

1 ROUGH DRAFT, NOT EDITED

2 UNEDITED, UNCERTIFIED ROUGH

3 DRAFT/REALTIME OUTPUT

4 The information you are viewing is provided by

5 the Reporter as a Litigation Support tool using

6 "Realtime" computer technology. This is a ROUGH

7 DRAFT and by statute, CCP Section 2025.540, it may

8 not be used as a citation in any official capacity

9 or for any official purpose. Please be aware that

10 page and line references in this draft will not

11 coincide with the Official Transcript, per standards

12 set by National Court Reporters Association.

13 Please recognize this draft may contain

14 untranslates, mistranslates, misspelling,

15 unidentified speakers and unedited punctuation which

16 will not appear in the Official Certified

17 Transcript.

18 By ordering, accepting and utilizing this rough

19 draft, you agree:

20 1. To also purchase the "Official" (certified)

21 version of the Transcript and;

22 2. Not to hold the Reporter or Agency responsible

Page 2 1 ROUGH DRAFT, NOT EDITED 2 for any discrepancies between this draft and the 3 Official Certified Transcript. 4 THE VIDEOGRAPHER: Good morning. 5 This is the video deposition of Bobby Joe Pigg taken 6 on June 28, 2013 beginning at 10:08:39 in the case 7 of Ronald and Joanna Nelson versus Allied Packing & 8 Supply. 9 Deposition is being held at the 10 Washington Dulles Merritt in Sterling Virginia. The 11 court reporter today is Denise Vickery of Aiken 12 Welch reporting of California. I'm the videographer 13 Mark Gunther also with Aiken Welch. 14 Would the court reporter please 15 swear the witness. 16 Thereupon, 17 BOBBY JOE PIGG 18 was called for examination, and, after having been 19 duly sworn, was examined and testified as follows: 20 EXAMINATION 21 BY MR. SATTERLEY: 22 Q. Good morning, sir.	Page 4 1 ROUGH DRAFT, NOT EDITED 2 him. I didn't hear his full answer. Can I get it 3 read back? This is Marisa Chavez. 4 MR. SATTERLEY: He will start over 5 again. We moved the speakerphone closer to Mr. 6 Pigg. 7 BY MR. SATTERLEY: 8 Q. Mr. Pigg if you could let me ask the 9 question again so the record is clear. 10 MS. CHAVEZ: Thank you. 11 BY MR. SATTERLEY: 12 Q. What is the international Chrysotile 13 association? 14 A. It's a nonprofit organization of 15 industry organizations primarily the association is 16 made up of national associations from about 20 17 countries. The purpose of the association is to 18 promote the safe use of Chrysotile. The 19 international Chrysotile association was 20 incorporated in the province of Quebec in 1997. Its 21 head office is in Montreal. Prior to 1997 the 22 organization was known as the asbestos international
Page 3 1 ROUGH DRAFT, NOT EDITED 2 A. Good morning. 3 Q. Please state your full name. 4 A. Bobby Joe Pigg. 5 Q. Mr. Pigg, my name is Joe Satterley and I 6 represent Ron and Joanna Nelson in a case pending in 7 Oakland California and we have issued a subpoena to 8 gather records and to learn more information about 9 an organization is it called the international 10 Chrysotile association. 11 And I understand you have been 12 designated to be the person to come talk about the 13 information and documents responsive to that 14 subpoena correct? 15 A. Correct. 16 Q. What is the international Chrysotile 17 association? 18 A. It's a nonprofit organization that's 19 incorporated in the province of Quebec. It 20 originate. 21 MS. CHAVEZ: I'm sorry you guys 22 but the witness is cutting out. I can barely hear	Page 5 1 ROUGH DRAFT, NOT EDITED 2 association or AIA. It is located before Montreal 3 in Paris and before that in London. It was 4 organized in about 1975. 5 Q. Okay. I'll be asking some more 6 questions about some of those associations, industry 7 associations and the national associations you 8 mentioned earlier. 9 It's my understanding you've given 10 testimony, deposition testimonies in the past 11 correct? 12 A. Not for ICA no. 13 Q. Okay. But for AIA? 14 A. Yes. 15 Q. Okay. 16 A. Or no. When you -- when you -- I've 17 never given a deposition for the asbestos 18 international association, no. AIA. 19 Q. The? 20 A. This is my first deposition. 21 Q. Well the AIA the asbestos information 22 association?

Page 6 1 ROUGH DRAFT, NOT EDITED 2 A. Oh, okay. 3 Q. Okay. 4 A. Yes. 5 Q. You have given testimony? 6 A. Yes. 7 Q. And the reason why I was asking that 8 question is because you're generally familiar with 9 the deposition process correct? 10 A. Yes. 11 Q. All right. Just so that you understand 12 what's going to occur here today is I'm going to ask 13 you a series of questions to get information and 14 testimony from you and go over some documents with 15 you. 16 If for any reason you need to take a 17 break you just let me know and we'll take a break? 18 A. Okay. 19 Q. Okay? 20 A. Sure. 21 Q. Also none of my questions are meant to 22 trick you or confuse you at all so if you don't	Page 8 1 ROUGH DRAFT, NOT EDITED 2 did you say started in '75? 3 A. Yeah. 4 Q. All right. 5 A. That's to the best of my recollection 6 about -- about '75. 7 Q. All right. And you it's my 8 understanding that your involvement was with an 9 organization called the AIA of North America 10 asbestos information association? 11 A. Correct. 12 Q. And what is the asbestos information 13 association? 14 A. It was an organization of companies that 15 were interested in the asbestos issue. I think it 16 was before I became a member. I think it was 17 organized about 19 -- in the early -- early '70s and 18 participated in the rulemaking process for OSHA and 19 EPA and made comments on the proposed rules that had 20 their beginning in those early years. Today the AIA 21 only consists of two members most -- both of those 22 are in Canada. The two mining companies.
Page 7 1 ROUGH DRAFT, NOT EDITED 2 understand any of my questions let me know so I can 3 re-ask the question so I understand we all 4 understand you understood what I'm asking about? 5 A. Right. 6 Q. Okay. Just like we had a little 7 confusion about the AIA? 8 A. Uh-huh. 9 Q. That you were thinking asbestos 10 international association? 11 A. Right. 12 Q. And I was thinking asbestos information 13 association. Sometimes it takes a little talking 14 back and forth to get on the same page? 15 A. Right. 16 Q. Okay. So if I if I make a mistake or 17 ask a question that you don't understand feel free 18 to let me know. 19 A. Sure. 20 Q. Okay? Now just to get some background 21 and sort of some foundational information, you said 22 that the AIA asbestos international association was	Page 9 1 ROUGH DRAFT, NOT EDITED 2 Q. And who are those members? 3 A. And neither of those mining companies 4 are producing today. As you probably know. 5 Q. Sure. 6 A. One is lab Chrysotile. 7 Q. Uh-huh. 8 A. And Thetford mines and the other is mine 9 Jeffrey in asbestos Quebec. 10 Q. Those are the only two current members 11 of the asbestos information association? 12 A. Correct. 13 Q. North America? 14 A. Correct. 15 MS. CHAVEZ: And I'm sorry. This 16 is Marisa Chavez. Can I get that answer read back 17 please. 18 MR. SATTERLEY: Sorry. 19 MR. ARTABANE: She wants it read 20 back. 21 MS. CHAVEZ: That is Marisa 22 Chavez. Can I get the answer read back please.

Page 10 1 ROUGH DRAFT, NOT EDITED 2 MR. SATTERLEY: I'm sorry. We're 3 not going to do this where answers are not read back 4 and disrupting the deposition repeatedly. 5 MS. CHAVEZ: Well I didn't hear 6 the answer and I need it read back. I'm sorry. Or 7 you could just tell me the names. 8 MR. SATTERLEY: Lab something or 9 another and mine Jeffrey. I don't know who you 10 represent but it wasn't your client. But if you -- 11 you've made a decision not to come here to this 12 deposition and participate in person and we've moved 13 the speakerphone very close to the witness but we 14 can't have testimony being read back. It disrupts 15 the deposition. So I would request that you turn up 16 your speakerphone or do something so you can hear. 17 #09: I mean. 18 MS. CHAVEZ: I will do my best. 19 #09: The answers are getting cut 20 out occasionally. I don't think we're being 21 unreasonable in our request. 22 MR. SATTERLEY: But I think you	Page 12 1 ROUGH DRAFT, NOT EDITED 2 again so I understand who's disrupting the 3 deposition? 4 MS. SMITH: Well I represent CSK 5 auto and I believe two other attorneys have 6 indicated that they wanted that answer read back as 7 well. 8 MR. SATTERLEY: Okay. 9 MS. PRODROMO: This is Karen 10 Prodromo for Georgia-Pacific. I also wanted the 11 answer read back. 12 MR. SATTERLEY: Okay. 13 Georgia-Pacific would like the answer read back. 14 We'll do this we'll do this once and we'll see how 15 often this occurs if we have to we can get the court 16 on the phone. 17 (Requested material read) 18 THE WITNESS: It's Thetford. It's 19 not Bedford. With a T. 20 BY MR. SATTERLEY: 21 Q. Sir, do you know a fellow named Bruce 22 Bishop?
Page 11 1 ROUGH DRAFT, NOT EDITED 2 are because it's disrupting the entire deposition. 3 You've made a decision not to participate in person 4 and I don't know if your technology is is set up to 5 you can. 6 MS. PRODROMO: We have a right to 7 participate by phone. 8 MR. SATTERLEY: I know you have a 9 right to participate by phone but you don't have a 10 right to disrupt the deposition. 11 MS. SMITH: Mr. Satterley do you 12 have a citation to some law or code which says we 13 can't have an answer read back upon request? 14 Stephanie Smith. 15 MR. SATTERLEY: We've turned up 16 the speakerphone. I'm going to proceed through. 17 MS. SMITH: Are you is that a 18 tacit admission that you don't have any authority. 19 MR. SATTERLEY: Counsel I'm not 20 here to argue with you. Stop interrupting my 21 deposition. If you have an objection place your 22 objection on the record. And who do you represent	Page 13 1 ROUGH DRAFT, NOT EDITED 2 A. I'm sorry. 3 Q. Do you know a fellow named Bruce Bishop? 4 A. No. 5 Q. Never met Bruce Bishop? 6 A. No. 7 Q. Do you know a fellow named David 8 Bernstein? 9 A. Yes. 10 Q. Who is David Bernstein? 11 A. He's a toxicologist in Geneva 12 Switzerland that's done a number of studies on 13 Chrysotile. 14 Q. Have you had the opportunity to in your 15 work for either the ICA or the AIA of North America 16 to personally meet Mr. Bernstein? 17 A. I have met him. 18 Q. On how many occasions? 19 A. Maybe twice. 20 Q. Okay. Has? 21 A. That I recall twice. 22 Q. Okay. And it's my understanding that

Page 14 1 ROUGH DRAFT, NOT EDITED 2 the ICA has provided fees or funding to Mr. 3 Bernstein in the past correct? 4 A. Yes, that's correct. 5 Q. And that's occurred over the last few 6 years correct? 7 A. 2010, 2011, 2012. 8 Q. Nothing in 2013? 9 A. No. 10 Q. Okay. 11 A. Because his study was completed and I 12 think published in February. 13 Q. Now before the ICA the international 14 Chrysotile association begin making these payments 15 to Mr. Bernstein, did you did you know and have 16 access to the amount of monies that Mr. Bernstein 17 was paid by Georgia-Pacific? 18 A. No, not at all. 19 Q. Did Mr. Bernstein share with you how 20 much money various companies that made asbestos 21 products has paid him in the past? 22 A. No.	Page 16 1 ROUGH DRAFT, NOT EDITED 2 Q. Yeah. Was that before the payments to 3 Mr. Bernstein in 2010, 2011, 2012? 4 A. Yes. 5 Q. Okay. How long before? Years before? 6 A. I if I could take a break I can -- I've 7 got the study with me. 8 Q. Okay. Well we'll get to that in a 9 little bit? 10 A. Okay. 11 Q. We'll get to your notes and everything 12 else? 13 A. Well, well it was I guess around -- 14 around 2005. 15 Q. Okay. 16 A. Because 2006 somewhere in that area. 17 Q. Okay. 18 A. But that's I just knew that he was 19 involved in the study that was published in the 20 literature. 21 Q. So it would be fair to say that before 22 the international Chrysotile association began
Page 15 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. As you sit here today has Mr. 3 Bernstein shared with you his involvement in helping 4 out former manufacturers of asbestos products in the 5 past? 6 A. No. 7 Q. Same question with regards to Mr. 8 Bernstein's involvement with a company called Union 9 Carbide. 10 Prior to the international Chrysotile 11 association's payment of monies to Mr. Bernstein, 12 did you know that he was involved in serving as an 13 expert witness for a company called Union Carbide? 14 MR. COOK: Objection. 15 THE WITNESS: I didn't know about 16 he was an expert witness. I knew that about a study 17 of the mine in California that he had been involved 18 with. That's all I know. 19 BY MR. SATTERLEY: 20 Q. And when did you know about the study of 21 the mine in California? 22 A. When?	Page 17 1 ROUGH DRAFT, NOT EDITED 2 paying Mr. Bernstein money in 2010, 2011, 2012, you 3 and others well just you I guess I should ask about 4 knew that he was involved in doing work for Union 5 Carbide? 6 MR. COOK: Objection. Vague and 7 ambiguous misstates testimony. 8 BY MR. SATTERLEY: 9 Q. Go ahead. 10 A. I hate to do this but would you repeat. 11 Q. Sure? 12 A. The question. 13 Q. Sure I'll repeat the question? 14 A. Okay. 15 Q. And I don't want to misstate anything? 16 A. Yeah. 17 Q. Or anything? 18 A. Neither do I. (Laugh). 19 Q. Exactly so you said the study was done 20 in 2005? 21 A. Well, know didn't I said I think 22 somewhere in that an area.

1 ROUGH DRAFT, NOT EDITED
 2 Q. Okay.
 3 A. I don't know when the study was done.
 4 Q. When did you first read the study?
 5 A. I haven't read the study I just know the
 6 study was published. I read this I think I maybe
 7 have read the abstract that's all.
 8 Q. Okay. And when did you first become
 9 familiar with the abstract?
 10 A. Again to the best of my recollection
 11 around 2005.
 12 Q. Okay. So if we just do a time issue
 13 from 2005 it would be fair to say prior to the
 14 payment of money to Mr. Bernstein in 2010, 2011,
 15 2012, you were already aware that he had done some
 16 work for Union Carbide by your familiarity with that
 17 abstract?
 18 A. Yes, and of course he had I'm sure he's
 19 involved in other studies as well that are published
 20 in the literature.
 21 Q. And any of those studies have you read
 22 abstracts of any of those other studies back before

1 ROUGH DRAFT, NOT EDITED
 2 2010?
 3 A. I -- in a cursory because as the
 4 treasurer I just -- I'm not involved in and I'm not
 5 a scientist. I don't understand a lot of the
 6 information that are contained in the studies.
 7 Q. Okay.
 8 A. But I do know that to answer your
 9 question I think there's also a study that with the
 10 Caldera mine in California in addition that he did a
 11 study for the cane owe bravo mine in Brazil.
 12 Q. Uh-huh. Okay. And were those studies
 13 that you were just generally familiar with? I'm not
 14 asking?
 15 A. Yeah.
 16 Q. Scientific question?
 17 A. Right.
 18 Q. But just generally familiar with before
 19 the 2010 time frame?
 20 A. Just generally.
 21 Q. Okay. Now you mentioned you're the
 22 treasurer. Are you the treasurer of the

1 ROUGH DRAFT, NOT EDITED
 2 international Chrysotile association?
 3 A. Yes.
 4 Q. And how long have you had that job?
 5 A. Since 1997.
 6 Q. And as the treasurer what is your
 7 function?
 8 A. To pay the authorized bills for the
 9 association. Of course in this case for the study
 10 they were -- we started ICA in 2010. Before that
 11 the Chrysotile institute was involved in originating
 12 the study. As you know the invoices are all
 13 addressed to the Chrysotile institute.
 14 Q. And so I wanted to just understand a
 15 little bit.
 16 What's the difference between the
 17 Chrysotile institute and the international
 18 Chrysotile association?
 19 A. Chrysotile institute was first known as
 20 the asbestos institute. It's a tripartite
 21 organization of government. That is the federal
 22 government, Quebec government of Canada, industry in

1 ROUGH DRAFT, NOT EDITED
 2 Canada and labor in Canada. The Chrysotile
 3 institute closed or disbanded in March of 2012.
 4 Q. Do you know why they disbanded or
 5 closed?
 6 A. No, I have no official involvement with
 7 the -- with the institute. So I wouldn't want to
 8 speculate about that.
 9 Q. Sure. So the you're the treasurer.
 10 Who else are the officers of the
 11 international Chrysotile association?
 12 A. The current chairman is Jean-Marc
 13 J-e-a-n-M-a-r-c Leblond L-e-b-l-o-n-d. The vice
 14 chairman is in India. I can't -- I can't recall --
 15 bring up his -- his name. Something close to Shara.
 16 S-h-a-r-a but that may not be correct. He's the
 17 vice chairman. But Mr. Leblond is the chairman and
 18 secondary.
 19 Q. Any other officers?
 20 A. No, no.
 21 Q. So just the three of you?
 22 A. Yes.

Page 22 1 ROUGH DRAFT, NOT EDITED 2 Q. And is your only role as treasurer? 3 A. Yes, and and director general but my 4 primary role is treasurer and director general is 5 collateral just, you know, to fulfill the 6 requirement of the bylaws. 7 Q. And how did you become the director 8 general and the treasurer of the international 9 Chrysotile association? 10 A. As what do you mean how did I become? 11 Q. Did somebody ask you to take this job? 12 A. Yes, yeah. 13 Q. And who was it that asked to you take 14 this job? 15 A. John Duprey who is deceased. He was the 16 chairman. First was the chairman of AIA and then 17 subsequently when it became ICA in January of 2005. 18 Q. And does -- is there meetings where 19 you're reappointed or reselected to remain in this 20 role as director general and treasurer of this 21 organization? 22 A. No, there's no tenure established by the	Page 24 1 ROUGH DRAFT, NOT EDITED 2 and foremost is made up of national asbestos 3 associations and those national associations are in 4 various countries. And the corresponding members 5 are small companies not national associations and no 6 dues are paid. They -- they are users of Chrysotile 7 but they have the stasis of corresponding members 8 and are not members of the board of governors and 9 have no vote in that regard. 10 Q. And this process of the associations 11 whether it be industry associations or individual 12 smaller companies and being a part of this larger 13 association? 14 A. Yeah. 15 Q. Is that a similar process that has 16 occurred through these various organizations whether 17 we're talking about the ICA, or the IA -- AIA of 18 North America and the ICA? 19 A. I think I understand. 20 Q. Sure. 21 A. Your question, I mean. 22 Q. These are sort of industry associations?
Page 23 1 ROUGH DRAFT, NOT EDITED 2 bylaws. 3 Q. You have this position for as long as 4 you want to do it and they want to have you? 5 A. Well, that's your statement. I 6 appreciate that. 7 Q. Is that a fair statement? 8 A. I hope so. 9 Q. Is it a paid position? 10 A. Yes. 11 Q. Now the monies that come to the ICA, you 12 mentioned earlier that it's a group of national 13 associations or industry associations? 14 A. Correct. 15 Q. Tell me the difference between an 16 industry association or a national associations. 17 A. Well, all of the members, there are 18 regular members and corresponding members. The dues 19 are established by the board of governors. Industry 20 is used, I use it in a generic sense. 21 Q. Uh-huh. 22 A. The bylaws state that membership first	Page 25 1 ROUGH DRAFT, NOT EDITED 2 A. From the countries. 3 Q. Yeah countries? 4 A. Individual countries. 5 Q. And individual companies can also become 6 members? 7 A. No. 8 Q. They can't? 9 A. No. 10 Q. Okay. So, for example, the ICA of North 11 America was that did that consist of countries? 12 A. No. 13 Q. Okay. 14 A. Companies. 15 Q. Oh, those were companies? 16 A. (Nods head). 17 Q. Oh, I see so the AIA of North America 18 was a company where situations would belong to the 19 association dealing with the rulemaking process, 20 with OSHA and EPA? 21 A. Correct. 22 Q. Is that true?

1 ROUGH DRAFT, NOT EDITED

2 A. True.

3 Q. All right. But what you're telling the

4 folks on the jury is the ICA doesn't have individual

5 company members but they have national associations?

6 A. Correct. . There is an exception. If a

7 country does not have a national association, for

8 example, Pakistan, there is a company in Karachi

9 Pakistan that is a corresponding member. It's a

10 small relatively small company. So but primarily

11 the regular members are national associations of

12 various countries.

13 Q. I see. So, for example, what I'm trying

14 to figure out is: As treasurer where the money

15 comes from so that it can be spent out by the

16 international Chrysotile association?

17 A. Right.

18 Q. Does that come from the national

19 associations?

20 A. The regular members pay regular dues

21 which are established on a regular basis by the

22 board of governors.

1 ROUGH DRAFT, NOT EDITED

2 Q. And how many -- how many members are

3 there in the international Chrysotile association?

4 A. About 20.

5 Q. And what are the dues?

6 A. Well, they varied with the total --

7 total dues is about \$200,000 a year.

8 Q. For the -- for all 20 companies?

9 A. Uh-huh.

10 Q. You got to say yes or no. I apologize I

11 for got to tell you?

12 A. The answer is no, they're not companies.

13 Q. I'm sorry let me give you a little bit

14 more instructions so the court reporter gets it down

15 and so we don't.

16 As you know in the deposition process

17 your testimony is being taken down by the court

18 reporter?

19 A. Yeah.

20 Q. So when you nod the head or shake the

21 head or say uh-huh or huh-uh?

22 A. (Laugh).

1 ROUGH DRAFT, NOT EDITED

2 Q. It doesn't make a very good record?

3 A. Okay.

4 Q. I apologize I didn't give you that

5 instruction.

6 So with that being said I misspoke. Let

7 me ask the question again.

8 A. Thank you.

9 Q. The \$200,000 is an annual?

10 A. That's -- that's right. That's about

11 what the budget for us has been.

12 Q. Okay. And that budget would include --

13 would that budget include things like payment of

14 fees for folks like Mr. Bernstein and other folks?

15 A. It would.

16 Q. Okay.

17 A. And myself as well.

18 Q. And your -- and your salary whatever you

19 get?

20 A. Yeah.

21 Q. I'm not going to invade your privacy?

22 A. Okay.

1 ROUGH DRAFT, NOT EDITED

2 Q. But so the \$200,000 per year covers all

3 the expenses associated with the efforts on behalf

4 of the international Chrysotile association to do

5 its -- its job?

6 A. It does and in there are cases where if

7 there to be exceeded there might be a board of

8 governors decision to for special contributions, you

9 know, for any special expenses that might occur but

10 normally the budget has been in the most part since

11 1997 in the area of \$200,000.

12 Q. Has there been any special contributions

13 required of the members with regards to the payments

14 of monies to Mr. Bernstein?

15 A. Yes.

16 Q. Okay.

17 A. Yes. Yes.

18 Q. Okay. So and I guess that's what I'm

19 trying to figure out.

20 Is the payments of money to Mr.

21 Bernstein with regards to the work that he's done on

22 this recent publication I think you said February?

Page 30 1 ROUGH DRAFT, NOT EDITED 2 A. Uh-huh. Yeah. 3 Q. You said there was a publication was 4 that made out of the general membership dues or was 5 there special funds gathered for the payment of 6 those fees? 7 A. The money was from the same account. 8 Q. I understand that. 9 A. Yeah, but the the special contribution 10 was made in order for that payment to be made. Now 11 as far as the payment by the Chrysotile institute, I 12 don't have any knowledge of about that because they 13 have a different -- I'm sure they had a different 14 system. 15 Q. Sure. So the Chrysotile institute might 16 -- you're not the treasurer for that organization? 17 A. No. 18 Q. So any monies the Chrysotile institute 19 might have paid Mr. Bernstein you wouldn't have 20 personal knowledge of that? 21 A. No. 22 Q. Okay. So I'm just talking about the	Page 32 1 ROUGH DRAFT, NOT EDITED 2 A. The producers are the miners. That's 3 the normal term used. 4 Q. All right. So so if I understand what 5 occurred the international Chrysotile association 6 requested the producers the mining companies to make 7 a special contribution to the ICA so that could be 8 used to pay the fees of Bernstein with regards to 9 this paper? 10 A. Correct. 11 Q. Okay. All right. Just a little bit 12 more background foundational type questions, Mr. 13 Pigg. 14 Back when you were with the -- are you 15 still with the asbestos information association of 16 North America? 17 A. Yes, I told you we have just the two 18 companies. It's basically for paper purposes. 19 Q. Sure. 20 A. There are no dues. 21 Q. Sure. Before -- in your role you 22 started in that role in the '70s?
Page 31 1 ROUGH DRAFT, NOT EDITED 2 ICA? 3 A. Right. 4 Q. The international Chrysotile 5 association. 6 The monies that were paid to Mr. 7 Bernstein for the work that he's done over 2010 to 8 2012 that resulted in that paper that you were 9 talking about? 10 A. Uh-huh. Right. 11 Q. Did that money come from general 12 membership dues or a special request for members to 13 contribute? 14 A. It was -- it was a special request to 15 the producers to -- to contribute. 16 Q. Okay. 17 A. Individual -- individual user countries 18 did not contribute. 19 Q. So the producers -- the producers of the 20 Chrysotile the manufacturers companies; right? 21 A. No, they're the miners. 22 Q. Oh, the miners?	Page 33 1 ROUGH DRAFT, NOT EDITED 2 A. Yes. 3 Q. And what year was that? 4 A. 1974. 5 Q. And before you was there a fellow named 6 was it Roger Mereness? 7 A. Robert. 8 Q. Oh, Robert? 9 A. H. Mereness. 10 Q. Mereness. Okay. Do you know where he 11 is? 12 A. Deceased. 13 Q. He passed away? 14 A. Yes, I went to his funeral a couple 15 years ago. 16 Q. Okay. In your many years of work on 17 behalf of the asbestos information association of 18 North America, did you become familiar with some of 19 the companies that were part of the association? 20 A. Well. 21 MR. COOK: Objection. Relevance. 22 BY MR. SATTERLEY:

Page 34 1 ROUGH DRAFT, NOT EDITED 2 Q. 3 A. Yes. 4 Q. Did you ever meet a fellow named John 5 Myers? 6 A. Yes. 7 Q. Who was John Myers? 8 A. John Myers was the chairman of AIANA for 9 several years. I'm not exactly sure how long. 10 Q. Was that in the '70s or the '80s? 11 A. '80s and -- I'd say the '80s and '90s. 12 Q. Did you personally get to meet Mr. 13 Myers? 14 A. Yes. 15 Q. And talk with him? 16 A. Yes. 17 Q. What company was Mr. Myers working for? 18 MR. COOK: Objection. Vague and 19 ambiguous as to the time frame. 20 BY MR. SATTERLEY: 21 Q. Go ahead, sir. 22 A. He was with KCAC King city asbestos	Page 36 1 ROUGH DRAFT, NOT EDITED 2 MR. COOK: Objection. Misstates. 3 BY MR. SATTERLEY: 4 Q. Now did you mentioned earlier that in 5 the '70s the AIA of North America was involved in 6 the rulemaking process with regards to OSHA and EPA? 7 A. Correct. 8 Q. What types of activities did asbestos 9 information association do with the rulemaking 10 process? 11 A. Well, would work on providing comments 12 to proposed rulemakings or advanced notice of 13 proposed rulemakings. That sort of thing. 14 Q. All right. . For example, if the 15 politician -- we're close to DC right now? 16 A. Uh-huh. 17 Q. We're in Virginia right? 18 A. Right. 19 Q. All right. And you've been in this area 20 for most of your career? 21 A. Yes. 22 Q. Okay. And roughly what, 30, 40 miles
Page 35 1 ROUGH DRAFT, NOT EDITED 2 corporation. 3 Q. Okay. Any other companies? 4 A. Prior to that? I don't think he was a 5 representative. He was with KCAC a long time. I 6 guess it was before -- before Union Carbide owned 7 the mine. I don't know who was -- who was the 8 entity that purchased the mine. 9 Q. Uh-huh. And that was going to be my 10 question. 11 Have you ever heard of a company called 12 Union Carbide? 13 A. Yes. 14 Q. And has Union Carbide in the past been a 15 member company of the asbestos information 16 association of North America? 17 A. They were in the '70s and I think not -- 18 to the best of my knowledge not since the early 19 '80s. 20 Q. Okay. So in the '70s up to through the 21 early '80s? 22 A. Yes.	Page 37 1 ROUGH DRAFT, NOT EDITED 2 from DC? 3 A. Something like that. 4 Q. Okay. And so has the AIA had 5 involvement in trying to provide information to 6 politicians when issues arising about asbestos has 7 come up? 8 A. No. 9 MR. ARTABANE: I'm going to object 10 to that it's AIANA. 11 BY MR. SATTERLEY: 12 Q. NA oh, I'm I'm sorry let me ask the 13 question again? 14 A. Yeah. 15 Q. And let me let me sort of give you also 16 some information so we're on the same page. 17 Because you were you were never a part 18 of the AIA what's called the asbestos international 19 association yourself; correct? 20 A. No, I -- I was a represented AIANA. 21 Q. Yeah. 22 A. As the North America being a member.

1 ROUGH DRAFT, NOT EDITED

2 Q. Okay.

3 A. Of AIA.

4 Q. All right. So let me just I'll refer?

5 A. I wasn't the only member from AIANA.

6 Q. Right.

7 A. But at some some point in time I

8 represented AIANA to AIA.

9 Q. Okay. I see what you're saying.

10 A. Okay.

11 Q. Okay. So let me ask the question again

12 after your lawyer correctly pointed out that I

13 didn't use the correct term.

14 In the 1970s did the AIANA in the work

15 on behalf of their member companies get involved in

16 the rulemaking process with regards to various

17 regulators in Washington, DC?

18 A. Yeah, we provided comments to the

19 agencies.

20 Q. Okay. And was that a big part of the

21 purpose of the AIANA?

22 A. Well, the other purpose was education

1 ROUGH DRAFT, NOT EDITED

2 and training. We provided any studies that were in

3 the public domain to the members. They were

4 published in the literature. We distributed

5 information like posters that companies could place

6 in the plants. And, you know, if you smoke stop or

7 don't smoke. Don't dry sweep. Wear respirators

8 when necessary. We then we prepared recommended

9 work practices for various segments of the industry

10 in the '70s by a technical committee in order to

11 encourage the safe use of asbestos and and how it

12 was to be treated in brake linings or any other

13 segments of the of the industry.

14 Q. Did did you ever meet Matthew Swetonic?

15 A. I think I met him one time.

16 Q. Was he a part of the AIA of North

17 America?

18 A. Before my time. He was in New York but

19 I -- I think I met him one -- once in 19 -- in the

20 '70s.

21 Q. What was his job in the New York -- you

22 said in New York for?

1 ROUGH DRAFT, NOT EDITED

2 A. I think he was one of the first

3 executive directors of AIANA.

4 Q. Okay. You said you mentioned a few

5 times about the safe use of Chrysotile.

6 Does that mean the controlled use of

7 Chrysotile?

8 A. Yes.

9 Q. Okay. And is that -- is that a

10 situation where the asbestos means that using

11 asbestos so that the hazard to asbestos is

12 minimized?

13 A. Correct.

14 Q. Certainly the safe use of Chrysotile

15 doesn't mean the uncontrolled use of asbestos;

16 correct?

17 A. Correct.

18 MR. COOK: Objection. Calls for

19 expert opinion.

20 BY MR. SATTERLEY:

21 Q. Correct?

22 A. Correct.

1 ROUGH DRAFT, NOT EDITED

2 Q. Okay. The I marked as Exhibit 1 the

3 notice to take deposition along with the categories

4 of areas some of the various documents to be

5 produced. Let me just show it to you Mr. Pigg and

6 ask you if you had a chance to review the subpoena

7 and the items to be produced in response to the

8 subpoena.

9 (Document marked Exhibit 1.)

10 MR. ARTABANE: If I'm correct

11 there were two subpoenas.

12 THE WITNESS: Right.

13 MR. ARTABANE: One issued to Mr.

14 Pigg personally and one issued to ICA.

15 BY MR. SATTERLEY:

16 Q. Okay. See if I've got them both there.

17 I may have lumped them together. I apologize.

18 A. (Reviewing document).

19 Well yeah, this is this is just the one

20 to me.

21 Q. This?

22 A. To Bob Pigg this is not.

1 ROUGH DRAFT, NOT EDITED
 2 Q. Let me take a look at that one?
 3 A. This is not to ICA.
 4 Q. Let me take a look at that. Maybe I've
 5 marked it wrong. Let me just correct -- correct the
 6 record here. So this would be to Bob Pigg there.
 7 Okay.
 8 And so this one Exhibit 1 is to you Bob
 9 Pigg and had you seen this?
 10 A. Yes.
 11 Q. When you received the subpoena?
 12 A. Yes.
 13 Q. And let me then put a sticker on this
 14 other one and we'll make this Exhibit 2.
 15 (Document marked Exhibit 2.)
 16 BY MR. SATTERLEY:
 17 Q. And so just so the record -- Exhibit 1
 18 is the subpoena to you personally correct?
 19 A. Yes.
 20 Q. And you've seen that in the past right?
 21 A. Yes.
 22 Q. Exhibit 2. Take a look at that and tell

1 ROUGH DRAFT, NOT EDITED
 2 me if this is the subpoena you -- you've seen with
 3 regards to the international Chrysotile association.
 4 A. (Reviewing document).
 5 Yes, it is.
 6 Q. Okay. And have you after you -- and you
 7 have been authorized on behalf of the association,
 8 the international Chrysotile association to be the
 9 corporate representative to produce documents in
 10 this regard; correct?
 11 A. Yes.
 12 Q. And to respond to the subpoena?
 13 A. Yes.
 14 Q. Okay. And you have responded to the
 15 subpoena to provide documents?
 16 A. Yes, I have.
 17 Q. All right. Did you and I'm going to I
 18 attach and make exhibits in a little bit some of the
 19 documents that we recently received.
 20 You in your individual capacity, did you
 21 locate documents that respond to the subpoena?
 22 A. Yes.

1 ROUGH DRAFT, NOT EDITED
 2 Q. And have you provided those as well?
 3 A. All of them.
 4 Q. Okay. And who did you provide those to?
 5 A. To Mr. Artabane and he in turn to you.
 6 Q. Okay. You're just so the jury is
 7 understanding your attorney is here with you here
 8 today?
 9 A. Yes.
 10 Q. And I'm not asking any questions about
 11 conversations you had with your attorney but all the
 12 documents you've located both individually on behalf
 13 of the ICA were produced?
 14 A. Yes.
 15 Q. Okay. Do you happen -- did you happen
 16 to bring those with you today?
 17 A. The ones that were provided to you?
 18 Q. Well I do -- I've received some
 19 documents. I'm just going to cross reference?
 20 A. Yeah.
 21 Q. To see if what you have is the same
 22 thing I have. Did you happen to bring the

1 ROUGH DRAFT, NOT EDITED
 2 statements?
 3 A. I have not.
 4 MR. ARTABANE: I'll state for the
 5 record that I have a copy of the documents that I
 6 provided along with a cover letter on behalf of Mr.
 7 Pigg and ICA to you.
 8 MR. SATTERLEY: Okay. Well I
 9 appreciate that counsel. I was just asking Mr.
 10 Pigg.
 11 BY MR. SATTERLEY:
 12 Q. You didn't happen to bring a copy of the
 13 documents here with you today?
 14 A. No.
 15 Q. Okay. So when we go through the
 16 documents I may have to spend a little bit more time
 17 just going through and understanding where they came
 18 from?
 19 A. Sure.
 20 Q. And how you got them.
 21
 22 MR. ARTABANE:

Page 46 1 ROUGH DRAFT, NOT EDITED 2 MR. COOK: If I could interject 3 while we have a moment Exhibit 2 it seems it's 4 noticed for 1 p.m. for the international Chrysotile 5 institute or international Chrysotile association 6 are we doing both depositions at one time. 7 MR. SATTERLEY: I would prefer to 8 do them together and I think counsel. 9 MR. COOK: I'm agreeable I just 10 want to make sure we're not going to go back and 11 rehash. 12 MR. ARTABANE: That was my 13 understanding. 14 MR. SATTERLEY: I think we might 15 confer prior to this so in the interest of time 16 everybody has agreed we'll do them altogether since 17 he's the same person for both situations it makes 18 sense to just is have one deposition. 19 MR. COOK: I agree it I only raise 20 it because of the different times on the notices. 21 MR. SATTERLEY: Okay. 22 MR. COOK: Thank you.	Page 48 1 ROUGH DRAFT, NOT EDITED 2 institute? 3 A. About. 4 Q. And do you know why they changed the 5 name? 6 A. Well for one reason of course asbestos 7 just a commercial or generic name and by that time 8 there certainly there was no amphiboles commercially 9 produced in the world. Primarily it was Crocidolite 10 and Amosite which came from South Africa and those 11 mines closed in the early '90s and of course there 12 were more scientific studies coming on the horizon 13 which made a distinction between Chrysotile and the 14 amphiboles and in Canada of course only Chrysotile 15 was produced. That was certainly a part and 16 possibly the primary reasons that the name was 17 changed to more technically and correctly reflect 18 the institute rather than the word asbestos. 19 Q. Were you involved in the decision to 20 change the name from asbestos to Chrysotile 21 institute? 22 A. Not at all.
Page 47 1 ROUGH DRAFT, NOT EDITED 2 BY MR. SATTERLEY: 3 Q. All right. The asbestos institute I'm 4 still struggling with some of these? 5 A. Okay. 6 Q. Various names. 7 You've indicated the Chrysotile 8 institute, the asbestos institute and the ICA. 9 Those are three different associations? 10 A. The asbestos institute became the 11 Chrysotile institute when it was first organized in 12 Montreal with the federal government of Canada the 13 provincial government of the Quebec the industry and 14 labor it was the asbestos institute. I think it was 15 formed about 1980 maybe 1982, '84 and then 16 subsequently around 2000 they changed the name to 17 the Chrysotile institute. So that's one entity and 18 then the other entity is the asbestos international 19 association which became the international 20 Chrysotile association in January 2005. 21 Q. In 2000 you said they changed the name 22 from the asbestos institute to the Chrysotile	Page 49 1 ROUGH DRAFT, NOT EDITED 2 Q. Were you at any meetings? 3 A. No. 4 Q. Okay. Did you have any conversations 5 with the people that made the decision to change the 6 names? 7 A. No. 8 Q. Do you know who -- who it was that made 9 the decision to change the name? The name wise? 10 A. The main one would have been Mr. John 11 Duprey who is now deceased who was the chairman. 12 Q. Anybody else by name? 13 A. Possibly Mr. Clement Godbout who 14 subsequently became the chairman of the institute. 15 Q. He's still living correct? 16 A. Yes. 17 Q. Is he -- he's a part of the 18 international Chrysotile association? 19 A. No. 20 Q. He's not? 21 A. He was the chairman. 22 Q. And?

Page 50 1 ROUGH DRAFT, NOT EDITED 2 A. Mr. Leblond succeeded him in 2011. 3 Q. Okay. And so did he resign his 4 involvement with the international Chrysotile 5 association? 6 A. No, he didn't. He's just not the 7 chairman. 8 Q. Okay. 9 A. I think he is a consultant but he's not 10 an officer. 11 Q. Let me ask you if show you Exhibit 3? 12 (Document marked Exhibit 3.) 13 THE WITNESS: Uh-huh. 14 BY MR. SATTERLEY: 15 Q. And ask you is that the person we're 16 talking about? 17 A. Yes. 18 Q. And what's his name again? 19 A. Clement Godbout. 20 Q. And he was the president of the 21 Chrysotile institute? 22 A. Yes.	Page 52 1 ROUGH DRAFT, NOT EDITED 2 A. That was one of the places that I met 3 him. 4 Q. And you spoke at that conference 5 correct? 6 A. Yes. 7 Q. And several people spoke at the 8 conference correct? 9 A. Yes. 10 Q. And that was -- the name of the 11 conference what was it called the international 12 conference on Chrysotile? 13 A. I I don't recall the name. It was -- I 14 honestly don't recall the name of the conference. 15 Q. Okay. 16 A. It was in the queen Elizabeth hotel in 17 Montreal. 18 Q. And at the conference was one of the 19 purposes of that conference in 2006 to once again to 20 promote the safe use of Chrysotile asbestos? 21 A. Well, at least to expound on the current 22 literature or studies that or opinions of various
Page 51 1 ROUGH DRAFT, NOT EDITED 2 Q. And for how many years? 3 A. Approximately approximately eight to 10 4 years. 5 Q. And where is he located now? 6 A. In the suburbs of Montreal. 7 Q. And you've personally met with him in 8 the past? 9 A. Yes. 10 Q. I want to show you Exhibit 4 and ask you 11 if you know who's depicted in that photograph? 12 (Document marked Exhibit 4.) 13 THE WITNESS: That's David 14 Bernstein. 15 BY MR. SATTERLEY: 16 Q. Okay. And is David Bernstein someone 17 you mentioned you met him on a couple of occasions? 18 A. Yes. 19 Q. Okay. And did you meet him -- there was 20 a conference back in 2006 was there not? 21 A. Yes. 22 Q. And you?	Page 53 1 ROUGH DRAFT, NOT EDITED 2 scientists like I think his name was David 3 Paustenbach spoke on brakes. 4 Q. Uh-huh. 5 A. Because he had published a recent study 6 on brake linings. 7 Q. Uh-huh. 8 A. There were other scientists there. May 9 Georgia view or some scientist from the northwest. 10 Q. Uh-huh. Washington? 11 A. Yes. 12 Q. Washington state? 13 A. Yes. 14 Q. As opposed to DC? 15 A. Yes, I'm sorry. 16 Q. Okay. 17 A. I don't remember his exact name but 18 Bernstein. 19 Q. And? 20 Q. Let me go through them? 21 A. Okay. 22 Q. Just so I can set forth a few of the

Page 54 1 ROUGH DRAFT, NOT EDITED 2 folks who participated in the Chrysotile conference 3 I'm going to show you Exhibit 5 and ask you if you 4 know Dr. Hans Weill? 5 (Document marked Exhibit 5. ? . 6 (. 7 THE WITNESS: Yes, I do. 8 BY MR. SATTERLEY: 9 Q. And he spoke at the conference correct? 10 A. Yes, he spoke on the declining use of 11 mesothelioma may. 12 Q. And with regards? 13 A. The declining amount of mesothelioma in 14 the US. 15 Q. Okay. Dr. Weill you know him also back 16 in the '70s and '80s correct? 17 A. Yes. 18 Q. And how did you know him before? 19 A. He spoke at our various conferences. We 20 back in then we would have conference and he would 21 speak occasionally. 22 Q. Was he a medical consultant for the AIA	Page 56 1 ROUGH DRAFT, NOT EDITED 2 Q. That is your understanding? 3 A. That's my understanding. 4 Q. Number 6 is a photograph of somebody I 5 think you mentioned earlier? 6 (Document marked Exhibit 6. ?) 7 BY MR. SATTERLEY: 8 Q. Is that Dennis Paustenbach? 9 A. If you didn't have his name I wouldn't 10 know because I only met him once but I'll take for 11 granted that is him. 12 Q. (Laugh). 13 If we go to a website the Chrysotile we 14 typed in Chrysotile institute there's information on 15 there still today? 16 A. Yes. 17 Q. With pictures right? 18 A. Today. 19 Q. And the pictures of the various people 20 that spoke at this at this conference correct? 21 A. I -- well I haven't seen it on the 22 website but I take your word that it could be there.
Page 55 1 ROUGH DRAFT, NOT EDITED 2 of North America? 3 A. For a short time yes. 4 Q. And when was that? 5 A. My guess would be about '76 to '78. 6 Q. Okay. 7 A. It was not very long. 8 Q. All right. Do you know why he whenever 9 he I guess stopped being a consultant for the AIA 10 why that occurred? 11 A. To the best of my knowledge it was 12 simply because he wanted to show that his work and 13 interest in the studies and whatnot he was involved 14 in from Tulane were were not connected at all with 15 the industry and, I mean, it was his decision to 16 resign his as a consultant. 17 Q. Because he wanted to demonstrate that he 18 wasn't connected to industry? 19 A. Yes. 20 MR. COOK: Objection. Assumes 21 facts calls for speculation outside testimony. 22 BY MR. SATTERLEY:	Page 57 1 ROUGH DRAFT, NOT EDITED 2 Q. And? 3 A. But the website is still up. 4 Q. Sure? 5 A. And running. 6 Q. And there's videos there the video 7 presentations that were made right? 8 A. I have no knowledge of that. I have 9 never gone to the Web. 10 Q. All right. 11 A. Website to check out the company. Since 12 I was there for the conference. 13 Q. So you only met Dennis Paustenbach on 14 that one occasion? 15 A. Correct. 16 Q. And but you mentioned that he did some 17 study with regards to asbestos and brakes? 18 A. Yes. 19 Q. Okay. And is that the reason why he 20 spoke at that conference? 21 A. Yes,. 22 Q. Exhibit 7 that's a photograph of you

Page 58 1 ROUGH DRAFT, NOT EDITED 2 from giving your speech at that conference correct? 3 A. Correct. 4 (Document marked Exhibit 7.) 5 BY MR. SATTERLEY: 6 Q. And you were identified as the president 7 of the AIA of North America? 8 A. Correct. 9 Q. Okay. A few other folks here just so 10 that we understand some of the people involved. 11 (Document marked Exhibit 8.) 12 BY MR. SATTERLEY: 13 Q. Who is this person here Exhibit 8? 14 A. It says John Hoskins but I have no 15 knowledge of ever ever meeting Dr. Hoskins. I know 16 he's a toxicologist in the UK. 17 Q. Okay. Did so what I here you saying is 18 you don't have any knowledge of meeting him in the 19 past? 20 A. No. 21 Q. Okay. 22 A. I do not. I mean, I it's possible that	Page 60 1 ROUGH DRAFT, NOT EDITED 2 MR. COOK: Objection. Vague. 3 THE WITNESS: I don't know. 4 BY MR. SATTERLEY: 5 Q. Sure. Sure. 6 A. All I can answer is for myself. 7 Q. Sure. 8 A. I have never investigated if I can put 9 that in quotes to find out the qualifications of Dr. 10 Hoskins. I can -- I can only speak for myself. 11 Q. Sure. And you're speaking for yourself 12 but you've also been produced to be examined and 13 questioned about ICA? 14 A. Yes. 15 Q. Okay. And so I guess what I'm trying to 16 understand on behalf of ICA, are you aware of any 17 investigation or research that the ICA did on John 18 Hoskins to determine his qualifications to look at 19 whether people die from breathing Chrysotile? 20 MR. COOK: Objection. Beyond the 21 scope of the notice. 22 THE WITNESS: I would assume that
Page 59 1 ROUGH DRAFT, NOT EDITED 2 I may have. 3 Q. Okay. 4 A. But I have no knowledge of, no. 5 Q. I take it that you on behalf of the 6 international Chrysotile association never 7 researched his qualifications, education or 8 experience in the past; correct? 9 A. No. 10 Q. Never had a reason to do so correct? 11 A. No. I know he's published -- published 12 a study on I think on asbestos cement products. I 13 can't remember the name of the study but I've never 14 researched. 15 Q. Sure. 16 A. Anything about him no. 17 Q. I mean, do you know if anybody on behalf 18 of the international Chrysotile association did 19 research on Mr. Hoskins at any point in time prior 20 to the publication this year about Chrysotile you 21 know the Chrysotile revisited article? 22 A. Yeah.	Page 61 1 ROUGH DRAFT, NOT EDITED 2 his published studies would make him, you know, 3 certainly a person that you would want to hear if 4 you were talking about Chrysotile because his -- his 5 studies certainly promote the safe use. 6 BY MR. SATTERLEY: 7 Q. Uh-huh. 8 A. Policy that Chrysotile can be used 9 safely. So. 10 Q. So I understand you're saying because 11 his published studies in the past have promoted the 12 use of of Chrysotile that in your view makes him 13 qualified to be an author on this paper? 14 MR. COOK: Objection. Misstates 15 testimony. 16 THE WITNESS: I. 17 MR. COOK: Beyond the scope of the 18 notice. 19 THE WITNESS: I -- I can't speak. 20 BY MR. SATTERLEY: 21 Q. Okay. 22 A. About any of the authors of the paper.

Page 62 1 ROUGH DRAFT, NOT EDITED 2 Q. Sure. Including Mr. Bernstein right? 3 A. Correct. 4 Q. Okay. 5 A. I mean. 6 Q. And I guess what I'm trying to figure 7 out is did -- 8 A. But if you -- may I -- if I may I just 9 add if you were going to do a study you'd want 10 people that are familiar with the topic. 11 Q. Sure. 12 A. That's all I -- just as a layman in 13 viewing the situation. 14 Q. Uh-huh. 15 A. You would want somebody that would know 16 what they were talking about and familiar with the 17 -- with the studies. 18 Q. Sure. I understand? 19 A. That's all. 20 Q. So did the ICA -- because you've been a 21 recipient of many e-mails and things from Mr. 22 Bernstein and other folks related to this study	Page 64 1 ROUGH DRAFT, NOT EDITED 2 THE WITNESS: (Laugh). 3 BY MR. SATTERLEY: 4 Q. So let's get back on track? 5 A. There you go. 6 Q. So I guess what I'm trying to figure out 7 is did somebody on the behalf of the international 8 Chrysotile association do an independent review to 9 get an objective set of scientists to look at the 10 Chrysotile health issue? 11 MR. COOK: Objection. Vague. 12 Calls for speculation. Beyond the scope of the 13 notice. 14 THE WITNESS: As I said earlier 15 the initiation of the study was done by the 16 Chrysotile institute. 17 BY MR. SATTERLEY: 18 Q. Okay. 19 A. Not ICA. So I can't answer for them. 20 Q. So as you sit here today you can't 21 describe the process by which this research began? 22 A. No.
Page 63 1 ROUGH DRAFT, NOT EDITED 2 correct? 3 A. Well, not to the study. I mean, on his 4 -- on payment of the bills. 5 Q. Okay. 6 A. But not -- not -- not a lot of e-mails 7 relayed to the study. 8 Q. Did? 9 THE VIDEOGRAPHER: Excuse me 10 counselor you have five minutes left on the tape. 11 MR. SATTERLEY: On this shape you 12 got another tape. 13 MR. COOK: 14 THE VIDEOGRAPHER: Oh, yes. 15 MR. SATTERLEY: Okay. 16 MR. COOK: 17 THE VIDEOGRAPHER: Nine hours. 18 BY MR. SATTERLEY: 19 Q. Okay. You thought you were going to get 20 out of here quickly didn't you? 21 MR. COOK: This wasn't a 22 suggestion.	Page 65 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. And I guess the reason why I ask 3 is: It wasn't a situation where the international 4 Chrysotile association sent out letters to a bunch 5 of universities to invite them to submit proposals 6 to the ICA? 7 MR. COOK: Objection. Asked and 8 answered. 9 BY MR. SATTERLEY: 10 Q. Correct? 11 A. ICA hasn't done, I mean, what the -- 12 what the institute did I don't know. 13 Q. All right. In your review of all the 14 documentation for the ICA over the last several 15 years? 16 A. Yeah. 17 Q. Have you seen any documentation Mr. 18 Pigg, that would indicate that someone in creating 19 this publication the Chrysotile? 20 A. Revisited. 21 Q. Revisited publication sent out letters 22 to universities around the world soliciting bids or

1 ROUGH DRAFT, NOT EDITED
 2 soliciting research from various universities?
 3 A. I have no knowledge of anything like
 4 that.
 5 Q. All right. In in reviewing looking for
 6 documents both individually on behalf of the ICA
 7 have you received any grant proposals from anybody?
 8 A. No.
 9 Q. Do you know what a grant proposal is?
 10 A. Basically. I'm not familiar
 11 specifically with it but.
 12 Q. Sure.
 13 A. I...
 14 Q. What's your basic understanding of a
 15 grant proposal?
 16 A. I assume a grant is a -- would be a
 17 specified amount of money to do a specified work.
 18 Q. Okay. Sure. So, for example, if the
 19 government wanted to hire scientists say the United
 20 States government?
 21 A. Yeah.
 22 Q. Wanted to hire scientists to investigate

1 ROUGH DRAFT, NOT EDITED
 2 a certain issue, they could fund that research and
 3 say all right we're going to spend \$100,000?
 4 A. Right.
 5 Q. Or \$200,000?
 6 A. Yeah.
 7 Q. And for and that's going to be a grant
 8 issued to a university?
 9 A. Right.
 10 Q. Okay. Now did the ICA issue any grants
 11 regarding to research to any universities?
 12 A. No.
 13 Q. Did ICA issue any grants as it relates
 14 to any scientists?
 15 A. No.
 16 Q. One other thing and we'll -- we'll take
 17 a break?
 18 A. Now as I said I don't know about the
 19 Chrysotile institute.
 20 Q. Okay.
 21 A. I'm only speaking for ICA.
 22 Q. If I want to go to the Chrysotile

1 ROUGH DRAFT, NOT EDITED
 2 institute, did you say they still exist?
 3 A. No, they closed March of 2012.
 4 Q. And who was the last person that was in
 5 charge of the Chrysotile institute?
 6 A. Mr. Godbout.
 7 Q. Who?
 8 A. Mr. Godbout.
 9 Q. And he's located you said?
 10 A. In the suburbs of Montreal.
 11 Q. So I have to go to Canada?
 12 A. Yes.
 13 Q. To try to find that out?
 14 A. Yes.
 15 Q. Okay. The last before we take a break
 16 the last Exhibit, Exhibit 9 is another individual I
 17 got from the conference the 2000?
 18 (Document marked Exhibit 9.)
 19 BY MR. SATTERLEY:
 20 Q. Do you know who that is?
 21 A. I know the name. I -- I've seen the
 22 gentleman and I think I heard him speak.

1 ROUGH DRAFT, NOT EDITED
 2 Q. Okay.
 3 A. But I don't know him.
 4 Q. Was he the head of the Russian
 5 occupational health institute?
 6 A. He may be. I don't know.
 7 Q. Okay. If we went to your -- the website
 8 that had the conference on?
 9 A. Yeah.
 10 Q. The Chrysotile institute and it listed
 11 him you wouldn't have any reason to disagree with
 12 that?
 13 A. No, I would not.
 14 Q. Okay. Let's do this. Let's change the
 15 tape and take a break for five or 10 minutes.
 16 A. Okay.
 17 Q. Okay?
 18 THE VIDEOGRAPHER: Going off
 19 record at the end of tape 1 disk 1 at 11:08:23.
 20 (Recess taken - 11:07 a.m.)
 21 THE VIDEOGRAPHER: Back on record.
 22 Tape disk 2. Of Bobby Joe Pigg.

Page 70 1 ROUGH DRAFT, NOT EDITED 2 BY MR. SATTERLEY: 3 Q. Mr. Pigg I want to show you Exhibit 10. 4 And ask you you mentioned a fellow's name earlier? 5 A. That's the name I was trying to recall. 6 Q. Moolgavkar -- Moolgavkar and you said he 7 was one of the speakers at the Chrysotile 8 conference? 9 A. Yes, he was. 10 (Document marked Exhibit 10) (. 11 BY MR. SATTERLEY: 12 Q. And did you meet him there? 13 A. I remember I sat next to him for dinner. 14 Q. Okay. And did you become familiar with 15 his any of his qualifications? 16 A. No. 17 Q. For example, is he a medical doctor? 18 A. It says here he's a Ph.D. 19 Q. Okay. 20 A. I don't know. 21 Q. All right. Any of the folks that 22 attended the conference in 2006 did you know if any	Page 72 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. That's what this exhibits says. 3 Have you since this conference in 2006 4 have you met this fellow? 5 A. I saw him one time. There was a meeting 6 in Washington that that he spoke. 7 Q. Washington state? 8 A. No, no. Washington, DC. 9 Q. Okay. 10 A. Now he -- I don't know what company he 11 said he was representing. It -- oh, the meeting was 12 about EPA's looking at their risk assessment. 13 Q. Okay. 14 A. It was done by Dr. Nicholson back in 15 1986. 16 Q. Uh-huh. 17 A. And the EPA, a part of EPA was thinking 18 of reevaluating the risk assessment in order to make 19 the distinction between fiber types between 20 Chrysotile and the amphiboles and he was -- he spoke 21 at this meeting at the I forget the hotel near 22 Dupont Circle.
Page 71 1 ROUGH DRAFT, NOT EDITED 2 of the speakers the people that actually talked, did 3 they ever get involved with like treating or caring 4 for somebody suffering from mesothelioma that? 5 MR. COOK: Objection. Calls for 6 speculation. 7 MR. ARTABANE: If you know. 8 THE WITNESS: I don't know. 9 BY MR. SATTERLEY: 10 Q. You don't know? 11 A. No. 12 Q. Any any of the authors of the people 13 that wrote this Chrysotile revisited article in 2013 14 do you know if any of those folks were were treating 15 or caring for people with people suffering from 16 mesothelioma? 17 A. I don't know. 18 MR. COOK: Objection. Vague and 19 ambiguous. 20 BY MR. SATTERLEY: 21 Q. I'm sorry? 22 A. I don't know.	Page 73 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. And you were present at that 3 meeting? 4 A. Yes. 5 Q. Okay. And Nicholson you're talking 6 about William Nicholson? 7 A. Yes. 8 Q. And in 1986 William Nicholson did a 9 review of Chrysotile? 10 A. Well, no he did -- he did a study. 11 Q. Uh-huh. 12 A. For EPA which was published as an EPA 13 risk assessment. 14 Q. Sure. 15 A. Document. 16 Q. Which included Chrysotile? 17 A. Yes. 18 Q. Okay. And was there this meeting was 19 that about -- about nine or 10 years ago? 20 A. No. It was about three years ago. 21 Q. Three years ago? 22 A. Yes.

Page 74 1 ROUGH DRAFT, NOT EDITED 2 Q. And who put this meeting on? 3 A. The EPA. 4 Q. Okay. 5 A. EPA. 6 Q. Okay. 7 A. And it was a public meeting for. 8 Q. At a hotel? 9 A. They had a committee that was listening 10 of about 30 people from all over. Julian Peto for 11 one and about 30 members of this committee that was 12 reviewing what had been put together by EPA as a 13 proposal to revise or update the risk assessment 14 study. 15 Q. And were you there as a representative 16 of the ICA or the AIA North America? 17 A. AIANA. I didn't participate. I was 18 just a. 19 Q. Sure. 20 A. Listener. 21 Q. Sure. And also as you said earlier 22 you're not a scientist?	Page 76 1 ROUGH DRAFT, NOT EDITED 2 city. 3 Q. And so how long have you known him? 4 A. Probably 30 years. 5 Q. Heck that would put us all the way back 6 in the '80s. 7 You knew him back in the '80s? 8 A. Uh-huh. Yes. 9 Q. Okay. And has he been a long time 10 investigator of the Chrysotile issue? 11 A. Yes. 12 Q. Okay. And has he published on the fact 13 that Chrysotile certain health issues? 14 A. Well, he's one of the coauthors on the 15 revisited study and and I'm -- I don't know all of 16 his background but I'm sure -- I'm sure there are 17 quite a few studies that he's, you know, been 18 involved in. 19 Q. Do you know who selected him to be a 20 coauthor of this revisited paper? 21 A. No, I do not. 22 Q. Do you -- you don't know the process by
Page 75 1 ROUGH DRAFT, NOT EDITED 2 A. No. 3 Q. You have no technical expertise? 4 A. No. 5 Q. With regards to which fibers could cause 6 which disease or anything like that? 7 A. No. 8 Q. Okay. Let's see what else we have here. 9 I have what I marked as Exhibit 11? 10 (Document marked Exhibit 11.) 11 BY MR. SATTERLEY: 12 Q. It's a photograph of an individual do 13 you know that person? 14 A. Yes, I do. 15 Q. And who is that? 16 A. That's Dr. Jacques Dunnigan. 17 Q. And how do you know that person? 18 A. Well, he's he's been a speaker at 19 various conferences that I've attended. He used to 20 be on the faculty of the University of Sherbrooke 21 and he still lives in a suburb of Sherbrooke Canada 22 which is between Montreal and Thetford mines Quebec	Page 77 1 ROUGH DRAFT, NOT EDITED 2 which any of the authors were selected? 3 A. I do not. 4 Q. How would you -- if you want to find 5 that out how these people were selected to be 6 authors of this paper what would you do? 7 A. Well, I would ask Dr. Bernstein. 8 Q. Okay. 9 A. I didn't know who they were until I saw 10 the study published. 11 Q. Sure. So as far as you know Bernstein 12 would be the Bernstein to talk to to find out what 13 process if any occurred to figure out who could be 14 the coauthors? 15 MR. COOK: Objection. Calls for 16 speculation. 17 THE WITNESS: Yes. 18 BY MR. SATTERLEY: 19 Q. Okay. Have you read the revisited 20 paper? 21 A. No. I scanned it. 22 Q. Okay.

1 ROUGH DRAFT, NOT EDITED
 2 A. I've read the abstract.
 3 Q. All right. I guess then you couldn't
 4 figure out or tell us which of these coauthors
 5 participated and which sections of the paper or
 6 anything like that?
 7 A. No.
 8 Q. You don't you can't even say whether any
 9 of the coauthors did any work?
 10 A. No, but I -- with their names on it I
 11 would assume.
 12 Q. Sure. Somebody could?
 13 A. (Laugh).
 14 Q. Could put their names on it but as far
 15 as what work was done you don't know correct?
 16 A. I don't. No, I do not.
 17 Q. And all the funding, all the monies that
 18 were paid were paid directly to Bernstein?
 19 A. No. Some some money was paid to Dr.
 20 Dunnigan.
 21 Q. Okay. So when we get down to the
 22 invoices we'll be able to figure out?

1 ROUGH DRAFT, NOT EDITED
 2 A. Yeah.
 3 Q. How much went to Bernstein how much went
 4 to Dunnigan?
 5 A. I think Dunnigan was in the neighborhood
 6 of \$35,000 something like that.
 7 Q. And how much roughly to Bernstein?
 8 A. 200.
 9 Q. 200,000?
 10 A. Yes.
 11 Q. Over the two?
 12 A. Three years.
 13 Q. Well when did it begin?
 14 A. For ICA payments began in 2010, 2011,
 15 2012.
 16 Q. Okay. And nothing in 2013?
 17 A. No.
 18 Q. Okay. And that doesn't include any
 19 money that the Chrysotile institute would have paid
 20 him?
 21 A. Correct.
 22 Q. Okay. We'll set -- by the way this

1 ROUGH DRAFT, NOT EDITED
 2 Dunnigan he's located up in Canada correct?
 3 A. Yes.
 4 Q. Okay. Does he -- does he come down to
 5 the United States from time to time?
 6 A. No.
 7 Q. He doesn't?
 8 A. I don't.
 9 Q. You've always had to go to Canada to
 10 meet with him or around the world?
 11 A. I don't go up to meet them I just I just
 12 know who he is.
 13 Q. Sure.
 14 A. And but I haven't -- I haven't seen him
 15 in I don't know two or three years.
 16 Q. Okay. But all your instances where
 17 you've interacted with him personally in person
 18 would be in Canada?
 19 A. Yes.
 20 Q. Okay.
 21 A. Pardon?
 22 Q. Do you need to meet?

1 ROUGH DRAFT, NOT EDITED
 2 A. Ask me the question again.
 3 Q. Sure. I said all the occasions you have
 4 met with him has it all been up in Canada and I
 5 think your counsel indicated?
 6 A. Oh, well he -- he's -- I'm sure he's
 7 been to the States at some point in time and may be
 8 -- I was trying to think of another conference in
 9 another place.
 10 Q. Yeah and that's --
 11 A. Most -- most -- most of the meetings
 12 have been in Canada.
 13 Q. Sure. Sure. And I guess what I'm
 14 trying to figure out it's not a situation?
 15 A. Yeah.
 16 Q. Where he came down he was a part of like
 17 the EPA board?
 18 A. Oh, no no no.
 19 Q. Or the government OSHA evaluations?
 20 A. No.
 21 Q. Or EPA or anything like that?
 22 A. No.

Page 82 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. Now with regards from the ICA 3 standpoint you would agree that it would be improper 4 for authors to put their names on the paper if they 5 didn't do any work on it? 6 MR. COOK: Objection. Lacks 7 foundation. Calls for speculation. Vague and 8 ambiguous. 9 THE WITNESS: 10 THE WITNESS: Well, I. 11 MR. ARTABANE: If you know. 12 THE WITNESS: I just I can't 13 conceive of a reputable scientist not doing the 14 right thing. At least have some. 15 BY MR. SATTERLEY: 16 Q. Sure. 17 A. Contribution to the study. 18 Q. Did? 19 A. I just -- I can't conceive that with a 20 reputation that they have. Some of the -- I don't 21 know all the coauthors but Dr. Gibbs is a known as 22 an international scientist. I can't conceive of him	Page 84 1 ROUGH DRAFT, NOT EDITED 2 saying that would be misleading if that did occur 3 right? 4 MR. COOK: Objection. Lacks 5 foundation. 6 THE WITNESS: You're asking me 7 something that I don't know the answer to. 8 BY MR. SATTERLEY: 9 Q. All right. 10 A. I mean, I don't know that it would 11 necessarily be. 12 Q. Go ahead. I'm sorry. 13 A. I don't know that it would be 14 necessarily misleading. If my counsel Mr. Artabane 15 asked me my opinion about something on a memorandum 16 that he's written could I -- could we sign it 17 jointly. I trust him enough that I'd say yes. 18 Without reading it. 19 Q. Okay. 20 A. I just use that as an example. 21 Q. Sure. Okay. . So from your perspective 22 if you trust somebody, trust somebody else in the --
Page 83 1 ROUGH DRAFT, NOT EDITED 2 not making some contribution to that study. 3 Q. You? 4 A. And putting his name on it. 5 Q. You said the right thing. 6 You would agree with me that it wouldn't 7 be the right thing to do from your perspective as 8 the treasurer and an officer of the ICA to put your 9 name on a study and actually not contribute to it? 10 MR. COOK: Objection same 11 objection as before. 12 THE WITNESS: I would not. 13 BY MR. SATTERLEY: 14 Q. That would be -- that would be wrong? 15 A. Yes. 16 MR. COOK: Same objection. Calls 17 for moral judgment. 18 BY MR. SATTERLEY: 19 Q. And that would be misleading for folks 20 if if that occurred would it not be? 21 A. But I don't think it did occur. 22 Q. I understand your opinion and but I'm	Page 85 1 ROUGH DRAFT, NOT EDITED 2 and you know them you feel comfortable putting -- 3 that it would be okay to put the name on it without 4 even reading it? 5 MR. COOK: Objection. Vague and 6 ambiguous. 7 MR. ARTABANE: He didn't say that. 8 MR. COOK: Lacks foundation. 9 Calls for speculation and incomplete hypothetical. 10 BY MR. SATTERLEY: 11 Q. Is that fair? 12 MR. COOK: Same objection. 13 THE WITNESS: That's -- the 14 question is I'm going to stop beating my wife, you 15 know. I mean, that's kind of like you're asking me. 16 BY MR. SATTERLEY: 17 Q. No, I disagree in all due respects. 18 Let me is ask the question differently? 19 A. I don't know what you're asking me to 20 say. 21 Q. So? 22 A. I mean, I'm not going to say something

Page 86 1 ROUGH DRAFT, NOT EDITED 2 that I don't think is true. 3 Q. So let me break it down this way. 4 A. Okay. 5 Q. The ICA international Chrysotile 6 association to which you're speaking on behalf of? 7 A. Yes. 8 Q. Pursuant to the subpoena funded this 9 Chrysotile revisited paper at least in part? 10 A. Yes. 11 Q. Because you said 200,000 went to 12 Bernstein, 30 some odd thousand went to Dunnigan 13 correct? 14 A. Yes. 15 Q. And there may be more funding from the 16 Chrysotile institute? 17 A. Could be. 18 Q. Okay. From -- would you be disappointed 19 as the funder of this research to learn, I'm asking 20 you hypothetically? 21 A. Yeah. 22 Q. That not all of these authors	Page 88 1 ROUGH DRAFT, NOT EDITED 2 BY MR. SATTERLEY: 3 Q. Okay. 4 A. I do not know. 5 Q. And when we dig into the -- when we dig 6 into some of these documents it would be fair to say 7 other than Bernstein and Dunnigan you didn't have 8 any interaction with any of these other folks? 9 A. None. 10 Q. Okay. And you you on behalf of the ICA 11 didn't investigate the qualifications of some of 12 these folks did you? 13 A. No. 14 MR. ARTABANE: Asked and answered. 15 MR. COOK: Objection. Lacks 16 foundation asked and answered. 17 BY MR. SATTERLEY: 18 Q. I want to ask specifically Hesterberg do 19 you know who Hesterberg is? 20 MR. COOK: Same objection. Asked 21 and answered. 22 THE WITNESS: I didn't know his
Page 87 1 ROUGH DRAFT, NOT EDITED 2 participated in writing? 3 MR. COOK: Objection. Incomplete 4 hypothetical. Assumes facts. Lacks foundation. 5 Calls for speculation. 6 THE WITNESS: Well, if -- the way 7 you characterize that you're -- you're placing -- 8 you're impugning those scientists, their motives 9 aren't you? By asking -- by asking. If I said yes 10 to your question then I'm saying that their motives 11 should be impugned? I can't say that. 12 BY MR. SATTERLEY: 13 Q. Okay. I understand. 14 So but let me ask -- ask you this. 15 Do you have any evidence, sir, at all 16 that these, all these one two three four five six, 17 seven, eight people participated in this revisited 18 paper? 19 MR. COOK: Objection. Lacks 20 foundation. 21 THE WITNESS: I have no idea how 22 -- how that was done.	Page 89 1 ROUGH DRAFT, NOT EDITED 2 name until I saw it on your letter saying he was 3 located in Little Rock. 4 BY MR. SATTERLEY: 5 Q. Okay. 6 A. I don't I don't know Dr. Hesterberg. 7 Q. And you have no communications back and 8 forth between the ICA and Hesterberg? 9 A. No. 10 Q. And no documentation that would verify 11 that the ICA did a review of who Hesterberg was? 12 MR. COOK: Objection. Asked and 13 answered. 14 THE WITNESS: No. 15 MR. COOK: He already indicated 16 the Chrysotile institute started the study. 17 MR. SATTERLEY: Counsel that's not 18 proper. Are you pro vice in this case. 19 MR. COOK: I am. 20 MR. SATTERLEY: Okay. You know 21 under California procedure you cannot try to coach 22 the witness. You can you can.

Page 90 1 ROUGH DRAFT, NOT EDITED 2 MR. COOK: I'm not coaching the 3 witness. 4 MR. ARTABANE: He's not coaching 5 the witness. The witness already testified. 6 MR. SATTERLEY: Counsel, counsel. 7 MR. COOK: He already answered 8 your question. 9 MR. SATTERLEY: I'm directing my 10 comments to counsel. 11 If you have an objection to the 12 form of the question or you have a legal objection 13 state it but don't start making speeches. Okay. 14 MR. COOK: That is hardly a 15 speech. He's already asked and answered question. 16 You've already asked it and he answered it multiple 17 times counsel. 18 BY MR. SATTERLEY: 19 Q. Robert Brown. Do you know who he is? 20 MR. COOK: Same objection. Asked 21 and answered. Outside the witness's personal 22 knowledge.	Page 92 1 ROUGH DRAFT, NOT EDITED 2 Q. All right. Do you know who Juan Velasco 3 is? 4 MR. COOK: Same objection. 5 THE WITNESS: No. 6 BY MR. SATTERLEY: 7 Q. Do you know who Raul Verarri is? 8 A. No. 9 Q. Do you know who -- we already went over 10 Hoskins? 11 A. Yes. 12 Q. And you told us about Gibbs earlier Alan 13 Gibbs? 14 A. I just know I've seen his name but I 15 never met him. 16 Q. All right. The AIA North America 17 represented the asbestos industry in North America 18 for over 35 years correct? 19 A. Correct. 20 Q. And asbestos Chrysotile asbestos has 21 been used commercially in the United States for a 22 hundred years; correct?
Page 91 1 ROUGH DRAFT, NOT EDITED 2 MR. SATTERLEY: Wait a second. 3 How that's incredibly improper, sir. How do you 4 know it's outside of his knowledge who Robert Brown 5 is? Because he hasn't answered the question about 6 Robert Brown and the record will speak for itself 7 because the record -- I have not asked a single 8 question about Robert Brown thus far. So what 9 you're doing counsel is improper and I don't I'm 10 going to request you stop doing this. Okay. 11 MR. COOK: And I would just note 12 for the record that you asked him about generally 13 about the authors and how the study was conceived 14 and he indicated it was the Chrysotile institute. 15 BY MR. SATTERLEY: 16 Q. Well, stop stop stop. Let me continue 17 on? 18 BY MR. SATTERLEY: 19 Q. Do you know who Robert Brown is? 20 A. No. 21 MR. COOK: Same objection. 22 BY MR. SATTERLEY:	Page 93 1 ROUGH DRAFT, NOT EDITED 2 A. Close to it. Yes. 3 Q. Huge quantities of Chrysotile asbestos 4 were used in many products throughout the United 5 States correct? 6 MR. COOK: Objection. Vague and 7 ambiguous. 8 THE WITNESS: Yes. 9 BY MR. SATTERLEY: 10 Q. Chrysotile is still used today in the 11 manufacture of several products correct? 12 A. Not several, no. In the US? Is that 13 the question? 14 Q. No, I didn't ask. I said Chrysotile is 15 still used today in the manufacture of several 16 products? 17 MR. COOK: Vague and ambiguous. 18 THE WITNESS: All over the world? 19 BY MR. SATTERLEY: 20 Q. Sure. 21 A. About 90 to 95 percent in asbestos 22 cement products.

Page 94 1 ROUGH DRAFT, NOT EDITED 2 Q. There's no asbestos ban in the United 3 States correct? 4 A. That's correct. 5 Q. It is the international Chrysotile 6 association one of its purposes is to prevent there 7 being a ban on Chrysotile asbestos; correct? 8 A. That's correct. As long as -- as long 9 as it's used safely, yes. 10 Q. And when you say used -- as long as it's 11 used safely what do you mean? 12 A. Well, I mean, we'll make sure that 13 exposures are low. 14 Q. And when you say exposures are low what 15 do you mean? Below the permissible exposure limit? 16 A. Yes. 17 Q. Okay. The current permissible exposure 18 limit? 19 A. Yes. 20 Q. Okay. You know that Chrysotile asbestos 21 has been banned in numerous countries around the 22 world correct?	Page 96 1 ROUGH DRAFT, NOT EDITED 2 THE WITNESS: Well, the latest 3 publication from the US geological survey and my 4 understanding is to answer your question yes but 5 apparently there's some production in Argentina of 6 which I know nothing about but... 7 BY MR. SATTERLEY: 8 Q. Slovenia they don't contribute monies to 9 the ICA? 10 A. No. 11 Q. And they banned Chrysotile asbestos? 12 MR. COOK: Objection. Outside the 13 witness's personal knowledge. 14 THE WITNESS: All those countries 15 in the European union have a ban that was effective 16 what, 2005 I think it was. 17 BY MR. SATTERLEY: 18 Q. Well they banned it in various -- the 19 bans occurred at various times around the world; 20 right? 21 A. Well, European union was one ban and 22 which became effective I think in 2005. And there's
Page 95 1 ROUGH DRAFT, NOT EDITED 2 A. Yes. 3 Q. And many of those countries around the 4 world that have banned Chrysotile asbestos do not 5 contribute funds to the ICA? 6 MR. COOK: Objection. Relevance. 7 THE WITNESS: They do not. 8 BY MR. SATTERLEY: 9 Q. Okay. For example? 10 A. And most of those countries are in the 11 European union. 12 Q. Sure. 13 A. The majority are. 14 Q. So I'm going to go through and ask you 15 some questions about funding because you are the 16 treasurer of this organization? 17 A. Okay. 18 Q. Argentina a they don't contribute any 19 money to the ICA correct? 20 A. Correct. 21 Q. And they've banned Chrysotile asbestos? 22 MR. COOK: Objection. Relevance.	Page 97 1 ROUGH DRAFT, NOT EDITED 2 an exception for the use of diaphragms for 3 Chrysotile. 4 Q. Let me move to strike as nonresponsive. 5 Let me go through a list of countries? 6 A. Okay. 7 Q. That have banned Chrysotile and see if 8 you agree with this. 9 Luxembourg? 10 A. The answer is no contribution. No -- no 11 payment. Is that your. 12 Q. Yes. 13 A. Your question? 14 Q. Sure? 15 A. The answer is no. 16 Q. And Greece? 17 MR. COOK: Same objection. 18 THE WITNESS: No. 19 BY MR. SATTERLEY: 20 Q. No contribution to? 21 A. No. 22 Q. To ICA?

Page 98 1 ROUGH DRAFT, NOT EDITED 2 A. No. 3 Q. And no no -- and they did ban? 4 A. Yes. 5 Q. Sweden? 6 MR. COOK: Same objection. 7 THE WITNESS: No contribution, ban 8 yes. 9 BY MR. SATTERLEY: 10 Q. Chrysotile is banned. 11 Malta? 12 MR. COOK: Same objection. 13 THE WITNESS: No contribution 14 banned yes. 15 BY MR. SATTERLEY: 16 Q. Iceland? 17 MR. COOK: Same objection. 18 THE WITNESS: No contribution 19 banned yes. 20 BY MR. SATTERLEY: 21 Q. New Zealand? 22 MR. COOK: Same objection.	Page 100 1 ROUGH DRAFT, NOT EDITED 2 is there discussions to try to overturn some of 3 these bans? 4 A. Not -- I haven't been there to all of 5 them but in general I would say no. I don't think. 6 I mean, once -- once the ban -- I don't know of any 7 country that's ever reversed a ban. 8 Q. Okay. Once the health officials or 9 whoever makes the determination within the state to 10 ban the product -- 11 A. Uh-huh. 12 Q. -- the Chrysotile product ICA doesn't 13 try to reverse the ban? 14 A. No. 15 Q. Okay. But you said you don't -- you 16 don't travel to the international conferences? 17 A. Not all of them no. 18 Q. Okay. Like in Rio. You didn't go to 19 Rio? 20 A. No. 21 Q. And you didn't go to Dubai? 22 A. Now I did go to Dubai.
Page 99 1 ROUGH DRAFT, NOT EDITED 2 THE WITNESS: No contribution 3 banned yes. 4 BY MR. SATTERLEY: 5 Q. South Africa? 6 MR. COOK: Same objection. 7 THE WITNESS: No contribution 8 banned yes. 9 BY MR. SATTERLEY: 10 Q. Scotland? 11 A. However I'm not certain that there's a 12 total ban in South Africa. Whether they've 13 completely done that. I don't know. 14 Q. Does the ICA have they met at various 15 places around the world for conferences? 16 A. Yes. 17 Q. Like Rio de Janero in Brazil? 18 A. Yes. 19 Q. And Dubai in the Middle East? 20 A. Yes. 21 Q. And in the meetings where the 22 international Chrysotile association gets together	Page 101 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. Let's continue on with some of 3 these countries. 4 Scotland they banned Chrysotile? 5 MR. COOK: Same objection. 6 THE WITNESS: Scotland? 7 BY MR. SATTERLEY: 8 Q. Scotland? 9 A. I never knew Scotland had a ban. The UK 10 had a ban. 11 Q. Okay. 12 A. For it which would include Scotland. 13 Q. They don't contribute? 14 A. No contribution. Ban yes. 15 Q. Okay. Germany? 16 MR. COOK: Same objection. 17 THE WITNESS: No contribution ban 18 yes. 19 BY MR. SATTERLEY: 20 Q. France? 21 MR. COOK: Same objection. 22 THE WITNESS: No contribution ban

Page 102 1 ROUGH DRAFT, NOT EDITED 2 yes. 3 BY MR. SATTERLEY: 4 Q. Slovakia? 5 MR. COOK: Same objection. 6 THE WITNESS: No contribution ban 7 yes. 8 BY MR. SATTERLEY: 9 Q. Ireland? 10 MR. COOK: Same objection. 11 THE WITNESS: No contribution ban 12 yes. 13 BY MR. SATTERLEY: 14 Q. Portugal? 15 MR. COOK: Same objection. 16 THE WITNESS: No contribution ban 17 yes. 18 BY MR. SATTERLEY: 19 Q. United Arab Emirates? UAE? 20 MR. COOK: Same objection. 21 THE WITNESS: No. No ban. 22 BY MR. SATTERLEY:	Page 104 1 ROUGH DRAFT, NOT EDITED 2 Q. Austria? 3 A. No contribution ban yes. 4 Q. Denmark? 5 A. No contribution ban yes. 6 Q. Switzerland? 7 A. No contribution ban yes. 8 Q. And by the way that's the country that 9 this Bernstein fellow lives in right? 10 A. Yes. 11 Q. And so they banned Chrysotile? 12 A. To my knowledge yes. 13 Q. Have you seen? 14 A. Well they're part they're part of the EU 15 aren't they I assume. 16 Q. Have you seen the photographs of Mr. 17 Bernstein working with Chrysotile? 18 A. No. 19 Q. Any of his animal testing? 20 A. No. 21 Q. Cypress they banned Chrysotile correct? 22 A. To my knowledge yes.
Page 103 1 ROUGH DRAFT, NOT EDITED 2 Q. No ban? 3 A. No ban. 4 Q. They didn't ban Chrysotile? 5 A. No. 6 Q. Do they contribute money to the ICA? 7 A. The company does but not the government. 8 Q. Okay. 9 A. We have a member from UAE. Dubai. 10 Q. Kuwait? 11 A. No. 12 Q. No ban? 13 A. No contribution, ban yes. 14 Q. Okay. Poland? 15 MR. COOK: Same objection. 16 THE WITNESS: No contribution. 17 Ban yes. 18 MR. COOK: Can I have a continuing 19 objection. 20 BY MR. SATTERLEY: 21 Q. Yes, you can. 22 BY MR. SATTERLEY:	Page 105 1 ROUGH DRAFT, NOT EDITED 2 Q. And they have not contributed money? 3 A. No contribution no. 4 Q. Australia? 5 A. No contribution ban yes. 6 Q. Saudi Arabia? 7 A. No contribution ban yes. 8 Q. Japan? 9 A. No contribution ban yes. 10 Q. Italy? 11 A. No contribution ban yes. 12 Q. Finland? 13 A. No contribution ban yes. 14 Q. Chile? 15 A. No contribution ban yes. 16 Q. Uruguay? 17 A. No contribution ban yes. 18 Q. Wales? 19 A. A part of the U UK. 20 Q. Any? 21 A. No contribution ban yes. 22 Q. And it's all part of the UK. UK banned

Page 106 1 ROUGH DRAFT, NOT EDITED 2 Chrysotile totally right? 3 A. Yes. 4 Q. Honduras? 5 A. No contribution ban yes. 6 Q. Czech republic? 7 A. No contribution ban yes. 8 Q. Lithuania? 9 A. No contribution ban yes. 10 Q. Latvia? 11 A. No contribution ban yes. 12 Q. Netherlands? 13 A. No contribution ban yes. 14 Q. Astonia? 15 A. No contribution ban yes. 16 Q. Norway? 17 A. No contribution ban yes. 18 Q. Spain? 19 A. No contribution ban yes. 20 Q. Hungary? 21 A. No contribution ban yes. 22 Q. Belgium?	Page 108 1 ROUGH DRAFT, NOT EDITED 2 the ICA's purpose was to try to prevent a ban of 3 Chrysotile in the United States. 4 Would that likewise be all of North 5 America? Mexico? Canada? Or just United States? 6 A. Well, AIANA represents, I mean, as far 7 as regionally. 8 Q. I see? 9 A. Would include Mexico US and Canada. 10 AIANA but there's no -- there's no activity at all 11 anymore by AIANA. 12 Q. So a few years ago I know that there was 13 some United States senators that were trying to ban 14 asbestos totally? 15 A. Yes. 16 Q. And was either the AIANA or the ICA 17 involved when that occurred? 18 A. The -- not specifically. I was 19 contacted to ask a recommendation for someone at a 20 hearing to speak and the two people that -- this was 21 what? Five years ago, four years ago. 22 Q. Several years ago?
Page 107 1 ROUGH DRAFT, NOT EDITED 2 A. No contribution ban yes. 3 Q. Ireland? 4 A. No contribution ban yes. 5 Q. I may have already said Ireland I'm 6 sorry. Northern Ireland. Northern Ireland. I'm 7 making the distinction. 8 A. Okay. No contribution ban yes. 9 Q. Okay. And then four of the most 10 industrialized states of the Brazil have also banned 11 Chrysotile correct? 12 A. I don't know. I don't know the answer 13 to that. They may have. But I'm not familiar with 14 that. 15 Q. Okay. But you have some producers of 16 asbestos from Brazil that are part of the -- of the 17 international Chrysotile association? 18 A. Only -- only one. There's only one 19 producer in Brazil. 20 Q. And who is that? 21 A. SAMA, S-A-M-A. 22 Q. Okay. And now you said that a part of	Page 109 1 ROUGH DRAFT, NOT EDITED 2 A. Yes. 3 Q. Yeah and who did you who did you 4 recommend go speak at a hearing? 5 A. The the Professor Wilson from Harvard 6 spoke and Dr. Robert Nolan from I think it's 7 Brooklyn college. 8 Q. And why did you recommend Nolan? 9 A. Because well he's familiar with the 10 literature and I had heard him -- had heard him 11 speak before. 12 Q. Where did you hear him speak? 13 A. I honestly don't remember what. So many 14 conferences but I've known Dr. Nolan for a good long 15 while. Of course he used to be at mount Sinai I 16 think. 17 Q. What did he do at mount Sinai? 18 A. I don't know. 19 Q. Algeria they banned Chrysotile correct? 20 A. I'm not -- I'm not -- off the open of my 21 head I'm not certain about that. 22 Q. Bulgaria they banned Chrysotile?

Page 110 1 ROUGH DRAFT, NOT EDITED 2 A. They may have. I don't know. 3 Q. They don't contribute to the ICA? 4 A. No no. Neither Algeria or Bulgaria. 5 Q. South Korea they banned Chrysotile? 6 A. Yes, they have banned and no 7 contribution. 8 Q. And Norway? 9 A. They have banned and no contribution. 10 Q. And Romania? 11 A. They have banned and no contribution. 12 Q. And Turkey? 13 A. I pause because I'm not certain that 14 Turkey has banned. They may have because I don't 15 think they have been accepted in the European union 16 yet but -- but they may have banned. As far as I 17 know they're not -- they're not using Chrysotile 18 anymore but officially I'm not certain that they 19 have published a ban. 20 Q. Turkey doesn't contribute to the ICA do 21 they? 22 A. No.	Page 112 1 ROUGH DRAFT, NOT EDITED 2 association North America because they participate 3 in rulemaking you would agree that was a lobbying? 4 MR. ARTABANE: Objection. He 5 never said that. And he's not qualified to make 6 that. 7 BY MR. SATTERLEY: 8 Q. All right. 9 MR. ARTABANE: You're asking for a 10 legal conclusion from a witness. 11 MR. SATTERLEY: Counsel don't yell 12 at me. 13 MR. ARTABANE: I'm not yelling you 14 at you. 15 BY MR. SATTERLEY: 16 Q. The AIANA? 17 MR. ARTABANE: In fact I virtually 18 haven't spoken the entire time. 19 MR. SATTERLEY: Okay I know the 20 tone though the AIANament. 21 MR. ARTABANE: That's my normal 22 tone and I'm not going to apologize for that.
Page 111 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. Do you know a Mr. Leblond? 3 A. Yes. 4 Q. And is he -- was he vice president of 5 the lab Chrysotile incorporated? 6 A. He was until he retired. 7 Q. And he was a director of the Chrysotile 8 institute correct? 9 A. Correct. 10 Q. And you would describe the Chrysotile 11 institute as an asbestos lobbying organization; 12 correct? 13 A. I don't -- I don't know whether their 14 purpose. I've -- I've seen in news articles mention 15 by I think Kathleen Ruff as a lobbying organization 16 but I don't know. I've never seen their bylaws. I 17 don't know whether they're that was, you know, a 18 principal purpose to lobby in the sense that we here 19 in the States, you know, define lobbying. 20 So I'm I'm giving you a partial answer 21 because I don't really know. 22 Q. The AIANA asbestos information	Page 113 1 ROUGH DRAFT, NOT EDITED 2 MR. SATTERLEY: Are you finished? 3 BY MR. SATTERLEY: 4 Q. The AI -- sir, Mr. Pigg the AIANA you 5 told us earlier participated in the rulemaking 6 process? 7 A. Uh-huh. 8 Q. Correct? 9 A. Yes. 10 Q. And by providing regulators and 11 politicians information; right? 12 A. Not politicians but -- I don't -- I 13 don't consider responding to a public rulemaking 14 lobbying. I mean, they ask for the public comments. 15 Q. Okay. 16 A. And that's what we -- what we did. 17 Q. Okay. And you provide information that 18 certainly would benefit your member companies; 19 correct? 20 A. Yes. 21 Q. And your member companies in the '70s 22 and '80s were companies that were manufacturers,

Page 114 1 ROUGH DRAFT, NOT EDITED 2 producers and sellers of asbestos products? 3 A. Correct. 4 Q. And in the '70s the AIA North America 5 didn't limit its membership to only manufacturers of 6 Chrysotile products correct? 7 A. Correct. 8 Q. Did AIA of North America ever limit 9 their membership only to manufacturers of Chrysotile 10 products? 11 A. No, because of course the amphiboles, 12 you know, Chris to light and Amosite their 13 consumption steadily and Chrysotile as well because 14 of litigation and insurance and as the consumption 15 went down and the last -- the last user of 16 Chrysotile so far as I know would have been in the 17 AC pipe industry which terminated about 1991. 18 Q. Move to strike as nonresponsive the last 19 portions of that response. 20 For example, if a company made products 21 in New Jersey and the products happened to include 22 Chris to light and they also make Chrysotile	Page 116 1 ROUGH DRAFT, NOT EDITED 2 identify? 3 (Document marked Exhibit Exhibit 4 12.) 5 BY MR. SATTERLEY: 6 Q. Exhibit 12 is a document that's been 7 Bates stamped ICA Pigg 1 through 15. I'm going to 8 hand this to you Mr. Pigg. What is No. 12? 9 A. That's the bylaws of ICA. 10 Q. And are those documents that you 11 gathered in response to the subpoena to the ICA? 12 A. Yes. 13 Q. And those documents were created and 14 kept in the normal course of business of the ICA? 15 A. Yes. 16 Q. And those were produced in response to 17 the subpoena? 18 A. Yes. 19 Q. And you verify that Exhibit 12 is a true 20 and accurate copy of the -- of the bylaws? 21 A. Yes. 22 Q. Okay. And what's the date of that --
Page 115 1 ROUGH DRAFT, NOT EDITED 2 products would the AIA North America accept them as 3 members because they make two different asbestos 4 containing products? 5 A. Yes. 6 Q. All right. And you do know that Union 7 Carbide in New Jersey made both Chrysotile and Chris 8 to light products? 9 MR. COOK: Objection. Lacks 10 foundation. 11 THE WITNESS: I did not know that. 12 BY MR. SATTERLEY: 13 Q. Have you ever read the paper of Mary 14 Jane teller on the people who died of mesothelioma 15 from the Union Carbide facility? 16 A. No. 17 Q. Have you ever talked to Dennis 18 Paustenbach about the Union Carbide employees with 19 mesothelioma? 20 A. No. 21 Q. Now let me do this. We're up to number. 22 I think we're up to number 12. Let me have you	Page 117 1 ROUGH DRAFT, NOT EDITED 2 that one? 3 A. December the 3rd, 2012. 4 Q. Have you -- did you look -- thank you, 5 sir. 6 Have you looked for bylaws or other 7 organizational documents of ICA prior to December of 8 2012? 9 A. Have I looked? 10 Q. Sure. 11 A. I don't -- this this was made by -- I 12 forget the name. Byers Casbring -- Byers Casgrain 13 law firm in Montreal. That's where all the bylaws 14 are kept. 15 Q. Okay. And? 16 A. At the head office. 17 Q. Did you -- did you have to contact 18 somebody up in Montreal to get this one? 19 A. It was -- it was sent to me as the 20 treasurer. 21 Q. Okay. In response to the subpoena? 22 A. No.

Page 118 1 ROUGH DRAFT, NOT EDITED 2 Q. Oh, you had it in your possession 3 already? 4 A. Yes. 5 Q. All right. My question is: This is 6 December of 2012. This is updated. 7 Were there other bylaws that were 8 created back in the few years ago? 9 A. Well, I'm sure -- sure there were, yes. 10 I mean, just they were updated. 11 Q. Well when you take a break your attorney 12 is taking a phone call so you need to take a break 13 for that? 14 MR. ARTABANE: No. 15 BY MR. SATTERLEY: 16 Q. Sorry you were saying there's other 17 there would be other documents? 18 A. I'm sure that the -- that was prepared. 19 Her name is Susan Harris. Susan Harris. 20 Q. And where is she located? 21 A. In Montreal with the -- she's with the 22 law firm of Byers Casgrain.	Page 120 1 ROUGH DRAFT, NOT EDITED 2 A. That's yes. 3 Q. You got to say yes or no so? 4 A. Yes. 5 Q. Okay. Sorry about that and that's 6 specifically -- specifically in the the purposes -- 7 purposes of the bylaw right? 8 A. Yes. 9 Q. And also it's to prevent the 10 irresponsible use of Chrysotile? 11 A. Yes. 12 Q. Okay. And so, for example, preventing 13 Chrysotile from being used that would expose anybody 14 to dusty fibers in the air. That's what ICA's one 15 of the purposes? 16 A. Yeah. 17 MR. COOK: Objection. Vague and 18 ambiguous lacks foundation calls for expert 19 testimony. 20 THE WITNESS: And we provide, you 21 know, information and the Chrysotile institute was 22 especially active in providing basic engineering
Page 119 1 ROUGH DRAFT, NOT EDITED 2 Q. Have you searched for any additional 3 organizational documents other than these bylaws? 4 A. No. 5 Q. Do you have any additional 6 organizational documents? 7 A. No. 8 Q. If you want to find out where other 9 organizational documents were, where would you -- 10 would you go to this lawyer? 11 A. To the main office in Montreal, yes. 12 Q. And do you know what the address is on 13 that? 14 A. 1 place villa Marie. 15 Q. Okay. 16 A. I think we state. It's in the -- what 17 counsel provided you. We gave you the address. 18 Q. And one of the purposes in the bylaws of 19 the ICA is to defend the Chrysotile industry from 20 unwarranted attacks? 21 A. Uh-huh. 22 Q. Correct?	Page 121 1 ROUGH DRAFT, NOT EDITED 2 controls, on the safe use of Chrysotile, a thick, 3 thick document and so answering your question is, 4 yes to that's a part of the mission. 5 BY MR. SATTERLEY: 6 Q. Okay. Move to strike as nonresponsive. 7 Sir, you're not here for the Chrysotile 8 institute correct? 9 A. That's correct. 10 Q. All right. So I'm talking about the 11 international Chrysotile association? 12 A. Oh, okay. 13 Q. One of its purposes is to try to prevent 14 the irresponsible use of Chrysotile? 15 A. Correct. 16 Q. And it would be the ICA's view that if 17 Chrysotile was used and created dust visible dust 18 into the air that people could see that would be an 19 irresponsible use of Chrysotile? 20 MR. COOK: Objection. Vague and 21 ambiguous. Incomplete hypothetical. Assumes facts. 22 Lacks foundation and calls for expert testimony.

Page 122 1 ROUGH DRAFT, NOT EDITED 2 THE WITNESS: 3 THE WITNESS: Well, you know, there 4 -- there may be episodic exposures where there's 5 dust but certainly the ICA through its members and 6 distribution of of literature encourages every 7 member to follow permissible exposure limits and to 8 keep -- keep the exposures low. 9 BY MR. SATTERLEY: 10 Q. Well let me ask you. 11 What is the budget the ICA budget for 12 distribution of literature? 13 A. We don't have it. There's no budget per 14 se for that. 15 Q. Well you're the treasurer right? 16 A. Yes. 17 Q. How much money does the ICA spend each 18 year to distribute? 19 A. Oh, most of the. 20 Q. Literature let me finish my question, 21 sir. 22 How much money does the ICA spend each	Page 124 1 ROUGH DRAFT, NOT EDITED 2 for that. I just don't know. 3 BY MR. SATTERLEY: 4 Q. You can't share with the folks on the 5 jury, for example, every year we spend \$100,000 or 6 \$200,000 or \$10 to try to educate the public that if 7 you get in a dusty environment with Chrysotile 8 asbestos it's dangerous? 9 MR. COOK: Objection same 10 objection as before. 11 THE WITNESS: I can't give you an 12 amount of money. I can say to you that there's been 13 a lot of documents and publications distributed from 14 the office in in Canada. Not -- not by me because 15 I'm -- it's just me as the treasurer. But a lot of 16 documents have been distributed from Canada 17 promoting the safe use. 18 BY MR. SATTERLEY: 19 Q. Objection move to strike nonresponsive. 20 Have you brought with you today or 21 produced in response to the subpoena any documents 22 from the ICA regarding its publication safety as it
Page 123 1 ROUGH DRAFT, NOT EDITED 2 year to distribute literature on ensuring that 3 there's not irresponsible use of Chrysotile 4 asbestos? 5 A. I can't give you an answer because much 6 of the literature was distributed from the office in 7 Canada rather than from me. 8 Q. But you're the treasurer aren't you? 9 A. Yes. 10 Q. Okay. Is there anybody else that's the 11 treasurer of the ICA other than you? 12 A. No. 13 Q. Okay. How much money does the ICA spend 14 each year to promote safety as it relates to 15 Chrysotile asbestos? 16 MR. COOK: Objection. Vague and 17 ambiguous. 18 THE WITNESS: I can't give you an 19 exact amount. I know that there have been -- there 20 have been technical seminars over the years where, 21 you know, people have spoken but I can't, you know, 22 I have no way of knowing an amount of money per se	Page 125 1 ROUGH DRAFT, NOT EDITED 2 relates to asbestos? 3 A. You mean have I. 4 MR. ARTABANE: Can you direct us 5 to where that was required in your document request 6 or subpoena? 7 MR. SATTERLEY: I will after 8 lunch. Yeah sure. 9 MR. ARTABANE: Okay. Because I 10 don't recall that it was there. 11 MR. SATTERLEY: Well it says a 12 category 3. 13 Research shall refer to -- I'll do 14 it now instead of after lunch. 15 Research shall refer to double any 16 article study or publication which addresses the 17 health and safety issues related to Chrysotile 18 asbestos. 19 THE WITNESS: I've got a document. 20 Excuse me just. 21 BY MR. SATTERLEY: 22 Q. Sure. Do you want to go off the record

Page 126 1 ROUGH DRAFT, NOT EDITED 2 so you can or you -- 3 A. No. 4 Q. Okay. 5 A. I'll get the document for you. 6 Q. Sure. 7 THE VIDEOGRAPHER: You want to 8 stay on video. 9 BY MR. SATTERLEY: 10 Q. Sure. That would be fine. 11 THE VIDEOGRAPHER: Going off video 12 at 11:59:25. 13 (Recess taken - 11:58 a.m. 14 THE VIDEOGRAPHER: Back on record 15 at 12:39. 12 o'clock and 39 seconds. 16 BY MR. SATTERLEY: 17 Q. Are we back on record? 18 THE VIDEOGRAPHER: We are. 19 BY MR. SATTERLEY: 20 Q. All right. You've pulled from your 21 briefcase three different things and so the first 22 one is a black book. On the back of it it's got ICA	Page 128 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. People that? 3 A. Throughout the world. 4 Q. People that pay the dues? 5 A. Yes. 6 Q. Like so if you're a member company? 7 A. You get this. 8 Q. You get a copy of this? 9 A. As many -- as many as you wanted. 10 Q. Okay. 11 A. For the -- for, you know, the plants and 12 what not. This is on basic dust control and on safe 13 use of Chrysotile. 14 Q. And so -- and I guess these went to the 15 management people in the company? 16 A. Yes. 17 Q. Okay. I mean, this wasn't sent out to 18 workers was it? 19 A. Well, it was with the idea that the 20 management of course would, you know, use it to 21 educate their workers. 22 Q. No, objection moves to strike
Page 127 1 ROUGH DRAFT, NOT EDITED 2 international Chrysotile association with a little 3 symbol above the I. Is that your also trademark? 4 A. Yes. 5 Q. And it's got Chrysotile institute with a 6 triangle above it. 7 A. Yes. 8 Q. What does this book represent? Is that 9 this thick book? 10 A. Well, it's just a compilation of 11 studies. 12 Q. And is this compilation -- who put 13 together this? 14 A. It was in Montreal. It was of the both 15 studies, you know, that were in the literature and 16 I'm sure some on the website. 17 Q. Okay. And then what else you got there? 18 A. Well, now these are both from the 19 Chrysotile institute. Now again I'm, you know, Mr. 20 Godbout was the president of the institute and was 21 chairman of ICA for, you know, at the the same -- 22 same time and these were distributed to ICA members.	Page 129 1 ROUGH DRAFT, NOT EDITED 2 nonresponsive. 3 Were these documents sent to workers? 4 A. Not by address. They were sent to -- to 5 the companies or the national associations that were 6 members who had companies within their association 7 and they were sent in in volume as many as copies as 8 they wanted. 9 Q. And this is -- these are the Chrysotile 10 institute though correct? 11 A. That's correct. 12 Q. But you're saying these documents from 13 the Chrysotile institute was given to ICA and then 14 ICA would then give it to its member companies? 15 A. That's correct. 16 Q. Okay. I'd like to mark these as the 17 next exhibits. Let's -- let me borrow the black 18 book. 19 MR. HARTLEY: That would be part 20 of it too. 21 MR. SATTERLEY: I'll mark that 22 separately. So we're up to No. 13. Pigg 13.

Page 130 1 ROUGH DRAFT, NOT EDITED 2 (Document marked Exhibit 13.) 3 BY MR. SATTERLEY: 4 Q. This is the studies published on 5 Chrysotile and it has a Table of Contents in it 6 correct? 7 A. Correct. 8 Q. And this was you said put together both 9 in conjunction with both of these organizations? 10 A. Right. And it's put together in the 11 Montreal office. 12 Q. And is this used and sent out to 13 customers or member companies? 14 A. It has been or, you know, mainly the 15 office in Montreal. You know, they get requests, 16 you know, fairly frequently for information and 17 anyone who asks and where this might be responsive, 18 they, you know, are provided with the document. 19 Q. And I see that Bernstein's name is on 20 several of these articles correct? 21 A. Yeah, that's the Caldera study and the 22 Brazil study.	Page 132 1 ROUGH DRAFT, NOT EDITED 2 THE WITNESS: No, for the revisited 3 study only. 4 BY MR. SATTERLEY: 5 Q. And so my question is do you know -- 6 have you researched how much money was paid for any 7 of these other particular studies? 8 A. No. 9 Q. Okay. 10 A. ICA didn't. I can testify that ICA paid 11 -- did not pay anything. 12 Q. Okay. But, for example, if the 13 Chrysotile institute paid him or Union Carbide paid 14 him or the lawyers paid them? 15 A. I don't know. 16 Q. You don't know. 17 Okay. Just a second. 18 Do you -- because this publication 19 Exhibit 13 ICA and Chrysotile institute are both on 20 this, this was a joint effort? 21 A. Yes. 22 Q. Okay. This is an effort to put these
Page 131 1 ROUGH DRAFT, NOT EDITED 2 Q. Well more than that. 3 A. And the biopersistence I think three of 4 them. 5 Q. One, two, three. Let me. The first six 6 studies five of the first six his name is the lead 7 author. Bernstein Bernstein Bernstein Bernstein 8 Bernstein right? 9 A. Okay. 10 Q. Do you know how much money overall was 11 spent by the Chrysotile various organizations to 12 create these articles? 13 A. No. It was just the printing of them is 14 all. 15 Q. No, I'm talking about the money paid to 16 these scientists? 17 A. Oh, none. 18 Q. None. 19 So is your testimony under oath that 20 Bernstein didn't get money? 21 MR. COOK: Objection. Outside the 22 witness's personal knowledge.	Page 133 1 ROUGH DRAFT, NOT EDITED 2 publications together like this was jointly done? 3 A. Yes. 4 MR. COOK: Objection. Vague. 5 BY MR. SATTERLEY: 6 Q. And so would you agree there was -- 7 there was a relationship at least fairly close 8 relationship between the Chrysotile institute and 9 the ICA? 10 MR. COOK: Objection. Vague and 11 ambiguous. 12 THE WITNESS: There was -- there 13 was -- I'll put it this way I wouldn't say there's 14 any official relationship but certainly the purposes 15 are similar. 16 BY MR. SATTERLEY: 17 Q. And the relationship was close enough 18 though that the Chrysotile institute would share 19 information with the ICA? 20 A. Yes. 21 Q. And would the Chrysotile institute 22 charge?

Page 134 1 ROUGH DRAFT, NOT EDITED 2 A. No. 3 Q. It would provide this information free? 4 A. Yes. 5 Q. So Exhibit 14, for example? 6 (Document marked Exhibit 14.) 7 BY MR. SATTERLEY: 8 Q. Is a Chrysotile institute book or 9 pamphlet on the basics of the Chrysotile asbestos 10 dust control that the Chrysotile institute would 11 give to the ICA? 12 A. Yes. 13 Q. Is Exhibit 14 a fair and accurate copy 14 of the -- of the safe and responsible use of 15 Chrysotile provided by the Chrysotile institute? 16 MR. COOK: Objection. 17 BY MR. SATTERLEY: 18 Q. That's what it says on it safe and? 19 MR. COOK: I was looking at the 20 top the basis of Chrysotile. 21 BY MR. SATTERLEY: 22 Q. Safe and responsible use does it not say	Page 136 1 ROUGH DRAFT, NOT EDITED 2 brochure like this regarding their Caldera asbestos? 3 A. Not to my knowledge. 4 Q. In the 1980s did Union Carbide ever 5 provide the AIA of North America with brochures on 6 the safe and responsible use of Caldera asbestos? 7 A. Not to my knowledge. 8 Q. Exhibit 15 what is this? 9 (Document marked Exhibit 15.) 10 THE WITNESS: Well, that's a 11 general manual on preventive and control measures 12 which covers a variety of items within the industry 13 about what regulations are in various countries. 14 Dust control processes, fiber monitoring, personal 15 protective equipment, medical surveillance, 16 information and training but it's a, you know, a 17 manual for specifically to be used by members within 18 the -- within the industry. 19 BY MR. SATTERLEY: 20 Q. And this manual was this a manual that 21 was received and kept in the ordinary and normal 22 course of business of the ICA?
Page 135 1 ROUGH DRAFT, NOT EDITED 2 that, sir? 3 A. That's what it says. 4 Q. And? 5 A. That's -- that's -- that is a policy 6 that the institute as well as ICA to promote safe 7 and responsible use. 8 Q. Sure. 9 A. It's kind of like a byline so to speak. 10 Q. And so this would be a fair and accurate 11 copy of the Chrysotile institute safe and 12 responsible use of Chrysotile asbestos? 13 A. But that's the primary purpose of it is 14 advising companies etc. on the basics of dust 15 control as a part of the overall policy of promoting 16 safe and responsible use of Chrysotile. 17 Q. Sure. And this would be a true and 18 accurate copy of the document that was created and 19 sent to ICA correct? 20 A. Correct. 21 Q. And in the 1970s did Union Carbide ever 22 provide the AIA with safe and responsible use	Page 137 1 ROUGH DRAFT, NOT EDITED 2 A. Well, yes, it was, I mean, we received 3 it, you know, from the institute but, I mean, I 4 pulled it out of a few publications that I had 5 personally to bring with me to show you just an 6 example of what what has been done. 7 Q. And so this was -- on the back it says 8 the Chrysotile institute correct? 9 A. Yes. 10 Q. And so you'd agree with me would you 11 not, sir, that this is a manual that was kept and 12 maintained in the ordinary course of business? 13 A. Yes. 14 Q. Okay. And what this manual has is it 15 has a detailed sections. It's got it sectioned off 16 by like chapters right? 17 A. Yes. 18 Q. Chapter 1 is Chrysotile asbestos and 19 health. And it goes through and it has various 20 different handling about waste and about personal 21 protective? 22 A. Yes.

1 ROUGH DRAFT, NOT EDITED
 2 Q. And monitoring and things of that
 3 nature?
 4 A. Yes.
 5 Q. Okay. And I'm not going to go through
 6 all this obviously?
 7 A. Yeah.
 8 Q. I just got it.
 9 But this type of information with this
 10 manual and the Table of Contents, actually Table of
 11 Contents has 12 different -- 12 different sections
 12 on it correct?
 13 A. Correct.
 14 Q. This type of manual did Union Carbide
 15 back in the '70s provide a manual like this for the
 16 AIA of North America?
 17 A. No.
 18 MR. COOK: Objection. Lacks
 19 foundation assumes facts.
 20 BY MR. SATTERLEY:
 21 Q. What about in the 1980s?
 22 A. No.

1 ROUGH DRAFT, NOT EDITED
 2 Q.
 3 MR. COOK: Same objection.
 4 BY MR. SATTERLEY:
 5 Q. This next document is we'll mark this as
 6 we're up to 16?
 7 (Document marked Exhibit 16.)
 8 THE VIDEOGRAPHER: Counsel we have
 9 about five more minutes.
 10 BY MR. SATTERLEY:
 11 Q. Okay. And up to 16 and what is this
 12 document?
 13 A. Well, it was a document that I actually
 14 received from the Montreal office and I don't know
 15 who among the authors prepared it. I just know I
 16 got it from the Montreal and it's about one of the
 17 main things is the number -- the appendix is
 18 interesting in referring to several studies but who
 19 -- who -- which one of those authors did it and
 20 distributed it, I don't know.
 21 Q. All right. You received this when you
 22 stay Montreal office you're talking about the ICA?

1 ROUGH DRAFT, NOT EDITED
 2 A. Yes.
 3 Q. And do you remember who from the
 4 Montreal office?
 5 A. Or either that or the Chrysotile
 6 institute. I don't know which one.
 7 Q. You don't which which?
 8 A. Which sent it to me.
 9 Q. Okay. Because both -- both the
 10 Chrysotile institute and the ICA have offices in
 11 Montreal?
 12 A. Right.
 13 Q. Their headquarters?
 14 A. Right.
 15 Q. They're both headquartered?
 16 A. Yes, well the institute no longer as I
 17 say closed in March of 2012.
 18 Q. But back in 2010 when this was written?
 19 A. Yeah.
 20 Q. They both existed in Montreal?
 21 A. Correct.
 22 Q. And were they nearby each other?

1 ROUGH DRAFT, NOT EDITED
 2 A. Same uh-huh.
 3 Q. Same building?
 4 A. Same building.
 5 Q. Same officers?
 6 A. Yes.
 7 Q. Same directors?
 8 A. No.
 9 Q. Okay. Who was different as far as the
 10 directors are concerned between the ICA and the
 11 Chrysotile institute?
 12 A. I don't know who the directors were of
 13 the institute. As I say it was tripartite.
 14 Government, labor, industry and. So I don't know --
 15 I don't know who -- who comprised their -- their
 16 directors.
 17 Q. Well is it fair to say that this list
 18 was sent to you so that you could share with other
 19 folks about safety as it relates to Chrysotile
 20 asbestos?
 21 A. I'd say yes. I mean, in case I've got
 22 an inquiry but I didn't make any distribution of

Page 142 1 ROUGH DRAFT, NOT EDITED 2 that. 3 Q. In the 1970s this -- this -- well let me 4 ask it this way. 5 This said on the safety in the use of 6 Chrysotile asbestos? 7 A. Uh-huh. 8 Q. It's dated November 2010 right? 9 A. Right. 10 Q. In the '70s did you ever receive any 11 memorandums from Union Carbide dealing with safety 12 and the use of Caldera asbestos? 13 MR. COOK: Objection. Assumes 14 facts not in evidence. 15 THE WITNESS: No, no. 16 BY MR. SATTERLEY: 17 Q. No. And did you say you worked for -- 18 did you work for Mr. Mereness when he was there with 19 AIA? 20 A. Yes. 21 Q. You were his assistant? 22 A. Yes.	Page 144 1 ROUGH DRAFT, NOT EDITED 2 Q. Oh, you want to keep going? 3 A. Let's keep going. 4 Q. Well any time you need to take a break 5 you just let me know okay? 6 A. Okay. Thank you. 7 Q. I don't want to deprive you of breaks 8 that's for sure. 9 Exhibit 17? 10 (Document marked Exhibit 17.) 11 BY MR. SATTERLEY: 12 Q. This is Bates numbered ICA 16 through 13 107. Page 16 through 107. 14 What is this, sir? 15 A. Those are the records of payment 16 primarily to Dr. Bernstein and a few to Dr. 17 Dunnigan. It's just the record of payment. 18 Q. And where where were those Exhibit 17 19 where were those documents located? Where did you 20 find those at? 21 A. I had them at my home which is I operate 22 from home. My home office.
Page 143 1 ROUGH DRAFT, NOT EDITED 2 Q. How long were you Mr. Mereness 3 assistant? 4 A. Four years. 5 Q. What four years? 6 A. '74 to '78, 1974 to 1978. 7 Q. And in the 1980s did you at the AIA of 8 North America receive any information from Union 9 Carbide on the safety as it relates to the use of 10 Caldera asbestos? 11 MR. COOK: Same objection. 12 THE WITNESS: No. 13 BY MR. SATTERLEY: 14 Q. Okay. This -- this we'll probably come 15 back to these things. 16 Any other anything else you got in your 17 briefcase that's responsive to this subpoena? 18 A. No. 19 Q. Okay. We're I want to mark these items 20 before we take a lunch break. You want to take a 21 lunch break don't you in a little bit? 22 A. No.	Page 145 1 ROUGH DRAFT, NOT EDITED 2 Q. Sure. Did you have them in a file? 3 A. Yes. 4 Q. Okay. And was the file marked? 5 A. Yes. 6 Q. In some way? 7 What was what was it marked as? 8 A. Marked risk, risk assessment study. 9 Q. Okay. 10 A. 2010. 11 Q. All right. 12 A. And each one for the were all in. 13 Q. Sure. And so these documents would it 14 comprise all the documents that you maintained 15 relating to this risk assessment study? 16 A. Correct. 17 Q. And this would be all records you have 18 regarding the payments made for the risk assessment 19 study? 20 A. Yes. 21 Q. And as I read through these documents 22 and many points in there they indicate the amounts

Page 146 1 ROUGH DRAFT, NOT EDITED 2 that are paid correct? 3 A. Right. 4 Q. They were invoices were sent? 5 A. Yes. 6 Q. And payments? 7 A. Yes. 8 Q. Were made? 9 A. Yes. 10 Q. Okay. At no part in Exhibit 17 is there 11 any reference to grant proposals correct? 12 A. Correct. 13 Q. At no part of Exhibit 17 is there any -- 14 the word grant? 15 THE VIDEOGRAPHER: Were under a 16 minute. 17 MR. SATTERLEY: Okay. Let me just 18 finish this question. 19 BY MR. SATTERLEY: 20 Q. The word grant appears nowhere in 21 Exhibit 17? 22 A. Does not.	Page 148 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. So just -- that's what I was 3 wanting to go through. 4 It looks like on July 8, 2010, 14319.60 5 was paid to Bernstein correct? 6 Q. Identified as fees correct? 7 A. Correct. 8 Q. Is this your handwriting? 9 A. Yes. 10 Q. Okay. Then on August 18, 2010 11 additional fees were paid to Bernstein in the amount 12 of \$19,763.12 correct? 13 A. Correct. 14 Q. And then the next month on September 14, 15 2010 additional fees were paid \$11,799.91 to Mr. 16 Bernstein? 17 A. Correct. 18 Q. And then fees were paid on October the 19 12, 2010 to Mr. Bernstein \$11,066.79 correct? 20 A. Correct. 21 Q. Then the last entry on this first page 22 November 12, 2010 was it's got JD. Is that Jacques
Page 147 1 ROUGH DRAFT, NOT EDITED 2 MR. SATTERLEY: Okay. Let's 3 change the tapes. 4 THE VIDEOGRAPHER: Okay going off 5 record tape 2 disk 2. 12:16:72. 6 (Recess taken - 12:16 p.m. 7 THE VIDEOGRAPHER: Back on record. 8 Tape disk No. 3 at 12:28:32. 9 BY MR. SATTERLEY: 10 Q. So we were talking about Exhibit 17 and 11 this is some of the financial payments made to Mr. 12 Bernstein correct? 13 A. Correct. 14 Q. And so, for example, on the first page 15 Pigg 16 it's got number 16 at the bottom Bates 16 number? 17 A. Right. 18 Q. It's got various payments in 2010 to 19 David Bernstein. Do you see that? 20 A. Yes. 21 Q. And it's? 22 A. Well, the last one is is to Dunnigan.	Page 149 1 ROUGH DRAFT, NOT EDITED 2 Dunnigan? 3 A. That's correct. 4 Q. And what else I can't read your 5 handwriting there? 6 A. Well, it's contacts. I think he had a 7 business account or -- what's the word I'm looking 8 for? An LLC or, you know, for business. It was 9 called contacts JD. 10 Q. Oh, I see. 11 A. It was just his -- his business 12 identifier. 13 Q. Okay. I see and that's \$33,850? 14 A. Correct. 15 Q. And? 16 A. For May through September. 17 Q. And what's that say? It just says fees? 18 A. Yes. 19 Q. F-e-e-s? 20 A. That's fees. 21 Q. If we go to the second page there it's 22 got actually a copy of the check?

Page 150 1 ROUGH DRAFT, NOT EDITED 2 A. Right. 3 Q. Dated November 12th and that's for 4 contacts JD? 5 A. Correct. 6 Q. And that's your signature? 7 A. Correct. 8 Q. We go to the next page Pigg 18 this is a 9 letter dated September 30, 2010. 10 Is this a letter or is it an invoice? 11 A. Are you sure we're looking at the same? 12 Q. Pigg 18. It's got 18 at the bottom. 13 A. Yeah, okay. 14 Q. Is this an invoice? 15 A. That's an invoice from -- from -- from 16 Dunnigan. 17 Q. And this? 18 A. From Dr. Dunnigan yeah. 19 Q. And he's the fellow up in Canada is that 20 correct? 21 A. That's correct. 22 Q. It says for services rendered from May	Page 152 1 ROUGH DRAFT, NOT EDITED 2 Establishment of a preliminary budget. 3 Do you see that? 4 A. Yes. 5 Q. Did you ever -- did he ever share that 6 budget with you? 7 A. No. 8 Q. Did anybody on behalf of the 9 international Chrysotile association ask to see the 10 budget? 11 A. No, not that I know of. 12 Q. And then it says. 13 Selection of possible coauthors. 14 Do you see that? 15 A. Yes. 16 Q. And once again did anybody at the 17 international Chrysotile association receive 18 information about any possible coauthors? 19 A. Not that I'm aware of. 20 Q. It was -- was it the ICA's expectation 21 that Dunnigan and Bernstein would decide who else to 22 include in the study?
Page 151 1 ROUGH DRAFT, NOT EDITED 2 to September 2010 on the need to revisit the health 3 risk of Chrysotile? 4 A. Yes. 5 Q. All right. And then he describes what's 6 being done underneath there; correct? 7 A. Yes. 8 Q. First he's got. 9 Would see Godbout discussions planning 10 for the preparation of a manuscript update and 11 health risk of Chrysotile asbestos taking stock of 12 the evidence published from the mid-'90s to the 13 present contrasting with the evidence available up 14 to the mid-'90s. 15 You see that? 16 A. Uh-huh. 17 Q. Is that? 18 MR. ARTABANE: Yes. 19 BY MR. SATTERLEY: 20 Q. Did I read that correctly? 21 A. Yes. 22 Q. Okay. And he says.	Page 153 1 ROUGH DRAFT, NOT EDITED 2 A. I don't know exactly the answer to that 3 but I assume that would be the case. 4 Q. Okay. It says next with David excuse me 5 with D. Bernstein that's David Bernstein correct? 6 A. Correct. 7 Q. Discussions e-mails and telephone of the 8 preliminary outline for the manuscript, writing a 9 several six drafts, exchange of references, 10 comments, suggestions and corrections, follow-up 11 with comments from prospective coauthors. 12 Did I read that correctly? 13 A. Yes. 14 Q. And once again you did not receive any 15 of the e-mails back and forth regarding suggestions 16 or comments or corrections regarding this 17 manuscript? 18 A. Absolutely no. No. 19 Q. And it says. 20 The final draft will be presented 21 hopefully in early 2010 to select coauthors for 22 comments and acceptance of coauthorship.

Page 154 1 ROUGH DRAFT, NOT EDITED 2 Do you see that? 3 A. Yes. 4 Q. So the way I interpret that is that 5 Bernstein and Dunnigan were going to prepare a final 6 draft on this Chrysotile health risk revisited; 7 correct? 8 A. Correct. 9 Q. And they were going to take this final 10 draft in early 2010 -- early 2010 and to select 11 coauthors for comments and acceptance of 12 coauthorship? 13 MR. COOK: Objection. Assumes 14 facts. 15 BY MR. SATTERLEY: 16 Q. Is that correct? 17 MR. COOK: Objection. Assumes 18 facts. Lacks foundation. 19 THE WITNESS: Yes. 20 BY MR. SATTERLEY: 21 Q. That's what it looks like to you? 22 A. Yes.	Page 156 1 ROUGH DRAFT, NOT EDITED 2 Q. And? 3 A. I don't know how they do that. 4 Q. Sure. And you told me already earlier 5 and I understand you're not a technical person or a 6 scientist; correct? 7 A. Correct. 8 Q. And you haven't read any -- any of these 9 papers with any great detail from a scientific 10 perspective? 11 A. Absolutely not. 12 Q. And you can't vouch for the scientific 13 validity of any of these papers? 14 A. No. 15 Q. And when I say any of these papers I'm 16 talking about the black book Exhibit 13? 17 A. Correct. 18 Q. All right. It's -- it's only the 19 function of the ICA and I guess the Chrysotile 20 institute to share this information with others? 21 A. Correct. 22 Q. But you can't vouch for the scientific
Page 155 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. And so and that is I guess what 3 led me to the thoughts that possibly Bernstein and 4 Dunnigan wrote the paper and then just shared the 5 final paper to these other people. 6 A. I -- I certainly don't know that that's 7 the fact. 8 Q. Okay. Well as you said earlier, it 9 would be wrong to give the public the impression 10 that a whole bunch of people wrote this paper when 11 only in fact two people wrote it? 12 MR. COOK: Objection. Assumes 13 facts. Lacks foundation. Calls for speculation. 14 Outside the witness's personal knowledge. 15 THE WITNESS: Yeah, I was going to 16 say I don't -- I don't know the answer to that. I 17 think that -- I mean, if you probably referred to 18 what I said correctly but I would think that whether 19 or not this -- this is the standard approach by a 20 scientist in in preparing scientific papers. It may 21 or may not be. Since I'm not a scientist. 22 BY MR. SATTERLEY:	Page 157 1 ROUGH DRAFT, NOT EDITED 2 reliability or credibility of any particular paper? 3 A. No. 4 Q. Okay. And you don't know whether Mr. 5 Dunnigan or Mr. Bernstein simply chose to put 6 scientist names on a paper to enhance the scientific 7 credibility of the paper? 8 MR. COOK: Objection. Assumes 9 facts lacks foundation calls for speculation outside 10 the scope. 11 THE WITNESS: I did not know the 12 basis for that. 13 BY MR. SATTERLEY: 14 Q. But if they did that if Bernstein and 15 Dunnigan did that they just simply got other names 16 as coauthors to enhance the credibility with 17 actually not being involved in the preparation of 18 the paper that would be wrong? 19 MR. COOK: Objection. Asked and 20 answered same objections as previously stated. 21 THE WITNESS: Oh, I can't prove it 22 but I don't believe that happened.

Page 158 1 ROUGH DRAFT, NOT EDITED 2 BY MR. SATTERLEY: 3 Q. Okay. 4 A. I just don't think. 5 Q. Sure. We'd have to -- in order to 6 understand whether that type of shenanigans occurred 7 we'd have to get to talk to Bernstein or Dunnigan 8 about that? 9 A. Yes. 10 Q. Okay. But if it did happen it would be 11 wrong? 12 MR. COOK: Objection. Assumes 13 facts lacks foundation calls for speculation outside 14 the witness's personal judgment and calls for moral 15 judgment. 16 MR. ARTABANE: Objection. 17 THE WITNESS: It would certainly 18 not be proper. 19 BY MR. SATTERLEY: 20 Q. Okay. So let's then the next part of 21 No. 18 on September 30, 2010 says. 22 With prospective coauthors,	Page 160 1 ROUGH DRAFT, NOT EDITED 2 Q. Yes. 3 A. Possibly. On occasion but not on a -- 4 not on a regular basis, no because Bernstein's of 5 course were in Swiss francs which, you know, had 6 converted to US dollars and the other conversation 7 with Dunnigan with the Canadian dollar rising and 8 the US dollar falling about to make sure that the 9 payment, you know, was consistent with what he had 10 charged but nothing -- I never had a discussion with 11 either one of them regarding this study except 12 possibly about the amount of the payment to be made. 13 Q. With regards to this particular invoice 14 when it refers to establishing contacts with other 15 prospective coauthors worldwide, do you have any 16 recollection of talking to these folks about this? 17 A. No. 18 Q. 19 A. Did not. 20 Q. On behalf of the international 21 Chrysotile association why were you speaking the ICA 22 willing to pay \$230,000 or what did you say francs
Page 159 1 ROUGH DRAFT, NOT EDITED 2 establishment of contacts with different prospective 3 coauthors worldwide. 4 Do you see that? 5 A. Yes. 6 Q. Do you know why that they wanted 7 worldwide coauthors to look at this final draft? 8 MR. COOK: Objection. Calls for 9 speculation. 10 THE WITNESS: You mean as -- I 11 would assume that being something that the 12 international Chrysotile association was involved in 13 and with the membership which is in a good part of 14 the world that they would -- they would want as wide 15 a base of coauthorship as possible. That's what I 16 would assume. 17 BY MR. SATTERLEY: 18 Q. Okay. And when you -- did you have -- 19 when you received these invoices from these people, 20 did you have conversations with them from time to 21 time? 22 A. With Dunnigan or Bernstein?	Page 161 1 ROUGH DRAFT, NOT EDITED 2 Swiss francs was it 230,000 Swiss francs? 3 A. No no. 4 Q. It was \$230,000? 5 A. Yes. 6 Q. All right? 7 A. US dollars. 8 Q. So why -- speaking on behalf of the ICA 9 why was -- why was the ICA willing to spend \$230,000 10 to recruit worldwide coauthors? 11 MR. COOK: Objection. Misstates 12 testimony. 13 MR. ARTABANE: He never said that. 14 BY MR. SATTERLEY: 15 Q. Was? 16 A. I. 17 Q. Let me ask the question this way. 18 Was the ICA willing to spend \$230,000 19 just to Bernstein and Dunnigan or was it your 20 expectation or understanding that this \$230,000 21 would be spent and paid to some of these coauthors? 22 MR. COOK: Objection. Calls for

1 ROUGH DRAFT, NOT EDITED
 2 speculation.
 3 THE WITNESS: I never -- I never
 4 been a part of or heard any discussion about payment
 5 of coauthors.
 6 BY MR. SATTERLEY:
 7 Q. Well did the ICA -- you as the treasurer
 8 of the ICA or anybody on the board of the ICA
 9 question any of the invoices submitted from
 10 Bernstein or Dunnigan?
 11 A. No, and in fact the I know every --
 12 every invoice I paid I cleared with the chairman in
 13 Canada.
 14 Q. And when you say cleared with the
 15 chairman in Canada how did that process work?
 16 A. Usually by phone.
 17 Q. Call him up?
 18 A. Call him up.
 19 Q. And say, hey, I got an invoice?
 20 A. Well, he got the -- he got the same
 21 invoice. If you -- as I said before every invoice
 22 shows the Chrysotile institute and every invoice

1 ROUGH DRAFT, NOT EDITED
 2 went to Canada to the office there as well as to me
 3 but I never made any payment without the approval
 4 granted from the chairman in Canada.
 5 Q. And who and who was that at the time?
 6 A. At the beginning it was Mr. Godbout.
 7 Q. Uh-huh.
 8 A. And then at the last part last two years
 9 it was Mr. Leblond.
 10 Q. At no point in time did the ICA turn
 11 down any of the invoices or say, hey, you billed too
 12 much money or anything like that?
 13 A. No. No.
 14 Q. Okay. Now the next document we go over
 15 to 19 this appears to be an e-mail?
 16 MR. ARTABANE: That's page 19.
 17 BY MR. SATTERLEY:
 18 Q. Page 19 Exhibit 17 and what I'm going to
 19 be doing for the next series of questions is because
 20 these have been stamped with numbers at the bottom
 21 referring to the numbers okay?
 22 A. Okay.

1 ROUGH DRAFT, NOT EDITED
 2 Q. And this is an e-mail that you've
 3 produced and what does this represent?
 4 A. Well, that's from Dunnigan at the top.
 5 Q. Uh-huh.
 6 A.
 7 Q. And is this relating to the the invoice
 8 requesting 55,914 Swiss francs?
 9 A. Of course I can't speak French so I
 10 can't read French so I don't know.
 11 It looks like some a total to date in
 12 Swiss francs to.
 13 Q. So I guess I'm trying to understand the
 14 process?
 15 A. Yeah.
 16 Q. When you got a document like this would
 17 somebody translate it to you so you could understand
 18 how much you were supposed to write a check or
 19 transfer?
 20 A. Yeah, because that's -- that's not --
 21 that's not an invoice per se. That's -- that is to
 22 the -- to the institute.

1 ROUGH DRAFT, NOT EDITED
 2 Q. The Chrysotile institute?
 3 A. Yes.
 4 Q. Okay.
 5 A. So I've been -- it's more administrative
 6 in nature and it looks like -- it appears to me kind
 7 of a review of what the cost would be today but it's
 8 not an invoice per se.
 9 Q. Okay. And if if we looked at the
 10 numbers it looks like there's 14,500, then 19,800
 11 and 11,400 and 10,214. It looks like it's broken
 12 down per month is that correct?
 13 A. It looks for those June, July and
 14 August.
 15 Q. And September?
 16 A. And September yeah.
 17 Q. That comes to 55?
 18 A. Yeah.
 19 Q. 914 Swiss francs.
 20 Okay. And then the next page over 20 is
 21 an e-mail from you to Bernstein confirming that
 22 there are going to be wire transferred monies to him

Page 166 1 ROUGH DRAFT, NOT EDITED 2 on October the 12th at 2010? 3 A. Right. 4 Q. At that time 21014 Swiss francs were 5 wire transferred to him? 6 A. Right. 7 Q. Right? 8 A. Right. 9 Q. That's the way you had to pay him 10 because he's over in Switzerland? 11 A. Correct. 12 Q. Then we go over to page 21 is that 13 verification? 14 A. Payment. 15 Q. Verification of the wire transfer? 16 A. Yes. 17 Q. But it says 11,679? 18 A. Uh-huh. 19 Q. So I guess I'm trying to figure out why 20 is the amount different? Are there fees associated 21 with that? 22 A. Well, it looks like it was 10,214 two	Page 168 1 ROUGH DRAFT, NOT EDITED 2 Q. Rajeem? 3 A. She works in the office in the 4 institute. 5 Q. Up in Montreal? 6 A. Correct. . She did -- she did at that 7 time. 8 Q. So Rajeem is sending -- sending on to 9 you? 10 A. For payment. 11 Q. For payment? 12 A. Correct. 13 Q. So if I understood how this worked 14 Bernstein would send it to the Chrysotile institute 15 and Rajeem or some other person would send it down 16 to you for payment? 17 A. And she always -- she would check with 18 Mr. Godbout before she did that. 19 Q. Okay. And Godbout at this time in 2010 20 was with the international Chrysotile association? 21 A. He was the chairman. 22 Q. And was he also with the Chrysotile
Page 167 1 ROUGH DRAFT, NOT EDITED 2 pages down of Swiss francs. 3 Q. Uh-huh. 4 A. So must have converted. 5 Q. Oh, the conversion? 6 A. Yeah. 7 Q. To US dollars? 8 A. Yeah. 9 Q. That's what that is? 10 A. It would be more in US dollars. 11 Q. I see. I apologize. Thank you so much 12 for clarifying that. 13 The next page is page 22 at the bottom. 14 It looks like it's a letter from Bernstein to 15 Clement? 16 A. Yeah. 17 Q. Do you see that? 18 A. Yes. 19 Q. Then at the top it says Mr. B. Pigg? 20 A. Yes. 21 Q. Does it say? 22 A. Rajeem.	Page 169 1 ROUGH DRAFT, NOT EDITED 2 institute? 3 A. Yes. 4 Q. And what was his role with the 5 Chrysotile? 6 A. President. 7 Q. President okay. So he had two hats? 8 A. Yes. 9 Q. Okay. Now this he -- Bernstein called 10 this invoice for the honorarium and expenses? 11 A. Yes. 12 Q. Do you see that? 13 A. Yes. 14 Q. What is honorarium? 15 A. Well, it means his -- his labor of the 16 day. 17 Q. Okay. Just like -- like if you were a 18 plumber and you had to put so many hours into do and 19 fix some pipes and you submitted your invoice that 20 would be? 21 A. Your honorarium. 22 Q. Your honorarium okay?

1 ROUGH DRAFT, NOT EDITED
 2 A. It's a fancy way of saying.
 3 Q. Fancy fancy way of saying your hourly
 4 rate? Right?
 5 A. Right. Exactly.
 6 Q. Now as we continue on through here, as I
 7 read through these Bernstein never referred to his
 8 fees or payment of fees as a grant does he?
 9 A. No.
 10 Q. Okay. Let's continue on the next page
 11 23. Is the invoice another invoice. This one is
 12 dated September the 30th it says for services
 13 rendered for September of 2010?
 14 A. Correct.
 15 Q. Do you see that?
 16 A. Yes.
 17 Q. And he describes once again what he's
 18 doing for these services and in this one he's doing
 19 a revision of preparation of the fifth and sixth
 20 draft reports in coordination with Jacques Dunnigan
 21 on the need to revisit the health risk assessment of
 22 Chrysotile asbestos?

1 ROUGH DRAFT, NOT EDITED
 2 A. Uh-huh.
 3 Q. Right?
 4 A. Correct.
 5 Q. He also says revision of a letter
 6 invitation to coauthors and follow-up have you seen
 7 that?
 8 A. Yes.
 9 Q. Have you ever seen the letter invitation
 10 to the coauthors?
 11 A. No.
 12 Q. Do you know how I could get a copy of
 13 that letter invitation to the coauthors?
 14 A. Only way I know is from Bernstein.
 15 Q. Okay. Or maybe from some of the
 16 coauthors?
 17 A. Well, true.
 18 Q. If they -- if it actually went out?
 19 A. And I don't know who -- whether it's the
 20 same coauthors in the final study or not. You know,
 21 it would be -- I don't know who it would be.
 22 Q. And then it says presentation of

1 ROUGH DRAFT, NOT EDITED
 2 preparation of ICA executive board meeting in
 3 Zurich?
 4 A. Uh-huh.
 5 Q. Do you see that?
 6 A. Yes.
 7 Q. Did you attend the executive board
 8 meeting?
 9 A. No.
 10 Q. Do you know who did?
 11 A. No, not off the top of my head I don't
 12 know. Of course it would be a recorded in the.
 13 Q. Minutes?
 14 A. Of the minutes that were there and but I
 15 don't know who. It would I'm sure it was -- 8
 16 September of 2010? It would have been -- it would
 17 have been Mr. Godbout as the chairman and the
 18 executive probably six or eight people.
 19 Q. Who else by name if you know?
 20 A. Well, it would be the vice chairman is
 21 India.
 22 Q. India. The person from India?

1 ROUGH DRAFT, NOT EDITED
 2 A. Yeah, he's the vice chairman.
 3 Q. But you don't remember his name?
 4 A. Shankar S-h-a-n-k-a-r.
 5 Q. Okay.
 6 A. Shankar. Other people would have been
 7 Kozlov from Russia. He's the head of the Chrysotile
 8 association Russia. Mr. Rela R-e-l-a from Brazil
 9 would have been there. Omarov, Nurlan Omarov from
 10 Kazakhstan and that would be the principal people
 11 that were there.
 12 Q. So you would you suggest in order to get
 13 this presentation that Bernstein did and the Zurich
 14 meeting that I would have to either go to one of
 15 those people or Mr. Bernstein himself?
 16 A. My feeling would be there is no, you
 17 know, written presentation. It was probably just an
 18 oral presentation on the on whatever he presented.
 19 I mean, it may have been related to the study. I'm
 20 not sure, you know, what he did but my guess would
 21 be is there is no written presentation and would
 22 have been using his slides or whatever.

Page 174 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. But you don't know because you 3 weren't there? 4 A. No, I wasn't there. 5 Q. Okay. So with regards to the money that 6 ICA paid to Bernstein, did anybody within the ICA 7 all these folks that you describe ever complain 8 about the cost, the amount of money that was going 9 out to Bernstein? 10 A. I never heard, no. 11 Q. Was there ever any limit to the amount 12 of money that ICA would pay Bernstein for this 13 Chrysotile revisited paper? 14 MR. COOK: Objection. Calls for 15 speculation. 16 THE WITNESS: My recollection is 17 that the chairman Mr. Godbout my best recollection 18 is that he said that that we want to keep the 19 amount, total amount somewhere around \$200,000. 20 BY MR. SATTERLEY: 21 Q. So that was the limit? 22 A. Well, the limit wasn't cast in stone but	Page 176 1 ROUGH DRAFT, NOT EDITED 2 in Montreal correct? 3 A. Correct. 4 Q. And last year the Chrysotile institute 5 dissolved? 6 A. Yeah, and the year before Mr. Godbout 7 had resigned as chairman and Mr. Leblond became the 8 chairman in 2011 and then they separated the 9 offices. 10 Q. So when the Chrysotile institute 11 dissolved last year, where did all the documents or 12 the corporate documents go? 13 A. For the institute? 14 Q. Sure. 15 A. I don't know. 16 Q. There wasn't a successor company? 17 A. No. 18 Q. Created? 19 A. No. 20 Q. Who -- if you want to find out where 21 those documents who would you contact? 22 A. Mr. Godbout. He was the -- he was the
Page 175 1 ROUGH DRAFT, NOT EDITED 2 I did hear -- hear him mention that they and that 3 was some time before the completion of the study. 4 Q. And we know now that it's about 5 \$230,000. So it went over it went over? 6 A. Yeah. 7 Q. The tentative suggestion of a 8 limitation? 9 A. Right. 10 Q. Right? 11 A. True. 12 Q. Was there -- but there wasn't any 13 written down limits like, hey, this is all we're 14 going to spend on this paper or anything like that? 15 A. No. 16 Q. Was there any other contracts with 17 Bernstein for this work? 18 A. Not that I saw. Now not from me as the 19 treasurer. Whether or not an initial one was made 20 with the institute at the beginning, I don't know. 21 Q. Now you said that Chrysotile institute 22 and ICA was in the same building, the same location	Page 177 1 ROUGH DRAFT, NOT EDITED 2 president. 3 Q. And you didn't -- you didn't run any of 4 the finances or treasurer of that organization? 5 A. No. 6 Q. So you don't know where their assets 7 went? 8 A. No. 9 Q. Or the money distributed from that? 10 A. No, because the payments were from -- 11 from the federal government and industry. 12 Q. All right. Let's keep going. 13 We're going we're up to the next page 14 24. What does this page represent? 15 This looks like a business expense list 16 from Bernstein? 17 A. Yeah, that's when he attended that 18 meeting in Zurich we were talking about. 19 Q. Okay. And these are just some of his 20 expenses? 21 A. Yeah, that's an expense report. 22 Q. All right. We continue over to the next

Page 178 1 ROUGH DRAFT, NOT EDITED 2 page. 3 A. That's his flight. 4 Q. That's his -- so he's providing you some 5 of the expenses over the next several pages right? 6 A. Correct. That goes yeah and incidental 7 expenses, taxes. 8 Q. Over on page 28? 9 A. Yes. 10 Q. Pigg 28 this is in September of 2010. 11 The wire transfer of \$11,400? 12 A. Right. 13 Q. Or no Swiss francs Swiss francs. I'm 14 sorry. 15 And then if we go over to the next page 16 this is your handwriting? 17 A. Yes. 18 Q. David could not get this e-mail through 19 to you"? 20 A. Uh-huh. 21 Q. And that's your -- that's your signature 22 Bob?	Page 180 1 ROUGH DRAFT, NOT EDITED 2 A. In 2010 it would have been Mr. Godbout. 3 Q. The president of? 4 A. Yes. 5 Q. All right. Let's keep? 6 A. No the chairman. 7 Q. Chairman? 8 A. Of ICA. 9 Q. All right. And then the next page it 10 looks like a fax cover sheet or transmission 11 verification? 12 A. Oh, that's a verification of the fax. 13 Q. Okay. So you faxed this? 14 A. I faxed the cover the e-mail to him by 15 fax. 16 Q. Okay. And we can move a few pages 17 forward to 32. 18 A. 32? 19 Q. 32 and 33. It appears to be another 20 transfer. This is the wire transfer? 21 A. Right. 22 Q. Of monies right?
Page 179 1 ROUGH DRAFT, NOT EDITED 2 A. Yes. 3 Q. And then? 4 A. And I resent it then. 5 Q. Okay. Resent. Scanned it in and resent 6 it in so he would see your handwriting or did you 7 fax it to him? 8 A. No, I -- I don't think I faxed it. 9 Q. And your e-mail identifies the AIABJ 10 Pigg at AOL.com right? 11 A. Yeah, that's my e-mail address. 12 Q. So you don't have a separate e-mail 13 address for the ICA? 14 A. No. 15 Q. You just use the AIA? 16 A. Right. I use the same one. 17 Q. And then you carbon copy 18 ICA@Chrysotile.com? 19 A. Yeah. 20 Q. You see that? 21 A. That's the institute. 22 Q. And who would receive that e-mail?	Page 181 1 ROUGH DRAFT, NOT EDITED 2 A. Right. 3 Q. And and then we go over to 34 and 4 Bernstein is once again sending a request for his 5 fees and expenses to be paid; correct? 6 A. Correct. 7 Q. And if we go over to 35 he's got in the 8 re line or the invoice number he says "For services 9 rendered for August"; right? 10 A. Right. 11 Q. And then once again this is ooh revision 12 of the preparation of third and fourth draft reports 13 in coordination with Mr. Dunnigan on the need to 14 revisit the health risk of Chrysotile asbestos? 15 A. Correct. 16 Q. Okay. We continue forward on past some 17 wire transfers over to 37. 18 37 is a confirmation that your wire 19 transferring 19,800 Swiss francs to Bernstein; 20 correct? 21 A. Correct. 22 Q.

Page 182 1 ROUGH DRAFT, NOT EDITED 2 A. Which is for July. 3 Q. Okay. And so we go over to page 40 and 4 it shows Mr. Bernstein describes his services as the 5 first revision of preparation of the second draft 6 reports and coordination with Mr. Dunnigan; correct? 7 A. Correct. 8 Q. And then once again attached thereto is 9 41 is the proof of the wire transfer; right? 10 A. Correct. 11 Q. And we continue on a few pages over. We 12 have payments for June of 2010. 13 And if we look at number 44 it's got 14 your handwriting on it also. On July 8, 2010 you're 15 asking Clement -- 16 A. Uh-huh. 17 Q. -- about or you're telling him that you 18 wire transferred? 19 A. Yeah, because. 20 Q. 14,000? 21 A. I already received it from the office 22 from Rajeeem.	Page 184 1 ROUGH DRAFT, NOT EDITED 2 A. France right. 3 Q. On June the 3rd right? 4 A. Right. 5 Q. And what was Peto's involvement in this 6 paper? 7 A. I have -- I have no idea what -- what 8 the purpose of the meeting was. 9 Q. How much -- how much of this 14,500 10 related to a payment of Bernstein simply meeting 11 with Peto? 12 A. I don't know whether he broke it down or 13 not. It's probably he's talking about his 14 honorarium 2800 per day. But I don't know the 15 answer to your question. 16 Q. Who from the ICA supervised this 17 project? 18 A. Mr. Godbout. 19 Q. Okay. And do you have any 20 documentations regarding to the extent of his 21 supervision of this project? 22 A. None.
Page 183 1 ROUGH DRAFT, NOT EDITED 2 Q. Already received the invoice? 3 A. The -- right in which for payment. As 4 you can see at the top. 5 Q. So the monies that you would send out 6 were they in an ICA account here in Washington, DC 7 area? 8 A. Yes. 9 Q. And the money that was used to create 10 that account, did that come from member companies or 11 did that come from the Chrysotile institute? 12 A. From member companies. 13 Q. Okay. Did -- did you ever ask that Dr. 14 Julian Peto be a coauthor of this paper? 15 A. I didn't ask anyone to be. I mean. 16 Q. Look at 45. The description of services 17 rendered by Bernstein for the period of June of 18 2010. 19 A. Uh-huh. 20 Q. Just had a meeting with Julian Peto? 21 A. Right. 22 Q. Leon I guess it's France?	Page 185 1 ROUGH DRAFT, NOT EDITED 2 Q. The next page shows the expenses for him 3 to travel from Geneva to France Leon France correct? 4 A. Correct. 5 Q. Do you know if Mr. God bee -- is it God 6 bee? 7 A. Godbout. 8 Q. Godbout. Mr. Godbout had lawyers 9 involved with regards to the preparation of this 10 paper? 11 A. No, he had no lawyers involved. 12 Q. Okay. Do you know that? 13 A. Yes. 14 Q. So, for example? 15 A. I mean, I. 16 Q. You weren't involved in any? 17 A. No. 18 Q. Private conversations that he had with 19 other people were you? 20 A. No. 21 Q. Okay. I mean, your sole role in this 22 was paying the money correct?

Page 186 1 ROUGH DRAFT, NOT EDITED 2 A. Correct. 3 Q. All right. And whether or not Bernstein 4 met probably with lawyers that's something you don't 5 know? 6 A. Well. 7 MR. COOK: Objection. Assumes 8 facts lacks foundation. 9 THE WITNESS: Not for certain. 10 BY MR. SATTERLEY: 11 Q. Okay. All right. Continue on to 47. 12 47 appears to be an e-mail -- 13 A. Uh-huh. 14 Q. -- from Bernstein to Dunnigan and then 15 Dunnigan or somebody had forwarded it on to you 16 correct? 17 A. Correct. Uh-huh. 18 Q. And is it Louise? 19 A. Yes, she's the. 20 Q. Who? 21 A. Worked in the -- in the Montreal office. 22 Rajeem -- Louise and Rajeem both did. Worked for	Page 188 1 ROUGH DRAFT, NOT EDITED 2 Q. Other than being told, you know, 3 Bernstein and Dunnigan being told they had the green 4 light to do the study, are you aware of any other 5 documentation setting forth the scope of the study? 6 A. No, no. 7 Q. Hoping that everything goes well. It 8 seems appropriate that you start now to draw a list 9 of scientists who could potentially work on this 10 very important project. 11 Do you see that? 12 A. Yes. 13 Q. After this April 2010 e-mail, were you 14 ever provided a list of scientists to work on this 15 important project? 16 A. No. 17 Q. Continue over to 49. Looks like it's 18 the same e-mail. Correct? 19 A. The same one. Same one. 20 Q. And then we go over to 50 and 50 looks 21 like another copy of the invoice for the August 22 2010?
Page 187 1 ROUGH DRAFT, NOT EDITED 2 Mr. Godbout. 3 Q. And he's reporting Bernstein is 4 reporting his in April of 2010 his presentations 5 that he's given over in Jakarte? 6 A. Indonesia. 7 Q. Yeah Indonesia correct? 8 A. Correct. 9 Q. And if we look at the bottom of 47 it 10 looks like it's dated Thursday April 15, 2010 and 11 it's to Bernstein and Dunnigan from if we flip over 12 to the next page 48 Godbout. Do you see that? 13 A. Yes. 14 Q. And it says. 15 This will confirm that you have the 16 green light for the above referenced study. After 17 review and discussion the action plan that you 18 submitted was accepted. 19 Do you see that? 20 A. Yes. 21 Q. Have you ever seen the action plan? 22 A. No.	Page 189 1 ROUGH DRAFT, NOT EDITED 2 A. Right. 3 Q. Then we go to 51. It's another copy of 4 invoice from July of 2010. Right? 5 A. Correct. 6 Q. And then another 52 is another copy of 7 the June invoice? 8 A. Correct. 9 Q. And then 53 we come up to 2011 now? 10 A. Correct. 11 Q. So we go to the next year; right? 12 A. Correct. 13 Q. And then it sort of has a -- this is 14 your handwriting again? 15 A. Yes. 16 Q. And it sets forth the various amounts 17 paid to Mr. Bernstein for his fees? 18 A. Correct. 19 Q. And April 1, 2011 your handwriting says. 20 Pub of article. 21 You see that? 22 A. Yes.

Page 190 1 ROUGH DRAFT, NOT EDITED 2 Q. And that's for \$1,665? 3 A. Yes. 4 Q. And then on June 8th, 10,778.05 for 5 services? 6 A. Yes. 7 Q. And then on August 16, 2011, 15,412.92? 8 A. Correct. 9 Q. And then on September 9, 2011, 10 10,479.04? 11 A. Correct. 12 Q. And then going into January for work 13 that was done in December for services by Mr. 14 Bernstein was \$6,423.33? 15 A. Correct. 16 Q. And then as we go through the next 17 several pages it will be invoices for those 2011 18 work? 19 A. Uh-huh. 20 Q. Right? 21 A. Right. 22 Q. And I'm going to try to quickly go	Page 192 1 ROUGH DRAFT, NOT EDITED 2 A. Yes. 3 Q. In Dubai? 4 A. Right. 5 Q. Okay. So anyway so they attached the 6 invoice. He attached an invoice for his work in 7 October. October, November of 2011? 8 A. Right. Correct. 9 Q. And the invoice included preparation of 10 his slide presentation for the ICA meeting. Do you 11 see that? 12 A. Yes. 13 Q. So it would indicate at this time at the 14 ICA meeting he did some type of slide show? 15 A. Yes. 16 Q. Okay. And do you have a copy of that? 17 A. No. 18 Q. And do you know where I can get it? 19 A. Only from him because I'm sure there was 20 no -- no copies of it but and I don't know what, you 21 know, what he addressed at the -- at the meeting. 22 Q. So and then he also talks about his --
Page 191 1 ROUGH DRAFT, NOT EDITED 2 through some of these? 3 A. Okay. 4 Q. Page 55 just talks about revisions of 5 the -- of the manuscript correct? 6 A. Right. 7 Q. And that's December of 2011 right? 8 A. Correct. 9 Q. And no coauthors are identified there? 10 A. Correct. 11 Q. We go over to 56 it's a letter enclosing 12 the invoice to Jean-Marc saying. 13 It was a pleasure seeing you again and 14 working with you at the ICA in Dubai? 15 A. Correct. 16 Q. And that was the one you attended right? 17 A. 2011? Wait a minute. Let me verify the 18 date because -- no. I -- I attended in 2010. 19 Q. In Dubai? 20 A. In Dubai. 21 Q. Okay. So they had two years in a row, 22 2010 and 2011?	Page 193 1 ROUGH DRAFT, NOT EDITED 2 the invoice reflecting work for participation in the 3 meeting on November 28th through December 1st, 2011? 4 A. Yes, correct. 5 Q. No coauthors names are identified on 6 this invoice correct? 7 A. Correct. 8 Q. And this is the 14,496.35 Swiss francs 9 right? 10 A. Correct. 11 Q. Continuing over looks like you wire 12 transferred money on September 9, 2011? 13 A. Yes. 14 Q. That's your handwriting there? 15 A. That is. 16 Q. And we continue over on 59 it's -- it 17 says some services rendered in August 2011 right? 18 A. Correct. 19 Q. And it looks like some further revision 20 of text and addressing additional suggested by JD? 21 A. That would be Dr. Dunnigan. 22 Q. Dunnigan made a suggestion?

Page 194 1 ROUGH DRAFT, NOT EDITED 2 A. Yes. 3 Q. And so Dr. Bernstein -- by the way he's 4 a Ph.D. right? 5 A. Dunnigan? 6 Q. No Bernstein? 7 A. Bernstein yes. 8 Q. But he's not a medical doctor as far as 9 you know? 10 A. No, he's not. 11 Q. Okay. 12 A. He's a toxicologist. 13 Q. A Ph.D. toxicologist? 14 A. Yes. 15 Q. That Bernstein would put on his -- his 16 services rendered at least his invoice when 17 revisions to text was made right? Said revision of 18 text and addressing additional suggestions -- 19 suggested by JD right? 20 A. I'm not sure I understand your question. 21 Q. He put on his invoice that revisions 22 were suggested by Dunnigan?	Page 196 1 ROUGH DRAFT, NOT EDITED 2 this paper was published in? 3 A. Published in, no. 4 Q. I mean, the paper was published in 5 critical reviews in toxicology right? 6 A. Correct. 7 Q. So was this paper submit to the journal 8 particle and fiber toxicology sometime in the summer 9 of 2011? 10 A. I don't know the answer to that. 11 Q. Okay. So if this paper was submitted 12 multiple papers and rejected, you just don't know 13 one way or the other? 14 A. I don't know. 15 Q. Okay. And it says revision of the text 16 to address comments from reviewer statements; 17 correct? 18 A. Yes. 19 Q. And you have not been provided any of 20 the commentaries of the reviewer from the journal -- 21 the journal called journal particle and fiber 22 toxicology?
Page 195 1 ROUGH DRAFT, NOT EDITED 2 A. Oh, yes yes yeah. 3 Q. Okay. But no other authors are 4 identified on this? 5 A. No, no. 6 Q. Okay. Now continuing over to the next 7 page it looks like you wire transferred some money 8 on August 16, 2011? 9 A. Correct. 10 Q. About 15,000 US dollars? 11 A. Correct. 12 Q. All right. And then we continue on. On 13 61 the July 2011? 14 A. Yes. 15 Q. There is payment for review of 16 reviewer's comments from the journal particle and 17 fiber toxicology. Do you see that? 18 A. Yes. 19 Q. Do you know what the journal particle 20 and fiber toxicology is? 21 A. I do not. 22 Q. That wasn't the name of the journal that	Page 197 1 ROUGH DRAFT, NOT EDITED 2 A. I do not. 3 Q. Okay. Let's continue on. The next -- 4 the next page indicates that you wire transferred 5 the money. 30,167.45 Swiss francs? 6 A. Correct. 7 Q. And he has it in the services rendered 8 list in addition to that journal particle and fiber 9 toxicology? 10 A. Yeah. 11 Q. He also has some information regarding 12 conference calls. Do you see that? 13 A. Yes. 14 Q. And this there's a meeting, conference 15 call in preparation for a meeting. Where was that 16 meeting located? 17 A. Kuala Lumpur. 18 Q. Where is that at? 19 A. Malaysia. 20 Q. Okay. And did you attend that meeting? 21 A. No. 22 Q. Do you know why that meeting occurred?

Page 198 1 ROUGH DRAFT, NOT EDITED 2 A. If -- I think it was -- it was a public 3 forum that was scheduled by the government of 4 Malaysia so he would be making along with other 5 people that I have no idea the total number of 6 people but it was a public forum that was scheduled 7 in Kuala Lumpur where they were having papers 8 presented on Chrysotile. 9 Q. And was he -- do you know whether he 10 presented on Chrysotile the Chrysotile revisited in 11 June of 2011? 12 A. I don't know the answer to that but I 13 wouldn't think so because at that point I think he 14 was primarily making presentations on his 15 biopersistence study that is included in the 16 document there. 17 Q. Did ICA have a like a blank check that 18 gives Bernstein payments for any time he went out to 19 promote Chrysotile? 20 MR. COOK: Objection. Vague and 21 ambiguous. 22 THE WITNESS: No.	Page 200 1 ROUGH DRAFT, NOT EDITED 2 been funded by people that wanted to sell and make 3 money off Chrysotile? 4 MR. COOK: Objection. Vague and 5 ambiguous lacks foundation. 6 THE WITNESS: I wasn't at the 7 meeting but I would think he did not. 8 BY MR. SATTERLEY: 9 Q. Okay. Have you ever been in a situation 10 where Bernstein stood up and publicly said, let me 11 tell you folks I've been working and been paid for 12 my time and my efforts and my energy by 13 organizations and companies that want to sell 14 Chrysotile asbestos? 15 MR. COOK: Objection. Assumes 16 facts lacks foundation misleading. 17 THE WITNESS: Not that I'm aware 18 of. 19 BY MR. SATTERLEY: 20 Q. I mean, in the 2006 conference that you 21 guys had was that up in Canada? 22 A. Montreal.
Page 199 1 ROUGH DRAFT, NOT EDITED 2 BY MR. SATTERLEY: 3 Q. I mean? 4 A. No. 5 Q. So the reason why? 6 A. No, we would have asked him to go. 7 Q. Oh, okay. You would have said, hey, go 8 out. There's this this meeting in Malaysia it's 9 going to be discussing Chrysotile would you go there 10 and speak on our behalf? 11 A. Right. 12 Q. And make a presentation about the safe 13 use of Chrysotile? 14 A. We normally wouldn't we wouldn't ask 15 him. We'd just say this is a study, a public forum 16 and depending on what the topic, you know, the 17 primary subject that they had but he -- he would be 18 left to make his own presentation. 19 Q. Did in any of his presentations that he 20 spoke in any of these places, did he tell the 21 various people that were listening to his 22 presentation the fact that his work and research had	Page 201 1 ROUGH DRAFT, NOT EDITED 2 Q. Montreal. 3 Did any of the speakers that presented 4 on their views on Chrysotile disclose the amounts of 5 monies they've been paid to address the Chrysotile 6 health issue? 7 MR. COOK: Objection. 8 THE WITNESS: No. 9 MR. COOK: Lacks foundation calls 10 for speculation. 11 BY MR. SATTERLEY: 12 Q. Let's continue on. 13 The next one we're up to 63 talks about 14 payment. That's an e-mail from you to Bernstein 15 sending verifying payment of 8700 Swiss francs wire 16 transfer to his bank? 17 A. Uh-huh. 18 Q. Is that correct? 19 A. Correct. 20 Q. Okay. And then we've got the next page 21 is the verification -- actually the actual wire 22 transfer?

Page 202 1 ROUGH DRAFT, NOT EDITED 2 A. Correct. 3 Q. Over on 66 Rajeem is that right? 4 A. Rajeem. 5 Q. Rajeem is sending you the invoice the 6 next invoice from Bernstein and a courtesy copy was 7 given to God -- Godbout? 8 A. Correct. 9 Q. So if we go over to 68 it's an invoice 10 for his work on April and May of 2011? 11 A. Correct. 12 Q. And it's -- he describes the work that 13 he's done is a research in preparation of summary of 14 the origin of 100,000 deaths per year statement. Do 15 you see that? 16 A. Correct. 17 Q. And is that -- does that appear in the 18 Chrysotile revisited paper? 19 A. I haven't read it completely myself. I 20 don't -- my guess would be probably not because that 21 refers to statements that are made by staff people 22 from the WHO. World Health Organization.	Page 204 1 ROUGH DRAFT, NOT EDITED 2 A. I do not. 3 Q. And it says critical review of 12 -- 4 excuse me -- 4 out of 12 references? 5 A. I don't know. I assume it's about some 6 scientific papers. 7 Q. Sure. So if this reviewer gave 12 8 references to Mr. Bernstein to review, it's not 9 something you've ever seen? 10 A. Never seen. 11 Q. Okay. Keep going. Next -- next would 12 just be an indication that you paid that invoice? 13 A. Correct. 14 Q. Total of \$10,770.65? 15 A. Correct. 16 Q. The next -- next page 79. Is that the 17 same page? 18 A. That's the same page as the top one. 19 Q. Same as 16 right? 20 A. Same as 16. 21 Q. Okay. And then we go over to 80 and 22 this is an e-mail from you to Bernstein regarding a
Page 203 1 ROUGH DRAFT, NOT EDITED 2 Estimating about a hundred thousand deaths occur 3 each year. 4 Q. From asbestos? 5 A. From asbestos. 6 Q. Sure. 7 A. But there's -- there's -- I mean, 8 certainly there's not unanimous agreement with that 9 -- with those assertions. So that's what that 10 refers to. 11 Q. He says next. He describes once again. 12 Review of the reviewers comments from 13 journal particle and fiber toxicology. 14 Once again you don't have any knowledge 15 about that journal? 16 A. I do not. 17 Q. And he says research and retrieval of 18 cited references from reviewer statement. 19 Do you see that? 20 A. Yes. 21 Q. You don't know anything about that 22 either?	Page 205 1 ROUGH DRAFT, NOT EDITED 2 wire transfer of a grand total of 33,566.30 Swiss 3 francs? 4 A. Uh-huh. 5 Q. Right? 6 A. Right. 7 Q. You've broken it down because you say 8 that 32,000 relate to recent work and services in 9 Thailand? 10 A. Right. 11 Q. What type of work was he doing in 12 Thailand? 13 A. I think there was some kind of a -- I 14 don't know whether it's a public meeting or what by 15 the government. Kind of a seminar in Bangkok that 16 he would have gone to like to make a presentation. 17 Q. So we'll get to it. We'll see an 18 invoice later on in this? 19 A. Yeah, right. 20 Q. Okay. Let's keep going then. 21 The next is 81. It looks like the -- by 22 the way I noticed that the letterhead says

Page 206 1 ROUGH DRAFT, NOT EDITED 2 international Chrysotile association ICA and it's? 3 A. (Laugh). 4 Q. Sort of Xed out the asbestos 5 international association? 6 A. Yeah. 7 Q. Financial status? 8 A. Right. 9 Q. I mean, why is that? 10 A. Simply because it was old in my files. 11 I don't have a secondary. It was these blank forms 12 were in the file folder and I just simply ran it 13 through the typewriter and made the change. 14 Q. But I assume you must have been the 15 secondary -- the treasurer -- excuse me -- you must 16 have been the treasurer of the AIA? 17 A. Correct. 18 Q. That's why you had the sheets? 19 A. Yeah, I was the treasurer from '90 -- of 20 AIA from '97 to 2005 when the change was made to 21 ICA. 22 Q. All the records the financial records	Page 208 1 ROUGH DRAFT, NOT EDITED 2 association right? 3 A. Correct. 4 Q. Okay. All right. Let's keep going. 5 Oh, I didn't go through the numbers real 6 quick. Let's just if you could verify in 2012 it 7 looks like, 6,423.33 was paid for services to David 8 Bernstein? 9 A. Correct. 10 Q. On February 15th 6,675.68 were paid for 11 services to David Bernstein? 12 A. Correct. 13 Q. On April 3rd, 2012, 18,390 were paid to 14 services to David Bernstein? 15 A. Correct. 16 Q. On July 10th 10,630 were paid for 17 services to David Bernstein? 18 A. Correct. 19 Q. On July 16th 1,708.87 was paid for 20 Dunnigan? 21 A. To Dr. Dunnigan. 22 Q. Yeah. And then November 27, 2012,
Page 207 1 ROUGH DRAFT, NOT EDITED 2 and payments that occurred while you were treasurer 3 of the AIA. Do you still maintain those? 4 A. Yes. 5 MR. COOK: Objection. Misstates 6 prior testimony. I can tell you why. 7 MR. SATTERLEY: What is it 8 treasurer or secretary. 9 MR. COOK: You asked AIA. It 10 should be AIA of the NA. 11 MR. SATTERLEY: No no no no no 12 you're wrong. You're wrong. 13 MR. COOK: Okay. 14 BY MR. SATTERLEY: 15 Q. This says on the sheet it says asbestos 16 international association right? 17 A. Correct. 18 Q. Okay. You were the treasurer of the AIA 19 asbestos international association? 20 A. From 1997 to 2005 when the name changed. 21 Q. And you still have possession of the 22 financial records for the AIA international	Page 209 1 ROUGH DRAFT, NOT EDITED 2 20,000 dollars was paid to David Bernstein? 3 A. Correct. 4 Q. And then on December 24th the day before 5 Christmas \$3,970.40 were paid to David Bernstein? 6 A. Correct. 7 Q. And that's for open access expense? 8 A. Yeah. That has to do with the 9 publication of the -- of the study. 10 Q. Okay. 11 A. About critical review. 12 Q. So open access is where the paper could 13 be opened to everybody and be more readily available 14 for scientists to look at? 15 A. That's my understanding yes. 16 Q. And so if you pay that extra 3,000 some 17 odd dollars it would allow the paper to potentially 18 be cited more in the scientific literature? 19 A. That's my understanding. 20 Q. Let's keep going. 82 is an e-mail from 21 you to Bernstein talking about wire transfer of the 22 \$33,000?

Page 210 1 ROUGH DRAFT, NOT EDITED 2 A. Yes. 3 Q. And this is for a conference. Where is 4 this conference? In Geneva? 5 A. Which one are you on? 6 Q. I'm sorry. 82. 7 A. 82. Yeah. Yeah, that was for Kiev 8 Ukraine. 9 Q. In Russia? 10 A. No Ukraine. 11 Q. Oh, Ukraine? 12 A. There was scientific conference that was 13 sponsored by the various the government of Ukraine 14 and Russia. 15 Q. So here's where I'm confused. 16 It shows November 27th services of 17 \$20,000. That's on the spreadsheet before? 18 A. 11/27. 19 Q. Okay? On page 81 \$20,000 right? If we 20 go over to that very next page it shows 20,000 for 21 services rendered but then it's got another 22 13,636.04. Why isn't that amount on the	Page 212 1 ROUGH DRAFT, NOT EDITED 2 Q. 20,000 for October and November? 3 A. Yeah. 4 Q. 10,000 for each month? 5 A. Yeah, and now let's for the Kiev -- well 6 I'm not sure. 7 I'm not -- I'm not exactly sure where 8 that is without going to the original files. 9 Q. Uh-huh. 10 A. It's the best I can do at the moment. 11 Q. Well why don't we do it this way when 12 you go back to the original files and you locate any 13 additional documents relayed to that? 14 A. Yeah. 15 Q. Provide it to your lawyer? 16 A. Yeah. 17 Q. And he can send it over the on me okay? 18 A. What this is the. 19 Q. Pigg 82. 81, 82. 20 A. Now you want this back right? 21 Q. Well this is marked as an exhibit to 22 this deposition?
Page 211 1 ROUGH DRAFT, NOT EDITED 2 spreadsheet? 3 A. (Reviewing document). 4 5 Now off the top of my head I don't know 6 without going back to the original files. 7 Q. Okay. Well as I look through here I 8 didn't see an invoice for that 13,636.04 for this 9 conference to the Ukraine. 10 A. It doesn't appear on the 2012. 11 Q. Hang on one second. Hang on one second. 12 Somebody is on the phone and we're hearing some 13 feedback or some noise. Maybe you could put your 14 phone on mute. 15 MR. SATTERLEY: Thank you. 16 THE WITNESS: Now I see -- now a 17 part of that if you look on the -- on the -- okay. 18 That sheet next to the bottom 1127, that must be -- 19 I assume that's the 20,000 for October and November. 20 BY MR. SATTERLEY: 21 Q. Yep. 22 A. See.	Page 213 1 ROUGH DRAFT, NOT EDITED 2 A. Yeah, I know. 3 Q. So but I guess what I'm requesting if 4 you when you go to your original files if you find 5 any additional documents? 6 A. Yeah, yeah. 7 Q. Relating to this these conference fees 8 or invoices just send it to your lawyer and he'll 9 look at them and decide whether he wants to send 10 them to me. 11 A. Because I'm confident that there's an 12 explanation for it. It probably didn't get included 13 in here. 14 Q. I'm not accusing you of being a bad 15 treasurer. (Laugh). 16 A. All I'm saying is because I kept, you 17 know, these were -- there were two -- two actually 18 set of files for these. 19 Q. Right. 20 A. So one was just for the study and the 21 other was, you know, any other expenses. Anyway 22 it's 112712 I'll check it.

1 ROUGH DRAFT, NOT EDITED

2 Q. And then the other file, other expenses

3 did you produce that to your attorney?

4 A. No. I'm talking about other expenses

5 not -- not -- nothing to do with this study.

6 Q. Oh, I see what you're saying?

7 A. No, so it's.

8 Q. Okay. Let's keep going?

9 A. So it's 33636.04. Okay. Go ahead.

10 Q. Just to close out that question when you

11 said there's another file relating to other expenses

12 not related to the study are you talking about other

13 expenses for, for example, like maybe payments for

14 Mr. Bernstein?

15 A. Travel.

16 Q. Travel expenses?

17 A. Yeah, right. Exactly.

18 Q. Conference expenses. So there may be

19 additional monies paid to Bernstein that's reflected

20 in some other file?

21 A. Probably not to Bernstein because all of

22 his work has been.

1 ROUGH DRAFT, NOT EDITED

2 Q. Related to the study?

3 A. Yeah.

4 Q. Related to the study?

5 A. Basically yes.

6 Q. Okay. All right let's?

7 A. I'm talking about the general expenses

8 for the -- for the association.

9 Q. Let's keep going.

10 So last November let's see we're at 83

11 the fee for Bernstein he's got it broken down to

12 2800 Swiss francs per day?

13 A. Yes.

14 Q. So in order to get?

15 A. Which one are you on.

16 Q. 83. November just this past November?

17 A. Okay.

18 Q. In order to get 10,000 Swiss francs?

19 That would be about three and a half days.

20 A. Yeah.

21 Q. Of work?

22 A. Right. Uh-huh.

1 ROUGH DRAFT, NOT EDITED

2 Q. And he's got revisions of the manuscript

3 on in November of of 2012 correct?

4 A. Correct.

5 Q. And nowhere in November of 2012 is there

6 any reference to any coauthors?

7 A. No.

8 Q. All right. And in October of 2012 it

9 looks like he spent another three and a half --

10 approximately three and a half days?

11 A. Yes.

12 Q. Reviewing the manuscript?

13 A. Correct.

14 Q. And no reference to any coauthors right?

15 A. Correct.

16 Q. Or discussions with any coauthors or

17 anything like that? Correct?

18 A. Correct.

19 Q. Then we got 85 appears to be an e-mail

20 from you to now bell.net. Who is bell?

21 A. That's Godbout.

22 Q. Oh, Godbout that's his e-mail?

1 ROUGH DRAFT, NOT EDITED

2 A. Yeah.

3 Q. All right. And then explore net is

4 Jean-Marc Leblond?

5 A. Yes, that's it.

6 Q. And you're telling these two folks?

7 A. Expense so far.

8 Q. Expenses right?

9 A. Correct.

10 Q. And it's at that point in time in

11 November of 2012 it was 179,307.51?

12 A. Uh-huh. Correct.

13 Q. Okay. Coming forward on 86 you've got

14 e-mails from August of 2012 relating to this Roger

15 McClellan do you see that?

16 A. Yes.

17 Q. Do you know who Roger McClellan is?

18 A. That didn't ring a bell. Until I saw

19 your letter the same one I was addressee on.

20 Q. Sure.

21 A. I didn't know he was the editor.

22 Q. And it appears that this is an e-mail

Page 218 1 ROUGH DRAFT, NOT EDITED 2 from Roger McClellan to David Bernstein talking 3 about his or the manuscript is in the hands of 4 competent reviewers. Do you see that? 5 A. Yes. 6 Q. And do you know who the -- I guess you 7 don't know who the competent reviewers are? 8 A. No, I do not. 9 Q. Okay. And and were you made aware of 10 that Roger McClellan has served as an expert witness 11 for Union Carbide in the past? 12 A. No. 13 Q. For example, let me show you these 14 Answers to Interrogatories that Union Carbide swore 15 under oath on in 2012 in Florida and it says right 16 here. 17 Do you have a copy he's got a copy for 18 you and we'll mark this as an exhibit. We're up to 19 -- I think we're up to 18. 20 MR. ARTABANE: It's 19. 21 MR. SATTERLEY: 19 okay. 22 (Document marked Exhibit 19.)	Page 220 1 ROUGH DRAFT, NOT EDITED 2 facts lacks foundation. 3 THE WITNESS: Not that I'm aware 4 of. 5 BY MR. SATTERLEY: 6 Q. Did -- is that the in the same one? 7 MR. HARTLEY: That's your copy you 8 gave him the other copy. 9 BY MR. SATTERLEY: 10 Q. Let's see if we can go back to Exhibit 11 19. Show you well first of all do you see Union 12 Carbide has identified David Bernstein? 13 A. Uh-huh. 14 Q. I'm sorry about that. 15 Oh, here we go. 16 MR. COOK: Could you just identify 17 the date of the Answers to Interrogatories for me. 18 MR. SATTERLEY: Yes May 9, 2012. 19 MR. COOK: Thank you. 20 BY MR. SATTERLEY: 21 Q. A little bit over a year ago prior to 22 the review of this Roger McClellan fellow?
Page 219 1 ROUGH DRAFT, NOT EDITED 2 BY MR. SATTERLEY: 3 Q. 19. Exhibit 19. On this page right 4 here they've told us that they've paid this man 5 McClellan to serve as an expert witness I think 6 they've got it's right -- oh, it's the next page. 7 Oh, sorry about that it's the next page right here 8 Roger McClellan? 9 A. Yeah. 10 Q. \$35,792.55. 11 A. Hmm. 12 Q. Did you know that? 13 A. Did not know that. 14 Q. 15 MR. COOK: Objection. Relevance. 16 BY MR. SATTERLEY: 17 Q. Did you was it did Bernstein or Dunnigan 18 share with the international Chrysotile association 19 whether they had friends in or friendly people with 20 particular journals they were going to submit this 21 paper to? 22 MR. COOK: Objection. Assumes	Page 221 1 ROUGH DRAFT, NOT EDITED 2 MR. HARTLEY: Just to clarify 3 though as you'll see in the exhibit actually and I 4 just don't want to if Mr. Satterley knew the answers 5 that he's reading from are from the Nicolella case 6 which were attached to the answers in the Legault 7 case which was from 2012. Nicolella was from 2007. 8 MR. SATTERLEY: Okay. 9 MR. HARTLEY: But they were 10 incorporated according to the answers. 11 MR. SATTERLEY: Sure. 12 MR. HARTLEY: Just so it's clear. 13 BY MR. SATTERLEY: 14 Q. Just so that everybody is on the same 15 page in 2012 Union Carbide answers Interrogatories 16 and attached some previous answers from 2007 and 17 they? 18 A. What -- what -- I'm not. 19 Q. Bernstein is right here? 20 A. Right here. Is that where you're 21 reading from. 22 Q. Yeah Bernstein right there?

Page 222 1 ROUGH DRAFT, NOT EDITED 2 A. Yeah. 3 Q. It says in 2003 and 2005 respectively 4 Dr. Bernstein and others published two studies 5 concerning the biopersistence of Caldera Chrysotile 6 asbestos. Do you see it? 7 A. Yes. 8 Q. And we talked about that earlier? 9 A. Yes, right. 10 Q. You're familiar with that right? 11 A. It's in the -- in the book. 12 Q. In the black book. 13 These studies is disclosed in the paper 14 response by Union Carbide. 15 You knew that right? 16 A. Yes. 17 Q. The total amount paid to support the 18 studies were 400,623.20 would include all costs 19 associated with the studies. 20 Do you see that? 21 A. Yes. 22 Q. Have you -- in this black book that you	Page 224 1 ROUGH DRAFT, NOT EDITED 2 companies that paid for this paper publicly 3 disclosed it that would be one way right? 4 A. Yes. 5 Q. Okay. And but nowhere just from reading 6 the papers themselves it is not readily available 7 who paid for any paper or how much they might have 8 paid? 9 A. Well. 10 MR. COOK: Objection. 11 Argumentative non-relevance. 12 THE WITNESS: Well I think I think 13 the Caldera Union Carbide says this was by a grant 14 from Union Carbide. At the bottom. 15 BY MR. SATTERLEY: 16 Q. Sure? 17 A. Of page 1. 18 Q. Sure. Yeah yeah and if you go right 19 back up here it says in their Answers to 20 Interrogatories who paid for it. It says. 21 The following are amounts paid by the 22 law firms of Orrick Herrington & Sutcliffe, Mayer
Page 223 1 ROUGH DRAFT, NOT EDITED 2 brought with you today I think I asked you sort of a 3 question this way but we know Bernstein's papers in 4 this book right? 5 A. Yes. 6 Q. And we know now if Union Carbide is 7 telling the truth that they spent \$400,000 on this 8 paper? 9 A. Yes. 10 MR. COOK: Objection. Asked and 11 answered. 12 BY MR. SATTERLEY: 13 Q. I take it you haven't gone through to 14 figure out how much money each of these papers cost? 15 A. I have not. 16 MR. COOK: Objection. Assumes 17 facts incomplete hypothetical. 18 BY MR. SATTERLEY: 19 Q. Okay. I'm sorry? 20 A. There's no way I could do that. I don't 21 know. 22 Q. The only way to do that, I mean, if the	Page 225 1 ROUGH DRAFT, NOT EDITED 2 Brown, Alston & Bird and Willcox and savage. Do you 3 see that? 4 A. Yes. 5 Q. So it appears if Union Carbide is 6 telling the truth in these sworn Answers to 7 Interrogatories these law firms various law firms 8 have paid for scientific research correct? 9 MR. COOK: Objection. Document 10 states speaks for itself. Relevance. 11 THE WITNESS: That's what it says. 12 BY MR. SATTERLEY: 13 Q. Okay. 14 A. I have no knowledge of anything about 15 that. 16 Q. Well in any of these studies that you've 17 -- that you brought in this black book does it 18 indicate lawyers were involved? 19 A. No. 20 Q. In creating this literature? 21 A. Not -- not that I'm aware of. 22 Q. Okay.

Page 226 1 ROUGH DRAFT, NOT EDITED 2 A. Don't think so. 3 Q. None of these law firms mentioned? 4 A. No. 5 Q. In these Interrogatories are mentioned 6 in any of these studies are they? 7 A. No. 8 MR. COOK: Objection. 9 Argumentative. Document speaks for itself outside 10 the witness's personal knowledge calls for 11 speculation. 12 BY MR. SATTERLEY: 13 Q. Have you ever heard of any of these law 14 firms? 15 A. No. 16 Q. Of Willcox and savage? 17 A. No. 18 Q. You never heard of them? 19 A. No. 20 Q. Of Alston and Bird? You ever heard of 21 them? 22 A. No.	Page 228 1 ROUGH DRAFT, NOT EDITED 2 MR. ARTABANE: Objection. 3 THE WITNESS: The only -- the only 4 thing I can as far as the one done by Bernstein, to 5 my knowledge there's certainly were no lawyers 6 involved with him. 7 BY MR. SATTERLEY: 8 Q. And we already talked about that 9 earlier? 10 A. Okay. 11 Q. You really don't know because your? 12 A. No. 13 Q. Sole role is to pay the money? 14 A. Correct. 15 Q. Okay. We've been going for a little 16 while. Why don't we take a little bit of a break. 17 Five minutes? 18 MR. COOK: Sure. 19 THE VIDEOGRAPHER: Going off 20 record at 13:47 p.m. 21 (Recess taken - 1:39 p.m. 22 THE VIDEOGRAPHER: Back on record.
Page 227 1 ROUGH DRAFT, NOT EDITED 2 Q. Mayer Brown? 3 A. No. 4 Q. Orrick Herrington & Sutcliffe? 5 A. No. 6 Q. So it would be it's a surprise to you it 7 would be a surprise to you if what they said is the 8 truth that lawyers are actually involved in funding 9 some of this research? 10 MR. COOK: Objection. 11 MR. ARTABANE: Objection not a 12 proper question. 13 MR. COOK: The document speaks for 14 itself. 15 THE WITNESS: I'm -- I'm -- I am 16 not aware that that's been done. 17 BY MR. SATTERLEY: 18 Q. Sure and that's why I said it would be a 19 surprise to you sitting here today in 2013 if some 20 of these studies lawyers were involved in the 21 creation of them? 22 MR. COOK: Same objection.	Page 229 1 ROUGH DRAFT, NOT EDITED 2 Tape disk 4 at 13:56:a 54. 3 BY MR. SATTERLEY: 4 Q. So Mr. Pigg, we left off talking a 5 little bit about some of the articles in the 6 publications that have been paid for by various 7 entities. 8 You as the representative of the 9 international Chrysotile association told -- told us 10 earlier that you have in the past handed out these 11 types of publications to to member companies right? 12 A. Yes. 13 Q. And as a person that's handing out these 14 publications, you have never conveyed any 15 information to the public about whether any of the 16 papers were financed by any corporations or lawyers, 17 have you? 18 MR. COOK: Objection. Misstates 19 facts. 20 THE WITNESS: Not other than the 21 ones that state that they were, you know -- that 22 money was supplied by companies as they identify

Page 230 1 ROUGH DRAFT, NOT EDITED 2 them. 3 BY MR. SATTERLEY: 4 Q. You certainly don't think -- you as a 5 representative of the international Chrysotile 6 association you don't think lawyers should be hiding 7 their involvements in any studies do you? 8 MR. COOK: Objection. Assumes 9 facts. Lacks foundation argumentative calls for 10 speculation. 11 THE WITNESS: No. 12 BY MR. SATTERLEY: 13 Q. Okay. I mean, that would be a wrong 14 thing to do right? 15 MR. COOK: Same objection. Calls 16 for. 17 THE WITNESS: It would not be 18 proper. 19 MR. COOK: Speculation. 20 BY MR. SATTERLEY: 21 Q. And when you say would not be proper 22 what do you mean?	Page 232 1 ROUGH DRAFT, NOT EDITED 2 A. None. 3 Q. 85 is that appears to be just a copy of 4 another e-mail we already talked about? 5 A. E-mail. 6 Q. Right? 7 A. Yeah, the totals totals for the years. 8 Q. And 86 appears to be another e-mail from 9 Roger McClellan the to David Bernstein regarding the 10 manuscript submitted to critical reviews and 11 toxicology? 12 A. Correct. 13 Q. 87 appears to be more e-mails between 14 Bernstein and folks at the critical reviews and 15 toxicology? 16 A. Correct. 17 Q. How did you get copies of these e-mails 18 because I -- 19 A. Well, in fact I just put them in as I 20 told you earlier in a -- in the file and they were 21 sent to me by I think Louise -- well at the top. 22 Now from Leblond when from which is when he would,
Page 231 1 ROUGH DRAFT, NOT EDITED 2 MR. COOK: Same objection. 3 THE WITNESS: 4 THE WITNESS: Well, I think it is 5 always -- all of us should always be honest and 6 upright and tell the truth. 7 BY MR. SATTERLEY: 8 Q. Open and upfront about what you're 9 doing? 10 A. Yes. 11 Q. Okay. All right. Let's keep rolling. 12 We're almost through Exhibit 17. We have a few more 13 invoices to go over. 14 We're up to 84 and this is 84 once again 15 was looks like Mr. Bernstein spent three and a half 16 days in October of 2012 involving revisions of the 17 manuscript? 18 A. Uh-huh. 19 Q. Is that correct? 20 A. Correct. 21 Q. And no reference to any coauthors at all 22 correct?	Page 233 1 ROUGH DRAFT, NOT EDITED 2 you know, provided them from him. At the top of 3 page 86. 4 Q. Okay. So it's? 5 A. That's how how I would have gotten it. 6 On his e-mail to himself. I mean, one I'm one of 7 the addressees. 8 Q. So it appears from these e-mails 9 relating to from McClellan to Bernstein in August of 10 2012 it appears that he had submitted this for 11 publication for the review sometime in the summer 12 last summer right? 13 A. It appears that way yes. 14 Q. All right. And if we look at the -- if 15 we go back to the invoices though in October, 16 November and December there's -- he's charging you 17 guys for revisions to the manuscript? 18 A. Uh-huh. 19 Q. Right? 20 A. I have to look specifically at the 21 revisions in October. 22 Q. \$10,000?

Page 234 1 ROUGH DRAFT, NOT EDITED 2 A. Yeah. 3 Q. For three and a half days? 4 A. Yeah. 5 Q. And both of those months right? 6 A. Yes. 7 Q. All right. And so I guess what I'm 8 trying to understand is what if anything was wrong 9 with the manuscript that required them to be 10 revised? 11 A. I don't know the answer to that. 12 Q. Was he -- okay. 13 If we go over to 92 it appears to be -- 14 A. Uh-huh. 15 Q. -- an e-mail from you to Jean-Marc 16 Leblond? 17 A. Yeah, just giving him an update. 18 Q. . Monies some of the monies? 19 A. Right. 20 Q. That were paid? 21 A. Right. 22 Q. And then on Exhibit Pigg 93 --	Page 236 1 ROUGH DRAFT, NOT EDITED 2 A. I don't remember exactly. I don't 3 remember exactly what that. Of course the 4 international agency for research on cancer I'm not 5 sure what -- what that was about. 6 Q. Okay. The remaining section of the last 7 few pages of this exhibit simply relate to 8 additional invoices from Bernstein regarding 9 revisions of the manuscript correct? 10 A. Yes. 11 Q. And at no point any other coauthors 12 identified on any of these invoices correct? 13 A. No, none. 14 Q. And then the last well page 99 is not 15 the last page 99 shows payments in 2013 correct? 16 A. Correct. 17 Q. It says risk study color paper \$1255.32? 18 A. Yes, that was a part of the printing 19 with the -- with the critical review. 20 Q. You got to pay to have it printed? 21 A. I guess so. 22 Q. Okay. It says risk study reprints?
Page 235 1 ROUGH DRAFT, NOT EDITED 2 A. Uh-huh. 3 Q. -- talks about the Quebec has announced 4 they're going to loan 58 million dollars to to the 5 Jeffrey mine correct? 6 A. Right. 7 Q. Did the Jeffrey mine reopen? 8 A. No. The election -- the different party 9 won the premiership. A lady. 10 What's wrong with that? 11 Anyway so the loan was canceled. 12 Q. Oh, after the chain of the political 13 parties? 14 A. Yes. 15 Q. Continuing on over on the 95 there's an 16 invoice for 12 -- actually 15,900 francs? 17 A. Right. 18 Q. Which equals 18,390 US dollars? 19 A. Right. 20 Q. And that's for a revision of the 21 manuscript back in February and some review of some 22 IARC publication?	Page 237 1 ROUGH DRAFT, NOT EDITED 2 A. Uh-huh. 3 Q. 3,351.60? 4 A. Yeah, they were reprinted and and 5 shipped to the Montreal Canada office. 6 Q. And how many copies of that? 300 or 7 something like that? 8 A. I don't know. For some reason 200 9 sticks in my mind. 10 Q. Okay. 11 A. But I could be wrong about that. 12 Q. And was that -- the reprints was that so 13 the Chrysotile association could hand out this paper 14 to other folks? 15 A. Yes. 16 Q. And? 17 A. I'm sure you have -- you have one of 18 these. 19 Q. No, I don't that the final publication? 20 A. Yes. 21 Q. Oh, this is. Okay. It's in color can 22 can we mark?

Page 238 1 ROUGH DRAFT, NOT EDITED 2 A. It's what we just paid for. 3 Q. Okay. . (Laugh). The color print. So 4 we'll mark this as the next exhibit and a what 5 number are he up to now 20? 6 MR. ARTABANE: 20. 7 MR. SATTERLEY: Yep 20. 8 (Document marked Exhibit 20.) 9 BY MR. SATTERLEY: 10 Q. And let me just verify so the record is 11 complete. Exhibit 20 would be the final published 12 version of the paper that we've been talking a lot 13 about today? 14 A. Exactly yes. 15 Q. And this is the lead author is 16 identified as Bernstein correct? 17 A. Yes. 18 Q. And this has got nice pretty colored 19 graphs in it right? 20 A. Yes. 21 Q. Okay. I did want to ask you about the 22 declaration of interest?	Page 240 1 ROUGH DRAFT, NOT EDITED 2 Q. And likewise the word grant, a grant, 3 there was never a grant issued? 4 A. Not by ICA no. 5 Q. Okay. And I take it you have no 6 knowledge whether the other part where it says in 7 cooperation with the Canadian Chrysotile association 8 you don't have knowledge of that? 9 A. I don't, no. Whether they had a grant I 10 don't know. 11 Q. Let me if I could borrow that? 12 A. But we didn't. 13 Q. 14 A. (Handing). 15 Q. Sure we'll set this right in here. 16 So it says it also identifies Bernstein 17 and Gibbs have served as an expert witness in 18 litigation in the past? 19 A. I think that's what it says yeah. 20 Q. And it says Dunnigan has also served as 21 an expert witness in Canada on health effects of 22 Chrysotile?
Page 239 1 ROUGH DRAFT, NOT EDITED 2 A. Uh-huh. 3 Q. On page 177 of this at the bottom? 4 A. Uh-huh. 5 Q. Have you seen that? 6 A. Yes. 7 Q. You see at the bottom that Bernstein 8 reports that the funds from this comes from a grant 9 of the international Chrysotile association? 10 MR. ARTABANE: 11 MR. COOK: Objection. Misstates 12 evidence document speaks for itself. 13 BY MR. SATTERLEY: 14 Q. Well what does it say? 15 A. It says supported by a grant from the 16 international Chrysotile association Washington, DC 17 which, you know, there's no such entity in 18 Washington, DC. I -- I have no explanation why. 19 Q. You have no explanation why he would -- 20 he would identify the international Chrysotile 21 association as in Washington, DC? 22 A. No.	Page 241 1 ROUGH DRAFT, NOT EDITED 2 A. You know, I'm -- that's -- again that's 3 news to me. In fact I'm not -- I'm not even aware 4 there's been any asbestos litigation as such in 5 Canada. Now Dunnigan has I'm sure spoken, you know, 6 in meetings just like you had for the 2006 meeting. 7 Q. It says he served as expert witness on 8 health effects involving the Quebec workers' 9 compensation board of Quebec? 10 A. Yeah, I don't know anything about that. 11 It may be true. I just don't know. 12 Q. All right. Once again has this -- that 13 is the ICA just taken these reprints and passed them 14 out to people? 15 A. Not -- not to the public. So far as I 16 know. Of course I haven't made any distribution but 17 as far as I know they were distributed to the 18 membership and what the membership may have 19 distributed, you know, I have no way of knowing. 20 Q. This on Pigg 103 says 6,000 Swiss francs 21 for the preparation of a CD, a PDFs of the reference 22 included in the Chrysotile health risk revisited for

Page 242 1 ROUGH DRAFT, NOT EDITED 2 the Roderdam convention for distribution by the ICA. 3 A. Uh-huh. 4 Q. What is that? 5 A. Well, the Roderdam convention, you know, 6 was held last month the last part of May and and I'm 7 not exactly sure. I think Mr. Leblond and the 8 purpose the interest had to do with whether or not 9 Chrysotile would be added to the prior informed 10 consent the PIK list they call it. 11 Q. So the Roderdam convention occurred in? 12 A. Geneva. 13 Q. In what month? January? 14 A. May. 15 Q. Oh, just last month? 16 A. Last month. 17 Q. Okay. And so -- so 6,000 Swiss francs 18 was spent to prepare CDs with the references listed 19 in this Chrysotile revisited so they could be passed 20 out at this convention right? 21 A. If that's -- if that's what he says. I 22 assume it's true. But I don't know that for a fact.	Page 244 1 ROUGH DRAFT, NOT EDITED 2 This would be some of the minutes of the ICA 3 meetings that occurred over last few years; correct? 4 A. Since 2000 and, you know, every time 5 that the revisit study was mentioned yes. 6 Q. Okay. And so the earliest would be what 7 year 2011? 8 A. Probably was. Probably the early. 9 Q. And it indicates where these meetings 10 occurred whether it be London or Brazil? 11 A. Correct. 12 Q. And nowhere in any of these minutes of 13 this meeting do anybody on behalf of the ICA 14 describe work that Bernstein is going to be doing as 15 a grant? 16 A. No. 17 Q. And just so the jury understand the full 18 understanding or has at least a full understanding 19 of some of who is involved on 108 the April 17th 20 meeting in London we've got Mr. Leblond there 21 correct? 22 A. Right.
Page 243 1 ROUGH DRAFT, NOT EDITED 2 I was not there. 3 Q. But you paid -- you paid for -- let me 4 just show that to you? 5 A. Yeah. 6 Q. That's 103? 7 A. Yeah. 8 Q. You paid for that right? 9 A. Yes. 10 Q. You wire transferred money for Bernstein 11 for that? 12 A. Yeah. 13 Q. That thing? 14 A. Yeah. 15 Q. Okay. 16 A. So. 17 Q. Okay. 18 A. And he probably did. 19 Q. Okay. But we're up to 21. 20 (Document marked Exhibit 21.) 21 BY MR. SATTERLEY: 22 Q. This is bears Pigg 108 through Pigg 127.	Page 245 1 ROUGH DRAFT, NOT EDITED 2 Q. We've got somebody from Kazakhstan. 3 Kakistan? How do you say that? 4 A. Kazakhstan. 5 Q. Kazakhstan right? 6 A. Correct. 7 Q. You know that person? 8 A. Yes. I've met him yes, I know. 9 Q. And somebody from Russia? 10 A. Right. 11 Q. Are either of those two individuals 12 involved in mining asbestos? 13 A. Yes. 14 Q. Which one? 15 A. Kazakhstan and Russia. 16 Q. Oh, so both of those individuals? 17 A. Yes. 18 Q. Okay. And then you got somebody from 19 Zimbabwe? 20 A. Yes. 21 Q. That's a little bit north of South 22 Africa?

Page 246 1 ROUGH DRAFT, NOT EDITED 2 A. North. 3 Q. And this individual SMM holdings 4 involved in mining asbestos? 5 A. Correct. 6 Q. Okay. And then we have a whole bunch of 7 people in attendance there? 8 A. Correct. 9 Q. From several different countries? 10 A. Yes. 11 Q. If you could just go through and 12 identify which of these individuals are involved in 13 mining asbestos. 14 A. Okay. The second one Roberto Frantonio 15 is from the mine in Brazil. 16 Q. Uh-huh. 17 A. Nurlan Omarov Kazakhstan. And Taq 18 Maroratorov from Kazakhstan. Reminic from Russia and 19 John Jerry from Russia. They're -- they're involved 20 in mining. 21 Q. And what's what's the united minerals 22 company?	Page 248 1 ROUGH DRAFT, NOT EDITED 2 Q. That's Shankar you were telling us 3 about? 4 A. Yes, he's the vice chairman. 5 Q. If we go over to 111 it shows the 6 meeting in Rio de Janero correct? 7 A. Correct. Last December. 8 Q. And like we already said once again many 9 of these folks are involved in mining asbestos? 10 A. Yes. 11 Q. At these meetings of the ICA do they 12 invite outside scientists to come speak? 13 A. Occasionally. Not regularly but 14 occasionally yes. 15 Q. For example, has Bernstein been present 16 at ICA meetings? 17 A. He has been yes. 18 Q. Let me ask you if if the ICA has ever 19 invited I'm just going to throw out some names. 20 Joseph LaDue? 21 A. No. 22 Q. Do you know who he is?
Page 247 1 ROUGH DRAFT, NOT EDITED 2 A. Well, that's just the name of the 3 marketed company in Kazakhstan. 4 Q. And that indicates on this one that you 5 weren't present? 6 A. Correct. 7 Q. And several other folks from Mexico and 8 Brazil and India wasn't present? 9 A. Correct. 10 Q. Is the person for the Mexico is that a 11 somebody involved in mining? 12 A. No. 13 Q. Asbestos? 14 A. No, they don't mine asbestos in Mexico. 15 They're users primary. 16 Q. Are they users of the asbestos in 17 Mexico? 18 A. Yeah. 19 Q. What about India? 20 A. Same thing. 21 Q. They're users of asbestos? 22 A. Yes.	Page 249 1 ROUGH DRAFT, NOT EDITED 2 A. I've seen the name. I think he's 3 published a paper. 4 Q. They've never invited him to come speak 5 to the ICA? 6 A. No. 7 Q. Has has the ICA ever invited Dr. Arthur 8 Frank to come present? 9 A. No. 10 Q. Do you know who Dr. Arthur Frank is? 11 A. Know the name. 12 Q. What about Dr. Phillip Landrigan? 13 A. No. 14 Q. Dr. Richard Lemen? 15 A. No. 16 Q. Dr. Daniel Teitelbaum? 17 A. No. 18 Q. Dr. Colin Soskolne? 19 A. No. 20 Q. Dr. Barry Castleman? 21 A. No. 22 Q. Has the ICA ever invited any individuals

Page 250 1 ROUGH DRAFT, NOT EDITED 2 that have mesothelioma to any of these meetings? 3 A. Not to my knowledge, no. 4 Q. Have you ever personally met somebody 5 with mesothelioma? 6 A. Not to my knowledge, no. 7 Q. Have you ever attended a trial involving 8 asbestos manufacturer or producer and what they've 9 done what they knew historically? 10 A. No. 11 Q. Now I see that some of these minutes 12 meetings appear to be just a little small section on 13 a big page. 14 Did you white out or black out some of 15 the? 16 MR. ARTABANE: I'll answer that. 17 Your request was for only those minutes that related 18 to the publication and so you were provided only 19 with the minutes that related to the publication. 20 MR. SATTERLEY: I understand well 21 let me just tell you. The minutes that relate to 22 the publication were just the redaction was there a	Page 252 1 ROUGH DRAFT, NOT EDITED 2 A. But they're -- I mean, there is. 3 MR. ARTABANE: I'm going to object 4 to that and state for the record that you're not 5 entitled to any discussions in these minutes about 6 subject matters that you did not request and the 7 documents are totally responsive to your request. 8 MR. SATTERLEY: Okay. I 9 understand you. Let me ask the question. 10 BY MR. SATTERLEY: 11 Q. Do you know -- you're the keeper of 12 these minutes correct? 13 MR. ARTABANE: No. 14 THE WITNESS: No. 15 BY MR. SATTERLEY: 16 Q. You kept you got these records? 17 A. These were approved from Montreal. 18 Q. Okay. And do you have do you maintain 19 copies of them yourself? 20 A. No. 21 Q. You had to get these from Montreal? 22 A. That's right.
Page 251 1 ROUGH DRAFT, NOT EDITED 2 privilege log or something that's been prepared? 3 MR. ARTABANE: It's not required. 4 The response was the documents you got are fully 5 responsive to your request. 6 BY MR. SATTERLEY: 7 Q. If you could, sir, on the December 5th 8 meeting, 111. Are you on 111 right now? 9 A. Yes. 10 Q. You flip over to the next page you see 11 at the bottom it says page 4? 12 A. Yes. 13 Q. Okay. So it looks like we went from the 14 first page and there's page 2, page 3 and most of 15 page 4 is gone? 16 A. Yes. 17 Q. Okay. You told us earlier that it's 18 important from your perspective to be honest and 19 open and upfront correct? 20 A. Well, in in general yes. 21 Q. Sure. I mean, the ICA isn't embarrassed 22 about anything?	Page 253 1 ROUGH DRAFT, NOT EDITED 2 Q. Okay. And when you got them from 3 Montreal though they weren't redacted were they? 4 A. No. 5 Q. Okay. That was done with your 6 assistance of your counsel? 7 A. Yes. 8 Q. Okay. And my question is: Is there any 9 private anything you consider private or secret that 10 occurs at these ICA meetings? 11 A. No, I don't consider them secret except 12 it's official business about financial reports are 13 given, various countries will review the status of 14 asbestos regulations in their country. Just just as 15 an example. But there's nothing -- nothing sacred 16 per se but it's official business. 17 Q. Did you personally verify what was on 18 page 2, 3 and page 4? 19 A. Yes. 20 Q. Okay. And is it your testimony nothing 21 on page 2, 3 or 4 related to any funding of any 22 studies?

Page 254 1 ROUGH DRAFT, NOT EDITED 2 A. That's my testimony. 3 Q. Okay. 4 A. They do not. 5 Q. Okay. But -- but as far as you know the 6 ICA doesn't have a policy or procedure to prevent 7 people from getting copies of the their minutes of 8 their meetings correct? 9 MR. ARTABANE: Objection. That's 10 a legal question. You're entitled to what you asked 11 for and that's what you were provided. 12 MR. SATTERLEY: No no I'm asking 13 about policies and procedures that's not a legal 14 question. 15 BY MR. SATTERLEY: 16 Q. Does ICA have a policy and procedure 17 that says we need to keep our minutes of our meeting 18 secret? 19 A. We do not have a policy that describes 20 that what we have is secret but we do distribute the 21 minutes to the members but we don't distribute them 22 to the news media.	Page 256 1 ROUGH DRAFT, NOT EDITED 2 A. Yes. 3 Q. And do they accurately state the 4 business that was occurring at these meetings at or 5 about the time they occurred? 6 A. Yes. 7 Q. If we go over to 118 that shows the 8 November 29th meeting in? 9 A. Correct. 10 Q. Dubai correct? 11 A. Correct. 12 Q. And you weren't present at that meeting? 13 A. I was not. 14 Q. Once again many of the mining of 15 asbestos was present at this meeting? 16 A. Yeah, Brazil, Kazakhstan, Russia. 17 Q. It says on page 119. 18 The risk assessment's evaluation? 19 A. Yes. 20 Q. And it talks about Bernstein's 21 presentation? 22 A. Yes.
Page 255 1 ROUGH DRAFT, NOT EDITED 2 Q. Sure. 3 A. As any organization wouldn't do. 4 Q. Oh, you're not a nonprofit right? 5 A. Yes. 6 Q. And you get nonprofit status through 7 government? 8 A. Through the province of Quebec. 9 Q. Okay. Is the ICA organized in the 10 United States at all? 11 A. No. 12 Q. And do the province of Quebec as a 13 nonprofit association is it your understanding that 14 you get the benefits of being a nonprofit? 15 MR. ARTABANE: Objection that 16 calls for a legal conclusion. 17 THE WITNESS: I don't know the 18 answer to that. 19 BY MR. SATTERLEY: 20 Q. Just verify for me that all of the pages 21 were retrieved actually kept and retrieved in the 22 ordinary course of business of the ICA?	Page 257 1 ROUGH DRAFT, NOT EDITED 2 Q. And it said. 3 The final report will be published and 4 ICA members will then be in a position to forward 5 this positive information to the respective 6 competent authorities and Chrysotile producing and 7 using countries? 8 A. Yes. 9 Q. So in essence what the ICA was doing was 10 having Bernstein create this literature so that ICA 11 could take this literature and use it to its 12 advantage to give to authorities and Chrysotile 13 producing and using countries? 14 MR. ARTABANE: Objection. No 15 foundation. 16 BY MR. SATTERLEY: 17 Q. Isn't that true? 18 A. Well, of course at that point of course 19 it was -- it hadn't been published but I think the 20 purpose was just to add it to the growing amount of 21 studies that were being published on Chrysotile and 22 to provide competent authorities with with the

Page 258 1 ROUGH DRAFT, NOT EDITED 2 latest study that I think there what he cites 175 3 references in the revisited study. 4 Q. I guess what I'm struggling with -- well 5 move to strike as nonresponsive. 6 Let me what I'm struggling with here it 7 says. 8 The final report will be published. 9 And this is in 2011 right? 10 A. Uh-huh. 11 Q. November of 2011? 12 A. Yeah. 13 Q. How did the ICA know that it would be 14 scientifically acceptable this Bernstein paper in 15 2011 to be published in 2013? How did they know 16 that? 17 A. They didn't know it. 18 Q. Well it says it will be published right? 19 A. Well, it will be published regardless. 20 Q. Okay. 21 A. In. 22 Q. What do you mean by that?	Page 260 1 ROUGH DRAFT, NOT EDITED 2 Q. All right. And so how was it that in 3 2011 before the paper was even prepared and 4 finalized that the ICA would know that it would be 5 scientifically acceptable for publication? 6 MR. COOK: Objection. Lacks 7 foundation. Assumes facts outside the witnesses 8 personal knowledge. 9 THE WITNESS: I don't think they 10 would know for a fact. It was hopeful. 11 BY MR. SATTERLEY: 12 Q. Oh, that's okay. That explains it. 13 At this point in 2011 ICA was hopeful 14 that it would be published? 15 A. Well, just in part of it would be based 16 on those number 13 studies that are there that were 17 positive in the sense that they said at low 18 exposures to Chrysotile there's no detectable health 19 risk. 20 Q. Objection move to strike nonresponsive. 21 So in 2011 ICA was hopeful that 22 Bernstein's paper would be published so that the ICA
Page 259 1 ROUGH DRAFT, NOT EDITED 2 A. Well, Bernstein would publish the study 3 in whatever scientific journal accepted it to be 4 studied. 5 Q. Wherever he could find a place to 6 publish it? 7 MR. COOK: Objection. Assumes 8 facts calls for speculation. 9 THE WITNESS: I don't know about 10 what he could find. Of course that's up to him. 11 BY MR. SATTERLEY: 12 Q. Well? 13 A. But whatever he -- whatever he published 14 would be distributed. 15 Q. Well it says. 16 The final report will be published and 17 ICA members will then be in a position to forward 18 this positive information to the respective 19 competent authorities in Chrysotile producing and 20 using countries. 21 Right I read that correctly? 22 A. (Nods head).	Page 261 1 ROUGH DRAFT, NOT EDITED 2 could then provide this paper to the competent 3 authorities so that Chrysotile could still be 4 produced and used in these countries correct? 5 A. Yes. 6 Q. Is that true? 7 A. Yes. 8 Q. Okay. We are up to we'll set that 9 exhibit to the side. 22? 10 (Document marked Exhibit 22.) 11 BY MR. SATTERLEY: 12 Q. What is reflected -- this is Bates 13 number 128 through 280. 14 What is this exhibit? What is this? 15 A. This is the publication revisited 16 online. 17 Q. Well this has got a bunch of e-mails is 18 what -- so I assume that this comes from your files; 19 right? 20 A. Yes. In fact you probably printed it 21 out. Yeah. 22 Q. These are e-mails back and forth between

Page 262 1 ROUGH DRAFT, NOT EDITED 2 Leblond and Bernstein and Clement and you Mr. Pigg? 3 A. Oh, yeah uh-huh. 4 Q. Right. These are going back? 5 A. Right. 6 Q. And does this represent e-mails back and 7 forth relating to this Chrysotile paper? 8 A. Yes. 9 Q. Over the last? 10 A. It was -- I had one general file. If it 11 didn't pertain to payment of an invoice that I just 12 file whatever it was in the -- in this one general 13 file. That's where this came from. 14 Q. And all of these e-mails reflected on 15 this exhibit are e-mails that were created by and 16 from you and other people associated with ICA? 17 A. Yes. 18 Q. As well as Mr. Bernstein? 19 A. Yes. 20 Q. Okay. And then included in this is a 21 prepublication copy not for distribution? 22 A. Correct.	Page 264 1 ROUGH DRAFT, NOT EDITED 2 budgeted. 3 Do you see that? 4 A. Yes. 5 Q. So what I'm trying to figure out is, 6 when it says budgeted, where is the budget? 7 A. There is no budget. Again I think that 8 it was probably -- my guess would be that 9 Mr. Godbout had advised Dr. Bernstein that the 10 amount of money that we were going to spend on this 11 study is probably not going to exceed \$200,000. 12 Q. So but I guess what I'm confused in when 13 Bernstein says it took more than four times the time 14 that we had budgeted however my commitment to an 15 excellent paper was complete. 16 Do you know what he's referring to? 17 A. No, do not. 18 Q. I mean, if the paper cost over 230 19 thousand or \$230,000 this would seem to indicate 20 that the original budget was 50 or \$60,000? 21 A. I don't. 22 MR. ARTABANE: No.
Page 263 1 ROUGH DRAFT, NOT EDITED 2 Q. Of this paper? 3 A. I think that came out in January or 4 something like that. 5 Q. If you go over to 247. . 247 is an 6 e-mail from Bernstein to you Mr. Leblond? Correct? 7 A. Yes. 8 Q. And it's? 9 A. Prepublication. 10 Q. It's the pre -- it's the transfer or 11 actually e-mails saying that the paper had been? 12 A. Accepted. 13 Q. Accepted? 14 Q. It says in the second paragraph down. 15 As proposed by Clement I am sending you 16 as well as my additional invoice for partial 17 compensation of additional work on this paper. I 18 greatly appreciate this. 19 Do you see that? 20 A. Yes. 21 Q. As I mentioned to him the last revision 22 took more than four times the time that we had	Page 265 1 ROUGH DRAFT, NOT EDITED 2 THE WITNESS: I don't think that's 3 what he's -- I don't think that's what he's 4 referring to. 5 BY MR. SATTERLEY: 6 Q. It says? 7 A. He's talking about the last revision. 8 Q. It says. 9 The editor of the journal was very 10 exigent due to the controversial topic and had sent 11 it for review three times to nine different 12 scientists. 13 Do you see that? 14 A. Yes. 15 Q. Do you know who any of those scientists 16 are? 17 A. No idea. 18 Q. While this has been a lengthy process 19 the resulting following manuscript is in my opinion 20 an excellent review. 21 Bernstein's comment upon himself? 22 A. Yes.

Page 266 1 ROUGH DRAFT, NOT EDITED 2 Q. So let's set that exhibit to the side. 3 I want to ask you. 4 In February of this year did you receive 5 a letter from my law partner Mr. Kazan requesting 6 that you maintain all documentary evidence relating 7 to this publication? 8 A. Yes. 9 Q. I'm handing you Exhibits 281 through 283 10 and ask you is this the copy of the letter? 11 (Document marked Exhibit 23.) 12 THE WITNESS: Yes, and when I 13 received it I shared it with counsel. He advised me 14 to make a memorandum for the record, place it in my 15 file to say that no destruction of files will be 16 done. 17 BY MR. SATTERLEY: 18 Q. Okay. 19 A. And I did. 20 Q. Super. And is that the memorandum 21 attached as the last page of that document? 22 A. I didn't know it was there.	Page 268 1 ROUGH DRAFT, NOT EDITED 2 confidential and private communications which should 3 not be released to any other party. The release of 4 such communications could do irreparable harm to the 5 peer review process of CRT and moreover my 6 precedence to the scientific review presence of all 7 scientific journals. If any of the recipients of 8 the letter from Mr. Kazan should receive any 9 additional communication from Mr. Kazan please 10 forward copies to Bridget Sheppard inform London 11 and me and do not take any action until directed by 12 formal legal counsel. 13 Did he give this to you? 14 A. I think it came from Bernstein but I've 15 ignored it. 16 Q. And what do you mean by that? 17 A. That I don't know any of those people. 18 I never corresponded or contacted Mr. McClellan or 19 the lady that's mentioned. 20 Q. Okay. 21 A. Okay. 22 Q. Okay. Let me ask you some other
Page 267 1 ROUGH DRAFT, NOT EDITED 2 Q. The letter is the first two pages and 3 then there's a third page to that. 4 A. No. 5 Q. Oh, what's that third page? 6 A. It's McClellan's e-mail. 7 Q. Oh, okay. . So McClellan's e-mail 8 regarding the letter from Steven Kazan? 9 A. Yes. 10 Q. It says from Roger McClellan to Bridget 11 Sheppard. 12 Do you know who Bridget Sheppard is? 13 A. No. 14 Q. It says. 15 I have received the attached letter 16 today. Please forward a copy to the appropriate 17 legal counsel at informa. In my opinion any 18 communication between the author and the editor such 19 as exercise such as I exercise as editor of critical 20 reviews in toxicology or a member of the editorial 21 advisory board of CRT and reviewers of the 22 manuscripts submitted to CRT are privileged	Page 269 1 ROUGH DRAFT, NOT EDITED 2 questions about abandoning asbestos global. 3 You're aware that there are many 4 scientists around the world that have asked for a 5 global ban on asbestos correct? 6 A. Yes. 7 MR. COOK: Can I have a continuing 8 objection on the questions on the banning of 9 asbestos. 10 MR. ARTABANE: Yeah and let me 11 just say for the record. This is beyond the scope 12 of the items that Exhibits 1 to Mr. Pigg and Exhibit 13 2 to ICA either list in terms of subject matter area 14 or list in terms of designations by ICA of Mr. Pigg 15 as its representative. 16 BY MR. SATTERLEY: 17 Q. Let me ask you a few questions about 18 this. 19 MR. ARTABANE: So I'll have a 20 continuing objection to this entire line of 21 questioning. 22 MR. SATTERLEY: I understand. I

Page 270 1 ROUGH DRAFT, NOT EDITED 2 understand. 3 MR. COOK: Join. 4 MR. SATTERLEY: 24. 5 (Document marked Exhibit 24.) 6 THE VIDEOGRAPHER: Excuse me 7 counsel may I change a battery. 8 MR. SATTERLEY: Yes. 9 THE VIDEOGRAPHER: On his 10 microphone go off for a second. Going off the 11 record at 14:38:02. 12 (Recess taken - 2:37 p.m.) 13 THE VIDEOGRAPHER: Back on record 14 at 14:32:32 still on tape 4. 15 (Document marked Exhibit 24.) 16 BY MR. SATTERLEY: 17 Q. I marked as Exhibit 24 a paper called a 18 case for a global ban on asbestos and it's written 19 by several scientists and it's published in 20 environmental health perspectives in 2010? 21 A. Right. 22 Q. Have you read that in the past?	Page 272 1 ROUGH DRAFT, NOT EDITED 2 Q. Like the Roderdam convention or anything 3 like that? 4 A. No. 5 Q. Have they presented any of these 6 publications to Mr. Bernstein? 7 A. Not to my knowledge no. 8 Q. Did -- have you seen any evidence that 9 ICA told Mr. Bernstein at any point in time in the 10 two to three-year period when they were funding this 11 article, we want you to include all publications 12 even publications that would suggest that asbestos 13 should be totally banned? 14 A. I don't think there were -- there were 15 any directions either plus or con to Dr. Bernstein, 16 no. 17 Q. At no point in time was there a 18 direction to Mr. Bernstein that, we want you to give 19 an objective scientific analysis? 20 A. Not that I was a party of and heard no. 21 Q. Okay. Set this exhibit to the side. 22 Exhibit 25 is a statement in response to
Page 271 1 ROUGH DRAFT, NOT EDITED 2 A. I've seen it. 3 Q. Okay. And when you say you've seen it? 4 A. Well, I've read it back then yeah. 5 Q. Has this -- back in 2010 when it was 6 written? 7 A. Yes. Yes. 8 Q. And have you? 9 A. I'm sure I did. I can't say I remember 10 it specifically because there are several articles 11 on the same subject. 12 Q. You see that there's a list of 13 references on this article? 14 A. Yes. 15 Q. And it's I haven't added them up but it 16 goes over it's a couple pages? 17 A. Right. 18 Q. Has the ICA taken these references and 19 organized them and put them on a disk? 20 A. Not to my knowledge. 21 Q. To present them at any conventions? 22 A. No.	Page 273 1 ROUGH DRAFT, NOT EDITED 2 the asbestos industry's efforts to prevent a ban on 3 asbestos in Pakistan? 4 (Document marked Exhibit 25. .) 5 THE WITNESS: Uh-huh. 6 BY MR. SATTERLEY: 7 Q. Have you seen that? 8 A. Yes. 9 Q. And have you read it? 10 A. Yes. 11 Q. And when did you read it? Let me hand 12 it to you. 13 A. Well, I should have -- no. Was after -- 14 I can't remember the exact date when the company in 15 Pakistan contacted ICA and asked for assistance or 16 materials to be submitted to Pakistan and then 17 shortly after -- after that happened earlier this 18 year I saw this publication that you gave me, yes. 19 Q. And it's critical of the ICA correct? 20 A. What do you mean critical. 21 Q. Well if you look on the page 1. 22 The information to the international

Page 274 1 ROUGH DRAFT, NOT EDITED 2 Chrysotile association puts forward in its letter is 3 false. 4 Right there. The first page. 5 A. Oh, yes I see. I see that. 6 Q. And then it sets forth? 7 A. Yeah. 8 Q. It sets forth several numbered facts 9 that these signers of this letter supports that 10 position correct? 11 A. Correct. 12 Q. And it's signed off by a whole bunch of 13 different scientific -- scientists around the world? 14 A. Yes, correct. 15 Q. Has since this letter in February of 16 2013 has the ICA in any meetings discussed this 17 letter? 18 A. Not to my knowledge, no. 19 Q. Has ICA taken any action to respond to 20 this letter? 21 A. Not to my knowledge, no. 22 Q. We'll set that to the side.	Page 276 1 ROUGH DRAFT, NOT EDITED 2 part of your speech that you gave at the Chrysotile 3 international conference in 2006 correct. 4 THE WITNESS: Correct. 5 BY MR. SATTERLEY: 6 Q. And this is just so the record is clear 7 the voice that we're hearing is your voice correct? 8 A. Correct. I understand. 9 #06: And indisputably 10 demonstrates that Chrysotile is the most valuable 11 substance. 12 BY MR. SATTERLEY: 13 Q. And you believe Chrysotile is a most 14 valuable substance true? 15 A. I do. 16 #06: Can be and should be 17 continued to be used safely for many decades to 18 come. 19 BY MR. SATTERLEY: 20 Q. And you believe that Chrysotile should 21 be used and be continued to be used safely for many 22 decades to come?
Page 275 1 ROUGH DRAFT, NOT EDITED 2 Now you told me earlier that you have 3 been a strong advocate for the continued use of 4 Chrysotile asbestos correct? 5 MR. ARTABANE: Him personally. 6 THE WITNESS: Under. 7 BY MR. SATTERLEY: 8 Q. Sure you personally? 9 A. Well, I would place a condition on that. 10 Advocate for the continued use of it in a safe and 11 controlled manner. 12 Q. You believe that Chrysotile asbestos 13 should be used for decades to come? 14 A. Yes. 15 Q. And you've publicly so stated correct? 16 A. Yes. 17 Q. Let me show you. 18 Tape played. 19 Eye we have already been presented today 20 clearly? 21 MR. SATTERLEY: Let me just so the 22 record is clear I'm presenting you with your speech	Page 277 1 ROUGH DRAFT, NOT EDITED 2 A. Yes. 3 MR. COOK: Objection. Relevance. 4 BY MR. SATTERLEY: 5 Q. You've described Chrysotile asbestos as 6 a magic mineral? 7 A. Well, that's -- that's colloquial saying 8 that has been around for a hundred years. 9 Q. And you in your speech at the 10 international Chrysotile institute described it as a 11 magic mineral? 12 A. I don't remember my exact words but. 13 Q. Let's see. I don't remember your exact 14 words either. So it's a good point. 15 #06: When I look back over the 16 last 30 years and reflect what has transpired in the 17 United States I believe that asbestos is indeed the 18 magic mineral. 19 THE WITNESS: Uh-huh. 20 BY MR. SATTERLEY: 21 Q. You said that? 22 A. I said that because there are some

Page 278 1 ROUGH DRAFT, NOT EDITED 2 things there's no -- no substitute for. 3 Q. Well wait a second. You told me earlier 4 you're not an expert right? 5 A. That's what I've read. 6 Q. Okay. And you're not you don't have any 7 technical expertise? 8 A. No. 9 Q. And you're not a scientist? 10 A. I am not. 11 Q. And so the basis for your personal 12 opinion about substitutes? 13 A. Is a layperson. 14 Q. Is a layperson right? 15 A. Right. 16 Q. Okay. 17 Q. You describe in your speech in 2006 at 18 the international Chrysotile institute that the 19 early claims of asbestos disease truly deserve 20 compensation correct? 21 A. Yes. 22 Q. But you certainly are not suggesting	Page 280 1 ROUGH DRAFT, NOT EDITED 2 BY MR. SATTERLEY: 3 Q. AIANA. I'm sorry about that. 4 So just let me ask the question again so 5 it's clear who we're talking about. 6 You have publicly stated how the AIANA 7 has assisted and successfully fighting the ban on 8 asbestos going back in time correct? 9 A. Yes. 10 Q. And matter of fact you have boasted that 11 the AIANA assisted industry in suing the EPA? 12 A. I -- I don't agree with the word 13 boasted. 14 Q. Okay. I apologize. 15 You have spoken publicly about how the 16 AIANA has assisted industry in suing the EPA on 17 asbestos issues? 18 A. And I think we legitimately made our 19 case and which was confirmed by the fifth circuit 20 Court of Appeals. 21 Q. So the AIANA is not only involved in 22 regulators but also is involved in assisting in
Page 279 1 ROUGH DRAFT, NOT EDITED 2 that people suffering from mesothelioma from 3 asbestos exposure in 2013 don't likewise deserve 4 compensation? 5 MR. COOK: Objection. Assumes 6 facts lacks foundation incomplete hypothetical 7 personal. 8 MR. ARTABANE: I object to this 9 entire line of questions. 10 MR. COOK: Outside the scope. 11 THE WITNESS: No, I do not object. 12 I mean, I think I think everyone should be if they. 13 BY MR. SATTERLEY: 14 Q. If they had been injured? 15 A. If they are indeed injured with asbestos 16 should be compensated. 17 Q. You have spoken publicly about how the 18 AIA has successfully fought the ban of asbestos in 19 the United States? 20 A. Yes. 21 MR. ARTABANE: AIA or AIANA. 22 THE WITNESS: AIANA.	Page 281 1 ROUGH DRAFT, NOT EDITED 2 court cases true? 3 A. No. 4 MR. COOK: Objection. Misstates 5 testimony. 6 THE WITNESS: No. 7 BY MR. SATTERLEY: 8 Q. You just said you won at the fifth 9 circuit? 10 A. No, but that was simply challenging a 11 regulation. We never. 12 Q. In court, sir, right? 13 A. Well, true but not -- I thought you were 14 referring to individual cases. 15 Q. No. I'm sorry. 16 The AIANA? 17 A. Yeah. 18 Q. Didn't provide services for individual 19 cases correct? 20 A. Right. 21 Q. I mean, the AIANA they would give advice 22 on hiring expert witnesses and things like that back

1 ROUGH DRAFT, NOT EDITED
 2 in the '70s?
 3 A. Yes.
 4 Q. And that's what Dr. Weill?
 5 A. Yes.
 6 Q. Assisted with?
 7 A. Yes.
 8 Q. Okay. No, I'm talking about when I was
 9 talking about court cases?
 10 A. Oh.
 11 Q. I was talking about the challenging the
 12 bans and challenging regulations?
 13 A. But.
 14 Q. You guys have been involved in that?
 15 A. Yes.
 16 Q. Okay. All right. Let me ask one other
 17 question about -- we are up to 26 I think?
 18 (Document marked Exhibit 26.)
 19 BY MR. SATTERLEY:
 20 Q. 26 is -- I like to present this
 21 information Exhibit 26 and ask you several
 22 hypotheticals over the next set of questions.

1 ROUGH DRAFT, NOT EDITED
 2 This is a letter written to Dr. Donald
 3 Gardner. He's the editor in chief of inhalation
 4 toxicology a journal.
 5 Have you ever heard of Dr. Gardner?
 6 A. No.
 7 Q. And in this letter the articles at issue
 8 involve several written by Bernstein.
 9 Do you see that?
 10 A. Yes.
 11 Q. Articles?
 12 A. Yes.
 13 Q. Number 1 and 2 is written by Bernstein?
 14 A. Yes.
 15 Q. Okay. Articles number 3 are submitted
 16 by Bernstein in 2011. Do you see that? It's on the
 17 back side of the paper. I've double-sided it to try
 18 to save a little bit of paper.
 19 A. Where?
 20 Q. It's number 3 on the?
 21 A. Number paragraph.
 22 Q. Quantification?

1 ROUGH DRAFT, NOT EDITED
 2 A. Rather the underlying work?
 3 Q. No no no?
 4 A. Is that what you're talking?
 5 Q. I apologize. Let me help you out.
 6 A. Where are you talking.
 7 Q. Number 3 Bernstein?
 8 A. Oh, okay.
 9 Q. Where it's highlighted Bernstein's name.
 10 A. I'm sorry.
 11 Q. All right and it says in this letter
 12 that the article contains a statement:
 13 This research was supported by a grant.
 14 You see that "By a grant"?
 15 A. Yes.
 16 Q. From Georgia-Pacific?
 17 A. Next paragraph? Yeah.
 18 Q. Yeah. Georgia-Pacific LLC?
 19 A. Right.
 20 Q. That's the same language same disclosure
 21 that Bernstein put in this paper a grant right?
 22 A. Right.

1 ROUGH DRAFT, NOT EDITED
 2 Q. All right. It goes on to say on the
 3 next -- on the next page.
 4 He talks about 2005?
 5 A. Yes.
 6 Q. You see that?
 7 A. Yes.
 8 Q. Mr. Child sent a letter to Mr. Holm
 9 confirming that Mr. Holm had been specifically
 10 employed by Georgia-Pacific to perform expert
 11 consulting services in connection with pending and
 12 anticipated litigation concerning alleged exposure
 13 to asbestos.
 14 A. Yes.
 15 Q. Have you -- are you familiar with
 16 Bernstein's involvement in assisting Georgia-Pacific
 17 with this paper?
 18 A. Not until a few days ago. I guess when
 19 it was in the news or whatever.
 20 Q. And what did you learn a few days ago in
 21 the news?
 22 A. Something about a decision in New York.

1 ROUGH DRAFT, NOT EDITED

2 Q. And in that decision in New York it was

3 determined that there was a potential what's called

4 crime-fraud exception?

5 A. Yes.

6 Q. And up until that point in time you had

7 never heard of crime-fraud exception or anything

8 like that?

9 A. No.

10 Q. And did you when you a few days ago when

11 you heard of that decision in New York, did you go

12 back and look at the Bernstein article?

13 A. No.

14 Q. What did you do?

15 A. Well.

16 Q. Just read about it?

17 A. I just read about it.

18 Q. Where did you read about it?

19 A. It was in a -- I guess it was -- I think

20 it was an article by Kathleen Ruff on her Web, Web

21 page.

22 Q. Do you subscribe to Ms. Ruff?

1 ROUGH DRAFT, NOT EDITED

2 A. No.

3 Q. Web page?

4 A. No.

5 Q. Do you get e-mails from her?

6 A. It was sent to me from ICA in Canada.

7 Q. Okay.

8 A. They they of course got it. That's

9 where I read it.

10 Q. So you stay up on sort of what's going

11 on by and through ICA?

12 A. Yes.

13 Q. They forward you information like this?

14 A. Right.

15 Q. And did you read the opinion the

16 decision about the New York the New York opinion?

17 A. I glanced at it. I'm not -- I'm not a

18 lawyer either.

19 Q. Sure. Sure.

20 It says.

21 Mr. Holm's work was directed solely by

22 GP's in-house counsel. Mr. Holm was told that he

1 ROUGH DRAFT, NOT EDITED

2 would report directly to GP's in-house counsel.

3 Do you see that?

4 A. Yes.

5 Q. On this letter he.

6 Then it says next paragraph.

7 Mr. Holm's met with lawyers in

8 Washington, DC who he knew were serving as outside

9 counsel on asbestos litigation.

10 Do you see that?

11 A. Uh-huh.

12 Q. Now did you know that Bruce Bishop one

13 of Union Carbide's lawyers in this case was one of

14 the lawyers involved in this?

15 A. No.

16 MR. COOK: Objection. Assumes

17 facts lacks foundation.

18 BY MR. SATTERLEY:

19 Q. It says.

20 Mr. Holm agreed that this whole project

21 that he had now specifically employed was

22 specifically employed by GP to undertake what's for

1 ROUGH DRAFT, NOT EDITED

2 litigation driven research.

3 You see that?

4 A. Yes.

5 Q. Okay. And you know what litigation

6 driven research is?

7 A. Well, in general I would.

8 Q. What's your understanding of litigation

9 driven research?

10 A. Well, it would be research concerning

11 court cases.

12 Q. Research to help out in litigation right

13 one side?

14 A. Assume so.

15 Q. One side or the other?

16 A. Yes.

17 Q. Okay. It says.

18 Prior to sharing this litigation driven

19 research proposal with the GP attorneys and the GP

20 senior management Mr. Holm had spoken to David

21 Bernstein the lead author on the articles at issue

22 here who became one of the outside consultants who

Page 290 1 ROUGH DRAFT, NOT EDITED 2 eventually got hired for this litigation driven 3 research. 4 Do you see that the bottom of that page? 5 A. Yeah, okay. . Yes, uh-huh. 6 Q. And at the time that ICA was funding 7 Bernstein did ICA as far as you know know that 8 Bernstein was involved in this litigation driven 9 research? 10 A. Not to my knowledge, no. 11 Q. Okay. Do you agree that Mr. Bernstein 12 should -- should be disclosing his involvement in 13 litigation driven research? 14 MR. COOK: Objection. Beyond I 15 note again my continuing objection it's beyond the 16 notice and personal knowledge of the witness 17 complete hypothetical relevance assumes facts and 18 asks the witness to comment on a scientific standard 19 with respect to disclosure than course of knowledge. 20 MR. ARTABANE: I renew my 21 continuing objection. 22 BY MR. SATTERLEY:	Page 292 1 ROUGH DRAFT, NOT EDITED 2 in litigation driven research correct? 3 A. Well, I don't think necessarily so. I 4 mean, I don't know what Dr. Bernstein's, you know, 5 everything he may have concluded in his scientific 6 research. I think that's -- that's a decision that 7 he has -- he has to make. If there's going to be 8 some culpability involved. 9 Q. Well let's go to paragraph 10 here on 10 this letter. It may be on that other sheet over 11 there. You got paragraph 10 here. I got it 12 highlighted? 13 A. Is that the last page? 14 Q. No no it's the next to last page. 15 A. Oh, yeah I got it. 16 Q. Paragraph 10. 17 A. At the top? 18 Q. No, this is the bottom. 19 A. Okay. Mr. Holm? 20 Q. Let me. No, that's number 46789 cease 21 there's number 4 there? 22 A. Yeah.
Page 291 1 ROUGH DRAFT, NOT EDITED 2 Q. Sure? 3 MR. ARTABANE: To anything that 4 transpires. 5 #09: I'm going to join that 6 objection this is Karen. 7 MR. SATTERLEY: Who do you 8 represent. 9 MR. COOK: GP. 10 MR. SATTERLEY: Are you 11 Georgia-Pacific's lawyers. 12 #09: Yes, I am. 13 BY MR. SATTERLEY: 14 Q. I apologize did you understand my 15 question? 16 A. I've kind of lost it now. 17 Q. Yeah sure and everybody can have the 18 same question again before I ask it just so you 19 don't lose it again. 20 You would agree, sir, that from from 21 your perspective and from ICA's perspective it would 22 be best that Dr. Bernstein disclose his involvement	Page 293 1 ROUGH DRAFT, NOT EDITED 2 Q. I'm looking at the one that has the 3 number 10 on it. On that side there? 4 A. Okay sorry. 5 Q. That's okay. 6 It says specifically in January 2006 7 Dr. Bernstein was hired "As a scientific medical 8 consultant who was committing under the terms of his 9 contract "To follow the specific instructions given 10 to him by the Georgia-Pacific attorneys. 11 Do you see that? 12 A. Yes. 13 Q. Did you know that in the past Bernstein 14 entered into contracts where he was specifically 15 instructed that he must follow the instruction of 16 Georgia-Pacific's attorneys? 17 A. No. 18 Q. And as somebody that relies upon 19 scientists to provide information so that you can 20 share with the public, you would think that would be 21 wrong for a scientist to take the directions from 22 the attorneys correct?

Page 294 1 ROUGH DRAFT, NOT EDITED 2 A. Yes. 3 Q. I mean? 4 A. Yes. 5 Q. Your role in providing this information 6 in this black book or this or anything that you're 7 providing to your customers or your rather your 8 member companies, I mean, you want to have 9 reasonable assurance that what you're providing is 10 accurate right? 11 A. Yes. 12 Q. And? 13 MS. PRODROMO: Vague and 14 ambiguous. 15 BY MR. SATTERLEY: 16 Q. And wouldn't it undermine your ability 17 to provide information scientific information that 18 was reasonably accurate if the information in the 19 articles are coming from attorneys that are involved 20 in litigation as opposed to scientists? 21 MR. COOK: Renew my continuing 22 objection.	Page 296 1 ROUGH DRAFT, NOT EDITED 2 BY MR. SATTERLEY: 3 Q. Because the real world in the real world 4 companies are involved in litigation they frequently 5 and regularly fund studies to support their defense 6 in litigation? 7 A. I don't know about that but the letter 8 you just gave me about Pakistan, everybody has their 9 biases don't we? And you've got all those people 10 who signed that letter opposing Chrysotile and yet 11 you've got 175 references that Dr. Bernstein used in 12 his study that not necessarily support it but 13 certainly are applicable to it. So, you know, it's 14 -- it's you've got. 15 Q. So let me understand let me understand. 16 So you have what you're saying is on the 17 one hand you have people that are biased in favor of 18 selling Chrysotile asbestos and those people are 19 people like the folks that are mining the asbestos 20 right? 21 A. Right. Yes. 22 Q. And then you have people here on the
Page 295 1 ROUGH DRAFT, NOT EDITED 2 THE WITNESS: That's a long 3 question. 4 MS. PRODROMO: Vague and ambiguous 5 and lack of foundation. 6 FEMALE VOICE: Calls for 7 speculation. 8 BY MR. SATTERLEY: 9 Q. Let me ask it again and I apologize. 10 Wouldn't you agree, sir, that when 11 presenting information to the public whoever it is 12 -- 13 A. Uh-huh. 14 Q. -- that it would be better to have 15 information that was prepared by scientists as 16 opposed to information prepared by scientists at the 17 instructions of attorneys in litigation? 18 #09: Same objection. 19 MR. COOK: Continuing objection. 20 THE WITNESS: Probably would be 21 better but that's I don't think that's what the real 22 world is is like.	Page 297 1 ROUGH DRAFT, NOT EDITED 2 other side that you think may be biased against 3 Chrysotile because they're concerned about people 4 getting sick from the asbestos? 5 MR. COOK: Objection. Misstates 6 testimony. 7 THE WITNESS: And and they are 8 concerned about getting their litigation fees in the 9 court cases. 10 BY MR. SATTERLEY: 11 Q. Okay. 12 A. So how many -- how many people that you 13 named in there are expert witnesses for the 14 plaintiffs. 15 Q. Okay. So? 16 A. And how much money do they make. 17 Q. I hand you 25 Exhibit 25? 18 (Document marked Exhibit 25.) 19 BY MR. SATTERLEY: 20 Q. Tell me of all those people that signed 21 that who is biased in your view? 22 MR. COOK: Objection. Assumes

Page 298 1 ROUGH DRAFT, NOT EDITED 2 facts lacks foundation. 3 BY MR. SATTERLEY: 4 Q. Can you? 5 MR. COOK: Outside. 6 BY MR. SATTERLEY: 7 Q. You can't do that can you? 8 A. I can't do that. 9 MR. COOK: Outside the witnesses 10 personal knowledge. 11 THE WITNESS: I can't see in 12 anybodies heart. 13 #09: Objection. 14 BY MR. SATTERLEY: 15 Q. The next? 16 A. But they have their opinion and you have 17 the other side and again I'm talking about a layman. 18 Q. Sure? 19 A. I look at, you know, there are all kinds 20 of documents. 21 Q. ICA the international Chrysotile 22 association funded Bernstein to support their	Page 300 1 ROUGH DRAFT, NOT EDITED 2 for to demonstrate that Chrysotile kills people? 3 MR. COOK: Objection. 4 Argumentative. 5 THE WITNESS: Please repeat. 6 BY MR. SATTERLEY: 7 Q. Sure. Did ICA fund Bernstein to 8 demonstrate how many people have died from 9 mesothelioma from Chrysotile? 10 MR. COOK: Same objections. 11 THE WITNESS: No. 12 MR. COOK: Assumes facts. 13 BY MR. SATTERLEY: 14 Q. Did ICA fund Bernstein so that the 15 public can be safer as it relates to exposure to 16 Chrysotile asbestos? 17 MR. COOK: Same objection. 18 THE WITNESS: I think that the 19 study was to show what the effects are on the -- on 20 the use of Chrysotile at low exposures with in the 21 hope that that would -- would underscore that -- 22 that theory. You know.
Page 299 1 ROUGH DRAFT, NOT EDITED 2 position correct? The Chrysotile safe? 3 MR. ARTABANE: That 4 mischaracterizes testimony. 5 BY MR. SATTERLEY: 6 Q. The ICA funded Bernstein so that he 7 could publish to support ICA's position? 8 A. Well. 9 Q. With about Chrysotile? 10 A. I would say that -- I answered that 11 question earlier. I said that was hoped for that 12 there would be a positive study. 13 Q. And? 14 A. Because of the recent group of 15 scientific articles that have been published showing 16 more and more that Chrysotile can be used safely. 17 Q. So is it true that ICA funded Bernstein 18 to write a paper to support their position? 19 A. No. 20 Q. That's not true? 21 A. No. 22 Q. Did they fund -- did ICA fund Bernstein	Page 301 1 ROUGH DRAFT, NOT EDITED 2 BY MR. SATTERLEY: 3 Q. Objection move to strike nonresponsive. 4 My question, sir, was: Did ICA fund 5 Bernstein to educate the public that Chrysotile was 6 a safe or dangerous mineral? 7 A. ICA funded for the study to advance the 8 scientific knowledge of what the health effects are 9 of Chrysotile. I don't know any other way to answer 10 your question other than that. 11 Q. So? 12 A. But. 13 Q. In this study to you would agree was 14 used or can be used by member companies of the ICA 15 to go around to various governmental bodies to 16 promote the use of Chrysotile asbestos? True? 17 A. True. 18 Q. Okay. A couple more questions about 19 this letter. 20 Paragraph number 12 says. 21 As of June 2011, pursuant to the 22 contracts with GP, Dr. Bernstein had been paid

Page 302 1 ROUGH DRAFT, NOT EDITED 2 \$850,000. 3 Do you see that? 4 A. Yes. 5 Q. Did you know that prior to? 6 A. No. 7 Q. Bernstein's involvement in in this 8 paper? 9 A. No. 10 Q. Over on the next page, the next to last 11 page. I've got it highlighted paragraph 13? 12 A. Yeah. 13 Q. Do you see that? 14 A. Yes. 15 Q. It says. 16 As of June 2011, Dr. Bernstein's 17 coauthors, specifically RCC, U Decker, S Gehring and 18 GAS Kuzendorf were \$750,000 by GP. 19 Do you see that? 20 A. Yes. 21 Q. Did you know that? 22 A. I don't even know who they are.	Page 304 1 ROUGH DRAFT, NOT EDITED 2 A. If you say so. 3 Q. You don't know one way or the other? 4 A. I don't know one way or the other no. 5 Q. In all -- you can set this -- we can set 6 this exhibit to the side, sir. 7 And all the information that I marked as 8 Exhibit 26 if it was true hypothetically would you 9 agree that Bernstein is not someone who is properly 10 reporting science? 11 A. No. 12 MR. COOK: Objection. 13 MR. ARTABANE: Objection. 14 MR. COOK: Beyond the scope of the 15 notice and personal knowledge of the witness 16 incomplete hypothetical relevance assumes facts 17 prejudicial and argumentative. Also asks for a 18 value judgment that the witness can't give. 19 THE WITNESS: From what I know 20 about Dr. Bernstein no, I wouldn't say that. 21 BY MR. SATTERLEY: 22 Q. Do you think that Dr. Bernstein being if
Page 303 1 ROUGH DRAFT, NOT EDITED 2 Q. All right. It says. 3 RA Rogers and R Sepulveda was paid 4 \$700,000 by GP. 5 Do you see that? 6 A. Yes. 7 Q. Do you know who that is? 8 A. No. 9 Q. Okay. It says coauthor Dr. Donaldson 10 has also been hired as a consultant -- hired by GP 11 as a consultant for the asbestos litigation project 12 on an hourly basis and has been paid from time to 13 time on GP asbestos litigation projects since 2006? 14 MR. COOK: Renew same objection. 15 BY MR. SATTERLEY: 16 Q. Do you see that? 17 A. Yes. 18 Q. Do you know who Dr. Donaldson is? 19 A. I have no idea. 20 Q. Donaldson was the guy at the particle 21 and fiber toxicology that Bernstein consulted on the 22 Chrysotile review article correct?	Page 305 1 ROUGH DRAFT, NOT EDITED 2 this is true hypothetically being paid hundred of 3 thousands of dollars and being and signing 4 agreements to have lawyers telling him what to 5 write, do you think Dr. Bernstein's science should 6 be relied upon by others? 7 MR. COOK: Same objection it 8 misstates evidence. 9 MR. ARTABANE: You're asking for 10 his personal opinion. 11 BY MR. SATTERLEY: 12 Q. Sure your professional opinion? 13 MR. ARTABANE: No. His personal 14 opinion. He has no professional opinion. 15 MR. SATTERLEY: He's the he's the 16 ICA. He's an officer of ICA. 17 MR. ARTABANE: But you can't ask 18 him that in his quote professional opinion. This is 19 a lay witness. 20 BY MR. SATTERLEY: 21 Q. Go ahead, sir. 22 A. Whether it's improper what you just

Page 306 1 ROUGH DRAFT, NOT EDITED 2 described about with the litigation part doesn't 3 detract from his scientific abilities. He could -- 4 he could very well do a scientific study on any -- 5 anything and it could be perfectly right. 6 Q. Is it ICA's position that science -- it 7 is good valid science to have a conclusion then do 8 the research to support the conclusion that you've 9 already come to? 10 A. No, I think. 11 MR. COOK: Renew my objection. 12 THE WITNESS: I would say that's 13 not -- would be totally improper for either side of 14 the issue. Either the pro Chrysotile or the con 15 Chrysotile people that you've put here to do that in 16 advance. To do your study only to get a foregone 17 conclusion is not -- not the right thing to do. 18 BY MR. SATTERLEY: 19 Q. Before you continue to distribute this 20 nice color brochure this Chrysotile revisited 21 article, you would -- before you do this again and 22 send this out to people you would certainly agree	Page 308 1 ROUGH DRAFT, NOT EDITED 2 I've read. And I have -- I don't know anything 3 except what most of it is what you've told me today 4 about Dr. Bernstein. I don't know him on an 5 intimate basis. I'm not a scientist. I looked at 6 the study. It seems to be done properly. He 7 acknowledges rewrites from the various scientific 8 publications and which seems and the peer review 9 people. So there has to be with all that he's gone 10 through the hoops there has to be some credibility 11 given to his work. 12 Q. Is it acceptable to the international 13 Chrysotile association for someone to call something 14 a grant when it was a fee for services deal? 15 MR. COOK: Same objection. 16 THE WITNESS: I don't I don't know 17 what he may have been thinking when he did that. 18 Just like when he says international Chrysotile 19 association in Washington, DC. If he hadn't have 20 put that in there I probably wouldn't be sitting 21 here today. 22 BY MR. SATTERLEY:
Page 307 1 ROUGH DRAFT, NOT EDITED 2 that Dr. Bernstein should be investigated with 3 regards to his involvement in this correct? 4 MR. COOK: Renew the continuing 5 objection. 6 THE WITNESS: No. 7 BY MR. SATTERLEY: 8 Q. Okay. It's acceptable? 9 A. I. 10 Q. To the international Chrysotile 11 association for Dr. Bernstein to receive secret 12 money behind the scenes, meet with lawyers behind 13 the scenes, write articles behind the scenes and 14 present it to the public as good science? 15 MR. COOK: Objection. Beyond the 16 scope of the notice and the personal knowledge 17 incomplete hypothetical relevance assumes facts 18 prejudicial lacks foundation calls for speculation. 19 BY MR. SATTERLEY: 20 Q. True? 21 A. I've read -- I will answer the question 22 based on my limited knowledge of what I know. What	Page 309 1 ROUGH DRAFT, NOT EDITED 2 Q. So my question was: Is it acceptable to 3 the international Chrysotile association to call 4 something a grant when it was a fee? 5 A. Well. 6 Q. For services deal? 7 MR. COOK: Same objection. 8 THE WITNESS: He shouldn't he 9 shouldn't have done that unless as I say the 10 Chrysotile institute may have made such an 11 arrangement with him. As I've said before I don't 12 know the answer to that. 13 BY MR. SATTERLEY: 14 Q. Has the international Chrysotile 15 association taken the time to evaluate the number of 16 people that develop mesothelioma from Chrysotile? 17 A. There was I think Dr. Nolan presented a 18 paper at the Kiev Ukraine conference. 19 Q. No did ICA pay for that paper? 20 A. No. 21 Q. Oh, no. So my question let me ask you? 22 A. Oh.

Page 310 1 ROUGH DRAFT, NOT EDITED 2 Q. Has the ICA? 3 A. Okay. 4 Q. I'm not talking about somebody else? 5 A. Okay. 6 Q. That I haven't I don't have subject to 7 examination cross-examination. 8 Has the ICA spent money and time and 9 efforts to count up the number of people that have 10 died of mesothelioma from Chrysotile? 11 MR. COOK: Same objection. 12 THE WITNESS: We this study 13 critical review revisited Chrysotile is the only 14 research that ICA has funded. So the answer to your 15 question is no. 16 BY MR. SATTERLEY: 17 Q. Okay. And so and setting aside funding, 18 has anybody on behalf of ICA done an investigation 19 about how many people have suffered from 20 mesothelioma after breathing Chrysotile asbestos? 21 MR. COOK: Same objection. 22 THE WITNESS: Has any ICA person?	Page 312 1 ROUGH DRAFT, NOT EDITED 2 have on the tape. 3 THE VIDEOGRAPHER: 15 minutes. 4 I'm sorry 17 minutes. 5 BY MR. COOK: 6 Q. All right. Good afternoon, sir, my name 7 is Eric cook and I have a few follow-up questions 8 for you? 9 A. Okay. 10 Q. We're here today taking your deposition 11 at the Merritt at the Washington Dulles Airport that 12 services Washington, DC correct? 13 A. Correct. 14 Q. And your home is and your home office 15 specifically is nearby correct? 16 A. Yes. 17 Q. And when you sent checks to 18 Dr. Bernstein for the work that he performed on the 19 article we've been discussing today that was 20 ultimately published under the title health risk of 21 Chrysotile revisited, did you send the checks from 22 your home office here in the Northern Virginia
Page 311 1 ROUGH DRAFT, NOT EDITED 2 BY MR. SATTERLEY: 3 Q. Sure. 4 A. No. 5 Q. Those are all the questions? 6 A. Not that I'm aware of. 7 Q. Those are all the questions I'm going to 8 have. 9 Oh, just to verify earlier I asked you 10 said there might be some documents that you have if 11 you find them? 12 A. Yeah. 13 Q. Let your attorney know and I'll 14 coordinate with your attorney. It's let me just 15 close out you have produced all documents you have 16 in response to these subpoenas? 17 A. Yes. 18 Q. Right? 19 A. I have. 20 MR. SATTERLEY: Okay. Those are 21 all the questions I have at the current time. 22 MR. COOK: How much time do we	Page 313 1 ROUGH DRAFT, NOT EDITED 2 Washington, DC area? 3 A. Wire transferred. I never didn't use 4 checks but wire transfer through the ICA's bank. 5 Q. I think you indicated before, sir, that 6 the Chrysotile institute initially got involved with 7 the work on Dr. Bernstein's article prior to the 8 ICA's involvement is that correct? 9 A. That's correct. 10 Q. All right. You were never present when 11 members of the Chrysotile institute first discussed 12 the article or any funding of the article with 13 Dr. Bernstein were you? 14 A. I was not. 15 Q. And you have no knowledge of any 16 conversations that any members of the Chrysotile 17 institute would have had with Dr. Bernstein about 18 funding for that article? 19 A. I do not. 20 Q. Similarly, sir, you have no knowledge of 21 whether anyone from the Chrysotile institute 22 discussed a grant with Dr. Bernstein?

Page 314 1 ROUGH DRAFT, NOT EDITED 2 A. I do not. 3 Q. You haven't reviewed any documents from 4 the Chrysotile institute as to whether or not 5 Dr. Bernstein had submitted any -- any proposal for 6 a grant or they had approved a grant? 7 A. I have not. 8 Q. Sir, I'd like to refer you to the 9 Answers to Interrogatories if I could? 10 MR. SATTERLEY: You want me to get 11 them out for you. 12 MR. COOK: Yeah if you could 13 please. 14 BY MR. COOK: 15 Q. All right. 16 MR. SATTERLEY: That's Exhibit 19. 17 BY MR. COOK: 18 Q. All right. Sir, if I can ask you to 19 turn to Exhibit 19 please and specifically Mr. 20 Satterley had asked you questions about payments to 21 certain experts on behalf of Union Carbide? 22 A. Right.	Page 316 1 ROUGH DRAFT, NOT EDITED 2 there where Mr. Satterley had highlighted a section 3 with respect to -- I'm sorry -- the next page again, 4 sir. Roger McClellan? 5 A. Yeah. 6 Q. That's in the 2007 answers? 7 A. Right. 8 Q. To Interrogatories correct. 9 You've never seen those prior to today 10 have you? 11 A. Have not. 12 Q. All right. And you can't give us any 13 information about any any relationship between you 14 Union Carbide and any expert witnesses from your own 15 personal knowledge can you, sir? 16 A. I cannot. 17 Q. Okay. Sir, have you ever personally 18 conducted a scientific study? 19 A. No. 20 Q. Have you ever personally authored or 21 coauthored a scientific study? 22 A. No.
Page 315 1 ROUGH DRAFT, NOT EDITED 2 Q. And litigation had referred you to the 3 end portion of that he had highlighted some specific 4 sections correct? 5 A. You're talking about at the end? 6 Q. Yeah. Actually if I could show you 7 where I'm pointing to, sir. 8 Exhibit 19 Mr. Satterley has he had 9 highlighted this particular section? 10 A. Oh, yeah okay. 11 Q. Sections he wanted you to look at? 12 A. Right. 13 Q. Looking at with respect to the one on 14 Exhibit A, Exhibit A refers to some Answers to 15 Interrogatories? 16 A. Okay yeah. 17 Q. In the Nicolella case right? 18 A. Right. 19 Q. And the date from Nicolella case would 20 be August of 2007 correct? 21 A. Right. 22 Q. Okay. And if you turn to the next page	Page 317 1 ROUGH DRAFT, NOT EDITED 2 Q. Have you ever personally been involved 3 in the peer review process for a scientific or 4 medical article? 5 A. No. 6 Q. You can't testify as to the norms or the 7 standards as to what what a coauthor should or 8 should not do with respect to a scientific study can 9 you? 10 A. I cannot. 11 Q. You have you do not have a detailed 12 understanding of a peer reviewed process for 13 scientific medical papers do you? 14 A. No, I haven't. Not of the details no. 15 Q. Okay. Your understanding generally is 16 that an author of a proposed publication would 17 submit it to a journal for peer review correct? 18 A. Correct. 19 Q. And then it would be distributed to peer 20 reviewers and they would make a determination as to 21 the scientific merits of a proposed article? 22 MR. SATTERLEY: Objection.

Page 318 1 ROUGH DRAFT, NOT EDITED 2 Foundation speculation. 3 BY MR. COOK: 4 Q. Is that correct, sir? 5 A. It's correct. 6 Q. Okay. Sir, I'd like to go back to your 7 time with the asbestos information association of 8 North America. 9 When did you first join the AIANA, sir? 10 A. July 1, 1974. 11 Q. And when you joined the AIANA in July of 12 1974, sir, what was your position? 13 A. Administrative assistant. 14 Q. Who were you the administrative 15 assistant to, sir? 16 A. Robert, Mr. Robert H. Mereness 17 M-e-r-e-n-e-s-s. 18 Q. And at that time in 1974 what was Mr. 19 Mereness role in the AIANA? 20 A. He was the executive director. 21 Q. How long did you remain his 22 administrative assistant, sir?	Page 320 1 ROUGH DRAFT, NOT EDITED 2 One of the items or roles that you 3 mentioned earlier with respect to the AIANA? 4 A. Right. 5 Q. Was to educate correct? 6 A. That's correct. 7 Q. How did the AIANA go about educating 8 with respect to asbestos in the 1970s, sir? 9 A. Mostly by publications, recommended work 10 practices for all the various segments of the 11 industry, friction, paper, textiles, etc. as well as 12 I mentioned earlier development of of posters that 13 could be placed in plants that would say if you 14 smoke, stop, don't dry sweep, wear respirators when 15 required, things like that. 16 Q. Did the AIANA fill that same role in the 17 1980s? 18 A. Yes. 19 Q. Okay. How did the AIANA distribute that 20 information in the 1970s and '80s? 21 A. We -- we back then of course we had -- 22 don't have the files now but back then we had
Page 319 1 ROUGH DRAFT, NOT EDITED 2 A. Four years. 3 Q. And in 1978, sir, what position did you 4 take on with the AIANA? 5 A. I succeeded him Mr. Mereness. 6 Q. Okay. You were never at any time 7 employed by Union Carbide corporation were you, sir? 8 A. No. 9 Q. You have no information or knowledge as 10 to what information Union Carbide corporation 11 distributed to its customers of Caldera Chrysotile 12 in the 1970s or 1980s do you? 13 A. I do not. 14 Q. When you joined the AIANA in the 1970s, 15 sir, were you familiar with the purpose of the 16 AIANA? 17 A. Was I familiar with the purpose of 18 AIANA? 19 Q. Let me let me withdraw that question, 20 sir? 21 A. Okay. 22 Q. That's a poorly worded question.	Page 321 1 ROUGH DRAFT, NOT EDITED 2 pre-prepared forms where the membership was given 3 the examples of what was available and the 4 membership would indicate how many copies of those 5 that they wanted and there was a quite -- quite a 6 response to that. All of those materials were 7 developed by a technical committee. The recommended 8 work practices had the OSHA asbestos regulation as 9 an appendix and there was quite a response to that 10 effort. 11 Q. Okay. And so it was actually if I 12 understand it correctly, sir, it was the role of the 13 AIANA to distribute information about asbestos and 14 how to control asbestos to its members and other 15 individuals; is that correct? 16 A. Yes. 17 Q. Okay. Sir, do you know whether the 18 chairman of the ICA ever had any conversations with 19 Dr. Bernstein about the funding for his study that 20 was ultimately published under the title health risk 21 of cross Chrysotile revisited? 22 A. Repeat the question.

Page 322 1 ROUGH DRAFT, NOT EDITED 2 Q. Sure. I changed tracks on you and I 3 apologize? 4 A. Yeah. 5 Q. I'm now referring to the ICA the 6 international Chrysotile association? 7 A. Yeah. 8 Q. Do you know whether the chairman? 9 A. Yeah. 10 Q. Of the ICA ever had any conversations 11 with Dr. Bernstein about his article that was 12 ultimately published under the title health risk of 13 Chrysotile revisited? 14 A. I I was not present but I'm confident 15 especially with Mr. Godbout when it first began 16 discussed, you know, what the limitations were. 17 MR. SATTERLEY: Objection 18 objection hearsay. 19 BY MR. COOK: 20 Q. Have you had a conversation with 21 Mr. Godbout about any talks he would have had with 22 Dr. Bernstein regarding his study?	Page 324 1 ROUGH DRAFT, NOT EDITED 2 Union Carbide and was of -- I think he was at one 3 point was the chairman of our technical committee. 4 Q. And there was another person I was? 5 MR. ARTABANE: That's of AIANA. 6 BY MR. SATTERLEY: 7 Q. Oh, okay. 8 A. Of AIANA. 9 Q. Of AIANA okay. 10 And there was one other person I was 11 going to ask about. Let's see. Thurber. William 12 C. Thurber? 13 A. Yes. 14 Q. Who is William C. Thurber? 15 A. He was the first, first representative 16 of Union Carbide. 17 Q. As a part of the that you recall as a 18 part of the AIANA? 19 A. NA correct. 20 Q. Okay. 21 A. And Rhodes succeeded him. 22 Q. Just so that the record is clear with
Page 323 1 ROUGH DRAFT, NOT EDITED 2 A. Only in general terms. 3 Q. Sir, subject to any follow-up I think 4 those are the questions that I have for you thank 5 you very much? 6 A. Thank you. 7 MR. SATTERLEY: Anybody on the 8 phone have any questions? I just got a couple 9 follow-ups. 10 BY MR. SATTERLEY: 11 Q. I forgot to ask you if you knew Harrison 12 V. Rose? 13 MR. ARTABANE: Wait. 14 MR. SATTERLEY: I'm sorry? 15 BY MR. SATTERLEY: 16 Q. I'm trying to get you out of here, sir? 17 A. Yeah. 18 Q. Harrison V. Rhodes from Union Carbide 19 corporation. Did you know him? 20 A. Yes. 21 Q. And who was he? 22 A. He was a representative as I recall of	Page 325 1 ROUGH DRAFT, NOT EDITED 2 regards to this particular case you're not 3 suggesting to the jury that posters or written 4 materials or anything was shared with Mr. And Mrs. 5 Nelson about the danger of asbestos back in the '70s 6 or '80s? 7 MR. COOK: Objection. Beyond the 8 scope of the notice and the witness's personal 9 knowledge and calls for speculation. 10 THE WITNESS: Nelson did you say. 11 BY MR. SATTERLEY: 12 Q. Yeah the person that suffered from 13 mesothelioma that we're here talking today that's in 14 this case? 15 A. Oh, I have no idea. 16 Q. Counsel asked you some questions about 17 what the AIANA did? 18 A. Yeah. 19 Q. You said you provided some posters to 20 various companies and things like that? 21 A. Yeah. 22 Q. I just want to make it clear?

Page 326 1 ROUGH DRAFT, NOT EDITED 2 A. I have no knowledge that she would have 3 seen it. 4 Q. Or yeah somebody out in Oakland 5 California would have seen something you might have 6 provided to some companies? 7 A. Because we got many requests from the 8 public. In fact, you know, would have advanced it 9 but I have no knowledge that she that she was one of 10 them. I just don't know. 11 Q. And with regards to the AIANA's role it 12 was saying through Mr. Mereness his tenure through 13 all the way through the '70s and '80s correct? 14 A. Mr. Mereness. 15 Q. Mr. Mereness? 16 A. Left in '78. 17 Q. Sure? 18 A. And I succeeded him in '78. 19 Q. Yeah but I guess the point I'm trying to 20 get at? 21 A. Oh. 22 Q. The asbestos information association of	Page 328 1 ROUGH DRAFT, NOT EDITED 2 MR. SATTERLEY: Oh, Karen. I 3 apologize. We didn't hear you. 4 MR. HARTLEY: Just so you know 5 Karen you're very faint and the witness has to lean 6 into hear you. 7 MS. PRODROMO: Okay. Let me see 8 if I can fix that. Can you hear me any better. 9 MR. SATTERLEY: Yes. 10 BY MS. PRODROMO: 11 Q. Georgia-Pacific has come up a couple of 12 times in this deposition and I just want to be 13 clear. ICA as you talked about funded David 14 Bernstein's paper health risks health risks of 15 Chrysotile. 16 Georgia-Pacific didn't have anything to 17 do with that funding correct? 18 MR. SATTERLEY: Object to form. 19 Calls for speculation. 20 THE WITNESS: What? Did 21 Georgia-Pacific have anything to do with the funding 22 of the study?
Page 327 1 ROUGH DRAFT, NOT EDITED 2 North America its role has been? 3 A. Oh. 4 Q. Has been the same throughout his tenure 5 and your tenure? 6 A. Correct. 7 Q. Okay. 8 MR. COOK: Objection. Vague and 9 ambiguous. 10 THE VIDEOGRAPHER: Counsel we have 11 three minutes before. 12 MR. SATTERLEY: No further 13 questions. 14 MS. PRODROMO: I just have a 15 couple of quick questions one or two questions on 16 the phone. 17 MR. SATTERLEY: Okay just identify 18 who you are and who you represent. 19 MS. PRODROMO: Sure. This is 20 Karen Prodromo for Georgia-Pacific. 21 MR. SATTERLEY: Catherine who. 22 MS. PRODROMO: Karen Prodromo.	Page 329 1 ROUGH DRAFT, NOT EDITED 2 BY MS. PRODROMO: 3 Q. Yes. 4 A. No. 5 Q. Right? 6 A. No. 7 Q. Thank you. 8 MR. SATTERLEY: Any further 9 questions. 10 MS. PRODROMO: Thank you very 11 much. 12 MR. SATTERLEY: Is that it? 13 MS. PRODROMO: That's all my 14 questions. 15 MR. COOK: Just one quick 16 follow-up, sir. 17 BY MR. COOK: 18 Q. Union Carbide did not have anything to 19 do with the funding of Dr. Bernstein's study health 20 risk of Chrysotile? 21 A. No. 22 Q. Thank you, sir.

1 ROUGH DRAFT, NOT EDITED

2 BY MR. SATTERLEY:

3 Q. Let me do a follow-up.

4 Do you know the names of the various
5 companies that have funded the various studies that
6 you've presented us with today?

7 MR. COOK: Objection documents
8 speaks for themselves.

9 THE WITNESS: No.

10 MR. SATTERLEY: Okay. No further
11 questions. Let's close out the record.

12 THE VIDEOGRAPHER: Going off
13 record end of deposition end of tape disk 4,
14 15:32:03.

15 (Recess taken - 3:31 p.m.

16 #09: This is Karen can make one
17 request

18

19

20

21

22