all these things made out of asbestos fibers,
18 primarily?

19 A. No. They were blended with other products like
20 rubber.

21 Q. But did all of the products that you have discussed
22 contain asbestos fibers as part of their
23 components?

24 A. Yes.

25 Q. Did you become familiar then with the process by

1

2

which asbestos was woven into these goods?

3

A. What was your first part of that?

4

Q. Did you become familiar with the way the process

5

worked to weave asbestos into these goods?

6

A. Yes.

7

Q. Now, in 1939, did you leave Johns-Manville?

8

A. In 1939, I went to Garlock, G-A-R-L-O-C-K.

9

Q. And where was Garlock located?

10

A. In Palmyra, New York.

11

Q. What job did you take with Garlock?

12

A. Superintendent of the Asbestos Textile Department.

13

Q. Was that generally the same type of department that you worked at Johns-Manville? Was it the same type of business?

15

16

A. Yes. Johns-Manville had -- Johns-Manville was made up of about 12 different departments, but one of them was Asbestos Textile Manufacturing.

17

18

19

Q. Well, when you went to work for Garlock in the

20

Asbestos Department as a superintendent, what was

21

your job? What did you actually have to do?

22

A. I was hired to learn the various phases of asbestos textile production. At the moment that I was hired, I was -- probably most of my time was with weaving.

23

24

25

Q. Now, at that period of time in 1939, were you aware

1
2 that there were certain things that you had to do to
3 protect workers against breathing dust on the job?

4 MR. LEVINTHAL: Objection to
5 the form. You can answer the question.

6 A. Where dust was high intensity, masks were required.

7 Q. How did you know that masks had to be used? Was
8 that something that was common in the industry?

9 A. I guess the only thing would be the judgment of the
10 management; if it was a dusty position, they would
11 require wearing a mask.

12 Q. Okay. Now, was there a standard or a requirement
13 for how much dust could be in the air around that
14 time?

15 MR. SHULTZ: Clarify. Could
16 you clarify, please, what time you are
17 talking about?

18 Q. I am talking about 1939.

19 A. There was a federal limit for what various companies
20 would try to stay within, and that was 5 million
21 particles per cubic foot. That's depending on how
22 you arrive at that figure.

23 Q. Okay. And in order to determine whether you were in
24 the figure or out of the figure, did you have to do
25 dust counting from time to time?

1
2 A. The insurance companies sent people to take
3 specimens, samples on different parts of the
4 factory.

5 Q. Was the dust that they were counting primarily
6 asbestos dust?

7 A. Well, when you take dust, like it would include any
8 dust you might make from your cotton, too.

9 Q. Well, was the standard that you are referring to
10 generally called the asbestos standard for dust in
11 the air?

12 A. Well, I guess manufacturing asbestos, you would
13 classify as asbestos dust.

14 Q. Would it be fair to say that it was known by 1939
15 when you went to work for Garlock, that if a worker
16 breathed too much asbestos dust that he had a good
17 chance of getting ill?

18 MR. LEVINTHAL: Objection.

19 MR. SHULTZ: Objection.

20 Leading.

21 A. It was not a subject that we had brought up to us to
22 discuss.

23 Q. Well, do you know why there was a standard?

24 A. It was not explained to us why asbestos was a
25 harmful drug.

1
2 Q. Do you know why people had to wear respirators?

3 MR. LEVINTHAL: Objection to
4 the form.

5 A. Well, you find a man in any industry or even on the
6 farm, if it's dusty, you are annoyed by the dust, so
7 you protect against it, but the physiological
8 discussions were not analyzed by us.

9 Q. How long did you stay working for Garlock?

10 A. I worked with them for about -- about 40 years.

11 Q. And during the 40-year period, did your job change?

12 A. Oh, yes.

13 Q. How long did you stay as superintendent in the
14 asbestos textile area?

15 A. About 21 years.

16 Q. That would have then been up until 1960?

17 A. Yes.

18 Q. Now, during the period of time that you worked in
19 the asbestos textile area, did you participate in
20 this work to help ventilate the area?

21 A. Yes. My job in being superintendent was, I was also
22 the engineer designing mines to improve dust
23 conditions.

24 Q. Did you remain in that position all the way up to
25 1960?

1
2 A. Yes. Also in the rest of my employment there, I was
3 a consultant.

4 Q. Was there reference materials that you could look at
5 to help you understand how to control dust where
6 asbestos was being used?

7 MR. LEVINTHAL: Objection. Do
8 you want to clarify at what point in
9 time?

10 Q. From the beginning of your employment at Garlock in
11 1939, were there reference materials that you could
12 look at to determine how to control asbestos dust?

13 A. No. It was left to us to determine the best means
14 to control dust.

15 Q. Okay. Now, I think you were talking about earlier
16 threshold limit values, were you not, TLV's, the
17 federal standard you were talking about?

18 A. Yes.

19 Q. When did you become aware that there was a TLV for
20 asbestos dust?

21 A. I would -- I would not be able to give you any date,
22 but the general work of supervision, you know you
23 are trying to make it a better working condition for
24 the operator.

25 Q. And were you also trying to be sure that the

operator would not get sick from an asbestos disease?

A. That was not brought up as a subject.

Q. Well, you were a participant in something called the Asbestos Textile Institute, were you not?

A. I was the representative from Garlock.

Q. When did you become the representative from Garlock?

A. I think it was probably about 1945.

Q. And what was the Asbestos Textile Institute?

A. Where was it?

Q. What was it?

A. The Asbestos Textile Institute was an organization composed of all the asbestos textiles manufacturers and the miners in Canada, and there were some miners in the United States. There may have been some representatives of South Africa.

Q. And what was the purpose of the Asbestos Textile Institute?

A. The major purpose was in finding better ways for merchandizing the product.

Q. Did they also get involved in other issues such as health issues?

A. Yes. There would be some discussions of health.

MR. BARON: Let me have you

mark this document as PX 1.

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

Q. Sir, I have in front of me a three page document that we have had marked by the court reporter as Plaintiff's Exhibit number 1. It is the minutes of a meeting of the Asbestos Textile Institute held on March the 8th, 1956 in Philadelphia, Pennsylvania. It shows in attendance that there was a G. E. Houghton present from Garlock Packing Company. Was that you?

A. Yes. Probably.

Q. Do you remember being at a meeting at the Asbestos Textile Institute on March 8, 1956?

A. As for the date, I wouldn't be able to claim, but I was sent to these various meetings, yes.

Q. All right. Now, when you would attend a meeting, afterwards, would you generally receive some written minutes of the meeting?

A. Minutes would be issued to the various members and they would be mailed to the company.

Q. Did you read the minutes from time to time?

A. Most of the minutes would be mailed and copied to me.

1
2 Q. Okay. Did they generally, accurately reflect what
3 went on during the meeting?

4 A. Yes. We had a good secretary.

5 Q. Now, at this particular meeting, the president of
6 the group was an F. J. Wakem from Johns-Manville?

7 A. Yes.

8 Q. Did you know him?

9 A. Yes. We pronounced it Wecom. (Phonetic)

10 Q. In the minutes that I have in front of me, which is
11 PX number 1, first of all, I will ask you: You have
12 been shown these minute before, have you not?

13 A. Probably.

14 MR. LEVINTHAL: I think the
15 record should reflect on the front page
16 of PX 1 where it indicates that Mr. G.
17 E. Houghton of Garlock Packing Company
18 was in attendance, he was there with a
19 Mr. Frank Gatke from the Asbestos
20 Textile Company.

21 I think that the record should
22 reflect what this indicates is that
23 these two men were also in attendance
24 as "representatives of two former
25 member companies."

1
2 Q. Mr. Houghton, in the minutes of the meeting under
3 paragraph 9 it states as follows: "The Fellowship
4 Report was presented by Dr. Shaw and is attached as
5 part of the minutes of this meeting." Who was Dr.
6 Shaw?

7 A. Dr. Shaw was an engineer who did assignments --
8 research assignments at various projects. He would
9 be assigned different projects over the years, and
10 he would report back to the organization.

11 Q. All right. In paragraph 6 it states: "The next
12 report was presented by D. R. Holmes, Chairman of
13 the Air Hygiene Committee." Who was he?

14 A. I can't recall exactly what his job was.

15 Q. What was the Air Hygiene Committee?

16 A. It would be associated with both the Federal
17 requirements and the conditions throughout the
18 industry. They would be associated with any -- with
19 the insurance companies who studied dust conditions.

20 Q. Did you ever serve on the Air Hygiene Committee?

21 A. No.

22 Q. Did Garlock ever have a representative on the Air
23 Hygiene Committee?

24 A. Not as such. The Asbestos Institute was mainly
25 concerned with sales.

1
2 Q. I am going to read you a portion of this paragraph
3 to see if it refreshes your recollection, sir.

4 MR. SHULTZ. I am going to
5 object to the form of that question,
6 because I don't think he testified to
7 a lack of recollection that needs to be
8 refreshed.

9 Q. Do you remember anything that happened at that
10 meeting on March the 8th of 1956?

11 A. My memory wouldn't give you very much information.

12 Q. All right. Let me try to refresh your recollection
13 by reading from this paragraph. It talks about the
14 report of the Air Hygiene Committee and it states:
15 "The comments of Dr. Smith of Johns-Manville
16 Corporation related to the report issued by Dr.
17 Hueper on a subject relating asbestosis with lung
18 and heart diseases was discussed at great length."
19 Did you know at that time what the disease
20 asbestosis was in 1956?

21 A. Yes.

22 Q. What did you understand asbestosis was in 1956?

23 A. Asbestosis was usually the result of a person being
24 exposed to asbestos for many years of working.
25 And the best I could understand was that your lungs

1
2 are equipped to work with dust. All of us are in
3 dust anyway. So, there is a washing means in your
4 lungs, but sometimes if you are working with a too
5 concentrated dust, it overloads that lung from it's
6 clearing and washing out itself and some of the dust
7 will remain in the lung.

8 Q. When did you first learn about the disease
9 asbestosis?

10 A. Well, when is kind of odd to give you a date, but I
11 think over years of experience, you become aware of
12 some of these terms. So I think that probably in
13 the 1940's, I was aware of what asbestosis was.

14 Q. Okay. Now, this paragraph discusses the report by
15 Dr. Hueper that related asbestosis with lung and
16 heart diseases. Do you recall exactly what he was
17 talking about?

18 MR. ABBOTT: I object. I

19 don't think it's establish --

20 A. Lung and heart diseases?

21 Q. Yes.

22 A. No. I don't think I could give you any comments on
23 that.

24 Q. Okay. Were you aware at that time that asbestos had
25 also been linked to cancer of the lungs?

MR. ABBOTT: Objection.

Leading.

A. I don't recall tying in cancer with asbestos. I did understand that asbestosis was a blanking out of the effectiveness of your lungs; you become less and less able to get resultive breathing, more of blanking out.

Q. Now, Mr. Houghton, were you the person who was in charge of safety at Garlock?

A. Was I the person who --

Q. Were you in charge of safety and health at Garlock?

A. Not as such. We had a safety department, but my job was handling manufacturing. If we had a condition where the dust was more than the federal government, we would do -- work to improve the other means of picking up the dust to remove it from the air.

Q. All right. Now, this Exhibit number 1 that we have had marked, I will have you look at it for a minute. Does this appear to be a true and correct copy of the minutes? Does this appear what it looks like?

MR. SHULTZ: Are you asking if those are true and correct copies that he received or do they just look like other minutes that he received?

1
2 Q. Does that appear to be a true and correct copy of
3 the minutes as you would have received them from the
4 Asbestos Textile Institute?

5 MR. LEVINTHAL: Are you asking
6 him the minutes in general or the
7 minutes of March 8, 1956?

8 Q. Do you have a specific recollection of that
9 document?

10 A. Specific is not a very good word for me. No, I
11 don't think I could give you a good answer.

12 Q. Does this generally appear to be the type of a
13 document that you would receive as minutes from the
14 Asbestos Textile Institute?

15 A. Yes.

16 Q. Does this look to you to be an accurate copy of the
17 type of minutes that you would receive from the
18 Asbestos Textile Institute?

19 A. Yes.

20 MR. SHULTZ: Objection to the
21 form.

22 MR. LEVINTHAL: Object to the
23 form.

24 Q. Do you have any reason to doubt that this is a
25 correct copy of the minutes of the Asbestos Textile

1
2 Institute?

3 MR. SHULTZ: Objection --

4 A. It looks like --

5 MR. SHULTZ: Let me state my
6 objection. I object to the form as
7 being argumentative and leading.

8 Q. So, as far as you're concerned, sir, if I understand
9 your testimony, you have no specific recollection of
10 this particular set of minutes, but you believe that
11 it looks like the minutes that you received in the
12 past?

13 A. That's a Xerox of that.

14 MR. ABBOTT: I object --

15 MR. LEVINTHAL: Objection.

16 Q. Now, you worked at the facility here in New York the
17 whole time, did you not?

18 A. Well, I have had assignments to various factories,
19 but my major job was asbestos textile in Garlock,
20 but I worked in several of the departments in
21 Garlock. I have been to Camden, New Jersey one of
22 the plants that makes Teflon and related projects.

23 Q. Do you know a person by the name of Grace Baylord?

24 A. Clayton Baylord?

25 Q. Grace Baylord?

1
2 A. It may have been the name, but I don't remember too
3 well.

4 Q. Do you remember when Grace Baylord filed a workers'
5 compensation claim in 1957 for asbestos dust related
6 diseases at your facility?.

7 MR. LEVINTHAL: Objection. He
8 has just testified that he doesn't
9 recognize the name Grace Baylord.

10 Q. Do you remember that there were workers'
11 compensation claims filed against Garlock for
12 asbestos related diseases?

13 MR. LEVINTHAL: Objection to
14 the form.

15 A. I think I knew of some instances, yes.

16 Q. Okay. Now, the last time you gave a deposition, you
17 were asked if you remembered a claim that was filed
18 on November 14, 1957 by a women named Grace Baylord,
19 who had been employed in the Textiles Department for
20 about 22 years, and you said yes, you remembered her
21 married name?

22 A. Yes.

23 Q. Does that now refresh your recollection that you
24 remember Grace Baylord?

25 A. I know Grace Baylord, yes.

1
2 Q. Did she work under your supervision?

3 A. Yes.

4 Q. And were you aware that in 1957 when she was working
5 under your supervision she filed a workers'
6 compensation claim for asbestosis? Do you remember
7 that?

8 A. I think -- I can't state I remember that, but it
9 would be to our Safety Department, not to me.

10 Q. Well, were you made aware of the fact that she was
11 claiming asbestosis?

12 A. I think I may have heard that she was the one.

13 Q. Did you investigate that at all?

14 A. I think she had been working for many years as a
15 creel operator; that's a connection with a loom, and
16 she was a twister operator.

17 Q. Do you know of any other people who worked at
18 Garlock that claimed asbestosis?

19 A. I can't give you a name of any others that claimed
20 it.

21 Q. But were you aware that others did claim it from
22 time to time?

23 A. Yes.

24 Q. Was that in your area of responsibility or was that
25 another department that handled those claims?

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A. Garlock had a procedure of having all of the workers in the Textile Department sent over to Clifton Springs about every other year for an X-ray.

Q. When did that procedure begin?

A. I can only give you an approximate date. Probably about 1950.

Q. And why did they send them over to Clifton Springs every year for an X-ray beginning at about 1956?

A. Every other year.

Q. Excuse me, every other year. Why did they do that?

MR. LEVINTHAL: Object to the form.

A. To check if there was any health problems developing in the individuals. They would move anyone that was a possible question to other departments.

Q. A possible question of what, sir?

A. If they found signs of any lung accumulation, they might take them out and move them to another section of the factory.

Q. Lung accumulation of what?

A. Well, that would be the dust that I have just mentioned to you.

Q. The asbestos dust?

A. Yes.

- 1
2 Q. And if they found accumulation of asbestos dust in
3 the lung, they would then do what?
- 4 A. They would move them to another area of the factory,
5 and the usual result was that the person -- the
6 X-rays improved.
- 7 Q. When you say to another area of the factory, would
8 that have been an area where they were also using
9 asbestos?
- 10 A. No. Garlock was made up of about 12 different
11 departments. So there were -- it could be
12 secretarial or it could be another type of
13 manufacturing.
- 14 Q. All right. So was it Garlock's policy then to try
15 to catch these problems early?
- 16 A. Yes.
- 17 Q. As soon as they found a problem in the lung from
18 asbestos, they would then move the worker out of the
19 asbestos area?
- 20 A. That was usually the action, yes.
- 21 Q. And again let's talk about what time-frame. You
22 believe that was about 1950 when that began?
- 23 A. I think the X-ray was started around 1950.
- 24 Q. Okay. Now, to your knowledge, did Garlock ever do
25 any dust counting in the areas where their product

1
2 was being used by purchasers?

3 A. I do not know of any use of a dust counter in
4 somebody that uses that product.

5 Q. So, would it be fair to say that the dust counting
6 only went on in the Garlock plant where the workers
7 that were using the product were?

8 MR. LEVINTHAL: Objection --

9 A. It --

10 MR. LEVINTHAL: I have an
11 objection to the question. It's a
12 mischaracterization of his testimony.
13 He says he doesn't know if it occurred.

14 MR. SHULTZ: A further
15 objection as to the form of the
16 question. Leading.

17 Q. Garlock, as I understand it, would do dust counting
18 in their plants from time to time; correct?

19 A. Yes.

20 Q. To your knowledge, did they ever do dust counting
21 where their product was being used outside the plant
22 by their customers?

23 A. Not that I know of.

24 Q. To your knowledge, did Garlock ever place warnings
25 on their materials about the potential hazards of

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asbestos?

A. I think throughout the industry, probably that there was not that kind of an action.

Q. All right. I am not talking about the industry now. I am talking about Garlock. To your knowledge, did Garlock ever put a warning on any of its products about the hazards of asbestos?

A. Not that I know of. I was not in that -- I was in manufacturing and so on, and not in the sales.

Q. Okay. Did you ever see sales brochures concerning the products?

A. No.

Q. Did you ever see the products actually being installed by users?

A. Oh, that's kind of a -- I have seen packing installed. I have installed them myself.

Q. When you installed packing, did you ever wear a respirator?

A. No. No dust was created in handling packing. It's usually either impregnated with rubber or a grease and there is no dust.

Q. Did you ever measure the dust?

A. No --

MR. ABBOTT: Objection.

1
2 A. No. As of the use of the product, I measured it in
3 our own manufacturing operation.

4 Q. Now, asbestos fibers could be very small, can't
5 they?

6 A. Yes.

7 Q. Do you know what five microns is?

8 A. Yes.

9 Q. The human eye can't see five microns, can it?

10 A. No. You need a microscope.

11 Q. And if dust that has particles of five microns or
12 less is in a room, can you see it with your naked
13 eye?

14 A. You could see a haze if there was a high percentage
15 of dust in the area.

16 Q. But would the room appear to be dusty to somebody
17 looking at fibers less than five microns?

18 A. Only in the accumulation it might form.

19 Q. In terms of the air itself though, it would not
20 appear dusty if there were fibers of five or less
21 microns; correct?

22 MR. LEVINthal: Objection.

23 MR. SHULTZ: Objection.

24 Leading.

25 A. You would have to magnify it.

1
2 Q. What you're saying, you couldn't see it without a
3 microscope?

4 A. That's right.

5 Q. Now, you mentioned earlier that it was common in the
6 industry about not placing warnings on packages. Do
7 you remember you stated that?

8 MR. ABBOTT: I think that is a
9 mischaracterization.

10 Q. Is that your understanding of what was done
11 generally in the industry?

12 MR. ABBOTT: What
13 time-frame --

14 A. I have been away from the sales completely. I was
15 not in that, so I couldn't give you a comment on
16 what the sales do.

17 Q. Okay. What was your basis for saying that it was
18 common in the industry not to place warnings on
19 these products? How did you know that?

20 MR. ABBOTT: Objection.

21 MR. SHULTZ: I don't
22 understand what industry means.

23 A. Again, I was not associated with sales at all, so I
24 couldn't give you much help.

25 Q. Well, why did you make that statement, sir?

MR. ABBOTT: Objection.

A. Which statement?

Q. The statement where you said that it was common in the industry not to place warnings on packages?

MR. ABBOTT: Same objection.

A. I don't know how I could give you a better answer than, as far as I know, they didn't put warning signs on sales products.

Q. Now, you left Garlock in 1970, did you not?

A. Well, I had retired in '70, but I kept being called back for about eight or nine years.

Q. They couldn't live without you?

A. Well, they found my work was some help.

Q. Do you also believe, based on your knowledge of the industry, that at least by the 1950's the industry was aware of the disease asbestosis?

MR. LEVINTHAL: Objection.

MR. ABBOTT: Objection.

MR. SHULTZ: Objection to the

form of the question --

Q. He is going to make an objection first. He is going to be objectionable for a minute, then you can answer.

MR. SHULTZ: Let me speak. I

1
2 object to the form of the question as
3 leading, and I object to the vagueness
4 of the question, in that there is the
5 generic word of industry use.

6 Q. Okay. Now you can answer the question.

7 A. Asbestosis has been known for a good many years.
8 Asbestosis has normally been the result of several
9 years exposure to dust in the atmosphere.

10 Q. Was that generally what was known by the 1950's in
11 the asbestos industry as you knew it?

12 MR. LEVINTHAL: Objection.

13 MR. SHULTZ: Same objection as
14 I stated earlier.

15 A. It was known, yes.

16 Q. Mr. Houghton, thank you very much. I'm finished
17 with you. I don't know whether these other people
18 have questions or not, but I appreciate your being
19 here.

20 (Whereupon there was a brief recess in the
21 proceedings.)

22 EXAMINATION BY MR. LEVINTHAL:

23 Q. Mr. Houghton, I am going to ask you a few questions
24 and follow-up on some of the things that Mr. Baron
25 asked you. Okay?

1
2 A. Okay.

3 MR. BARON: Would you mind
4 identifying yourself for the record?

5 MR. LEVINTHAL: Bernard
6 Levinthal. I represent Garlock.

7 Q. Now, Mr. Houghton, am I correct that you were never
8 actually an officer of Garlock, a corporate officer?

9 A. I have only had the superintendent office and later
10 as an engineer, but no, I was not.

11 Q. Okay. Now, Mr. Baron asked you some questions about
12 what he marked PX 1, the minutes of the ATI meeting
13 of March 8, 1956. You recall him asking you
14 questions about those minutes?

15 A. I don't recall any meeting that was held, because of
16 this --

17 MR. BARON: I'm going to
18 object. He wasn't responsive to the
19 question.

20 Q. I will straighten it out. The first thing I am
21 asking you: You recall Mr. Baron asking you
22 questions about it, right, just a few minutes ago?

23 A. Yes.

24 Q. Okay. Now, am I correct then that what you are
25 saying is you do not recall this particular meeting

1
2 of March 8, 1956?

3 MR. BARON: Objection. Very
4 leading.

5 A. When he specifies a date, I don't have that in my
6 mind.

7 Q. Okay. Just to clear the record, I will ask it
8 another way. Do you have any recollection of the
9 meeting where Dr. Hueper spoke to the ATI?

10 MR. BARON: Objection.

11 That's a mischaracterization. Dr.
12 Hueper didn't speak. They discuss Dr.
13 Hueper.

14 Q. Do you have any recollection of the meeting where
15 Dr. Hueper's report was discussed at the ATI
16 meeting?

17 A. No, not this particular report.

18 Q. Do you have any recollection of ever receiving the
19 minutes of the meeting -- these minutes there in
20 front of you now?

21 MR. SHULTZ: Plaintiff's 1?

22 Q. PX 1?

23 A. Not a specific remembrance. It would go over my
24 desk and I would read them, but not any particular
25 date is sticking out in my mind.

1
2 Q. Were there also at times ever people from Garlock
3 who would represent Garlock at the ATI meetings?

4 A. Yes. Others would go, and usually before they went,
5 they would come over and have a briefing, because
6 they didn't know what asbestos textiles were. So I
7 was the one explaining it to them and they would go
8 to the meeting.

9 Q. Now, Mr. Houghton, when Mr. Baron first showed you
10 these minutes, I said something for the record about
11 it saying here that you were representing Garlock,
12 which was a former member company of the ATI. Do
13 you remember me saying that?

14 A. That I was a former member?

15 Q. That Garlock was a former member of the ATI?

16 A. I think I do remember that Garlock was a member,
17 more or less, of the original forming of the
18 Asbestos Textile Institute, but it was mainly
19 composed of finding ways for merchandizing the
20 product. Garlock was actually merchandizing it
21 within its own, not as an asbestos product, but as
22 packing. So they found that whatever dues they paid
23 wasn't bringing in very much return, so for a while,
24 they dropped out.

25 Q. Garlock dropped up?

MR. ABBOTT: Not responsive.

A. They went back in again.

Q. Just to clear up the record, did there come a time when Garlock dropped out as a member of the ATI?

A. Yes.

MR. LEVINthal: I have nothing further.

Does anybody have any questions?

(No response)

MR. BARON: Thank you very much.

(Whereupon there was an off-the-record discussion.)

MR. BARON: There is an agreement with counselor that I am going to leave the original Exhibit 1 with you, but I am going to send you a better copy to substitute for that so that you could attach that to the deposition and everyone agrees with that.

MR. SHULTZ: I would ask if the court reporter could attach the notice of deposition as an exhibit or

court exhibit or my exhibit or whatever
to the deposition. In fact, mark it as
Defendant's Exhibit 1.

(Whereupon Defendant's Exhibit 1 was marked for
identification.)

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C E R T I F I C A T I O N

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I hereby certify that I reported in stenotype shorthand
the foregoing proceedings;

And that this transcript is a true, accurate and
complete record of those stenotype shorthand notes.

Susan M. Ardolino

DATED: June 13, 1988