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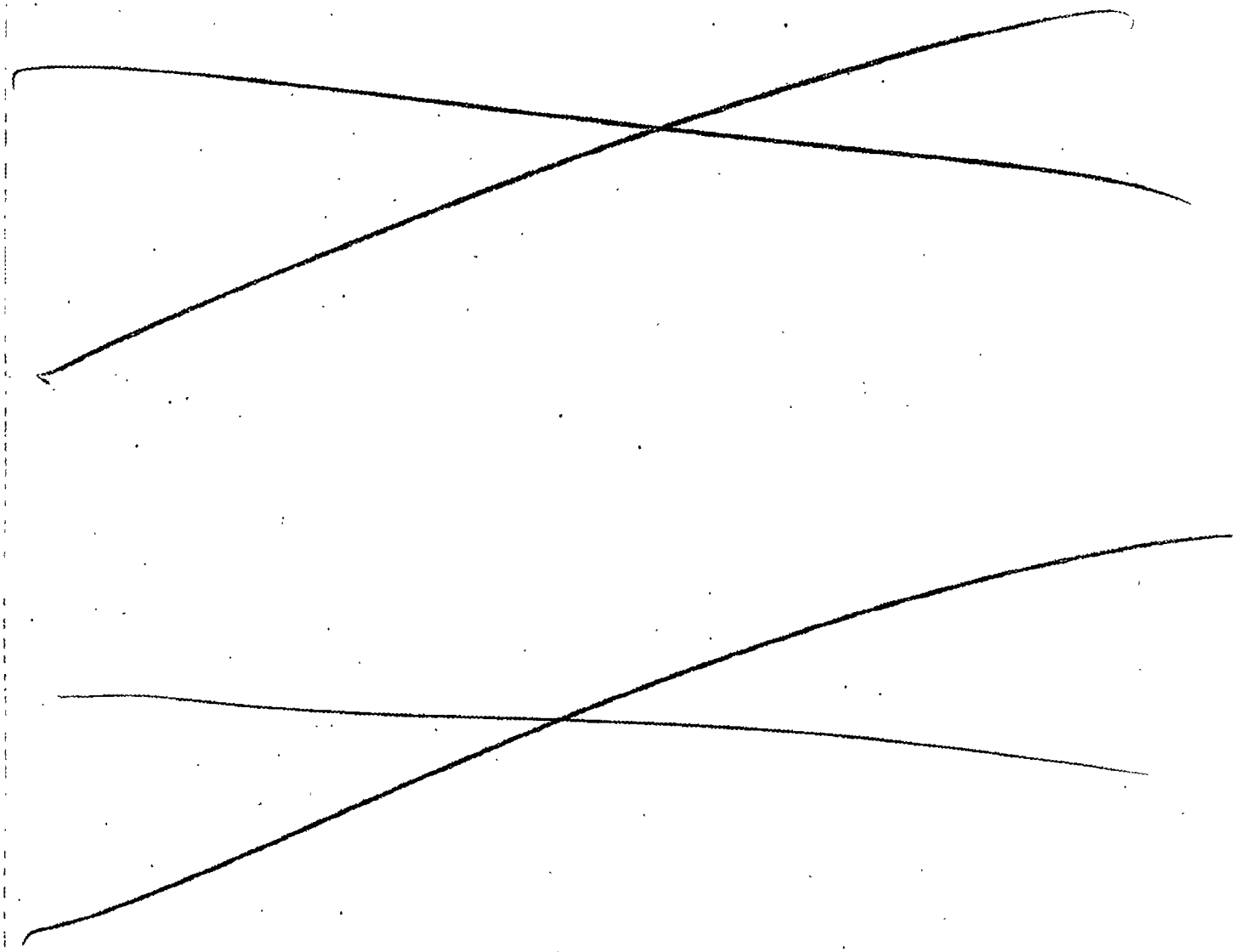


EXHIBIT "H"

1

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

EDWARD GUERRA,)
)
Plaintiff,)
)
VS) CASE NO. BC 365479
)
BONDEX INTERNATIONAL,)
INC., et al.,)
)
Defendants)

****

ORAL VIDEOTAPED DEPOSITION OF
RICHARD ANDERSON
DECEMBER 20, 2007

****

ORAL DEPOSITION OF RICHARD ANDERSON, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on the 20th of December, 2007, from 10:19 to 2:51, before Susan S. Klinger, CSR in and for the State of California, reported by stenographic method, at Phifer & Colvin, 6029 Beltline Road, Dallas, Texas, pursuant to the provisions stated on the record or attached hereto.

2

APPEARANCES

FOR THE PLAINTIFF(S):
Ms. Jessica Dean
SIMON, EDDINS & GREENSTONE, LLP
211 E. Ocean Boulevard, Suite 200
Long Beach, California 90802

FOR THE WITNESS:
Ms. Elizabeth Phifer
PHIFER & COLVIN
6029 Beltline Road, Suite 110
Dallas, Texas 75254

FOR THE DEFENDANT(S): Borg Warner
Appearing telephonically
Mr. Steven Mitchel
BOOTH MITCHEL & STRANGE, LLP
707 Wilshire Boulevard, Suite 4450
Los Angeles, California 90017

FOR THE DEFENDANT(S): Ford and General Motors Company
Appearing telephonically
Ms. Tara Kim
FILICE BROWN EASSA & McLEOD, LLP
1999 Harrison Street, 18th Floor
Oakland, California 94612

FOR THE DEFENDANT(S): Bondex International, Inc., RPM, Inc., RPM International, Inc. and Dowman Products
Appearing telephonically
Mr. Dan Sigler
WALSWORTH, FRANKLIN, BEVINS & McCALL, LLP
601 Montgomery Street, 9th Floor
San Francisco, California 94111

ALSO PRESENT:
Mike Jackimiec, videographer

3

INDEX

WITNESS	PAGE
RICHARD ANDERSON	
EXAMINATION BY MS. DEAN	5
EXAMINATION BY MS. PHIFER	177
FURTHER EXAMINATION BY MS. DEAN	192
FURTHER EXAMINATION BY MS. PHIFER	203

4

EXHIBITS

No.	Page	Description
1	6	Deposition notice
2	18	Borg Warner website pages
3	29	Response to Interrogatories, Bexar County, 1994
4	101	National Safety News, 1948
5	107	ASME Membership list, 1953
6	107	ASME Membership list, 1940
7	142	Silicosis and Asbestosis article
8	146	Hoeper article
9	114	ASME article, 1935
10	114	ASME article, 1933
11	138	Merewether article, 1930
12	154	Guidance for Preventing Asbestos Disease Among Auto Mechanics
13	7	Objections to the depo notice
14	178	First Amended Responses to Plaintiff's Interrogatories
15	180	Responses to Interrogatories in the Guerra case

FX H

5

MS. DEAN: I will stipulate this is taken pursuant to the California Rules of Evidence and Procedure, and that an objection by one defendant is good for all defendants that are either present in-person or on the phone.

MS. PHIFER: Works for me.

VIDEOGRAPHER: Today is December 20th, 2007. The time is approximately 10:19 a.m. My name is Mike Jackimiec, video specialist representing E&F Legal Production, Incorporated, Dallas, Texas. This cause number is BC 365479 entitled Edward Guerra versus Bondex International and the deponent is Richard Anderson. We are now on record at 10:20 a.m.

RICHARD ANDERSON,

having been first duly sworn testified as follows:

EXAMINATION

BY MS. DEAN:

Q. As I told you when we walked in this morning, my name is Jessica Dean. I'm at a law firm called Simon Eddins & Greenstone. And I represent the plaintiff in this case, and I'm going to be asking you some questions, okay?

A. Okay.

Q. And although we are in a conference room for Borg Warner's attorneys, you understand that the oath that

6

you just took has the same importance as if you were in front of a judge or a jury of your peers?

A. Yes, I do.

Q. And today you are in somewhat of a unique situation in that we asked you to come here in order to talk to the person most knowledgeable from Borg Warner. Do you understand that?

A. Yes.

Q. And that is a role that you have been in before?

A. Yes.

Q. And to put that in more, I guess, simple terms, the idea is that a company can't be questioned. So we ask the person that has the most information or knowledge so we can talk to them about the questions that we have. Is that your understanding?

A. Yes.

(Exhibit No. 1 marked.)

Q. Okay. And what I've done today is attached as Exhibit 1 the notice that we have for this deposition for you as a person most knowledgeable so that we can reference that throughout the deposition in case there are any questions, okay?

A. Okay.

MS. PHIFER: Just for the record, we have also marked as Exhibit 13 the objections that were filed

7

by Borg Warner with regard to the deposition notice issued.

(Exhibit No. 13 marked.)

Q. Throughout the deposition, if you want to have a break for any reason, let me know. I almost always take a break every hour for no other reason but to go to the restroom, but if you beat me to the punch, let me know and we can take one, okay?

A. Okay.

Q. Can you let me know what you have done to prepare to talk to me today for this deposition?

A. I talked to Elizabeth. We reviewed the deposition notice today and we reviewed Lou Merz's deposition in this case.

Q. Okay. Anything else?

A. Yesterday I reviewed some asbestos information that I had at home just to refresh my memory. I reviewed my personal history trying to make sure I remembered when I did what and where, and reviewed some Borg Warner history of, their history as a corporation.

Q. Anything else?

A. That is all.

Q. And what did you mean by you reviewed some asbestos history?

A. I have a couple of studies at home, the

8

Paustenbach study and the Wong study.

Q. Anything else?

A. No.

Q. Now, in terms of the information that you looked at, who gave you that information or where did you get it?

A. Timothy Bernard from Borg Warner's lawyer.

Q. Okay. And both Timothy and Elizabeth are people that are either lawyers or work for Borg Warner?

A. Right.

Q. So all the information that you have looked at in terms of preparing for today were provided to you by lawyers for Borg Warner?

A. Yes.

Q. Did you speak with anyone other than attorneys for Borg Warner in preparation?

A. No.

Q. Okay.

MS. PHIFER: Let her finish her question before you start your answer.

A. Okay. I should say that the personal history that was prepared by me.

Q. That makes good sense. Now, you mentioned Louis R. Merz, that you reviewed his deposition; is that correct?

73

kind of climate of openness, trust and cooperation?
MS. PHIFER: Objection, form.
MR. MITCHEL: Objection, it is argumentative. It is vague, ambiguous, it is harassing.
A. I don't understand what one issue has to do with the other. The danger to asbestos that was aware and discussed in papers, newspapers and so forth dealt with free asbestos at the mine or free asbestos at the asbestos textile plants; not asbestos encapsulated in other materials.
Q. We will talk about the encapsulated issue in a little bit, but you are not aware before 1986 of any literature even in the public press saying that specifically brakes and clutches are dangerous as they relate to asbestos?
MR. MITCHEL: Objection, it is vague, ambiguous as to the term dangerous. Asks for -- vague and ambiguous as to the term dangerous, it is argumentative.
A. Repeat the question.
Q. And I will allow the same objections to stand.
MR. MITCHEL: Thank you.
Q. So before 1986 -- actually let me go before 1988, when Borg Warner stopped using asbestos you are not aware of any information just in the public newspapers

74

that said that there is a potential danger specifically with brakes and clutches?
A. I don't recall reading any.
Q. Okay. Do you know for sure one way or another?
A. I have no idea.
MR. MITCHEL: Same objection.
Q. And Borg Warner didn't do anything to figure that out; right, they didn't do any research?
MR. MITCHEL: Objection, asked and answered. It's harassing now.
A. I have no idea.
Q. Outside of what would be in kind of public newspapers, do you know if Borg Warner ever looked in industrial type magazines where they were a member of an organization or involved such as organizations for engineers and mechanics in order to learn if the product they were selling was harmful?
A. I have no idea.
MS. PHIFER: Objection, compound, vague.
Q. When did Borg Warner realize asbestos had a potential to cause any health problem?
MR. MITCHEL: I will object to the term asbestos as vague, ambiguous, overbroad and compound.
A. Repeat the question, please.
Q. Sure, and the same objections can stand. When

75

did Borg Warner realize asbestos had a potential to cause any type of health problem?
A. Asbestos in the free state we became aware of in the '60s.
Q. Okay. And so it is Borg Warner's claims that before the 1960s it didn't know that asbestos could be harmful to human health in any way?
A. I don't know.
Q. Okay. So I take from that that they could have known, but you don't know?
A. Could be, yes.
Q. Has Borg Warner or their lawyers ever given you any information to suggest that they did, in fact, know prior to the 1960s?
A. No.
Q. I want to be a little bit more specific about the health problems that are associated with asbestos. Can you tell me when Borg Warner realized that exposure to asbestos could cause a potential problem with asbestosis?
MS. PHIFER: I'm going to object to the form of the question as vague as it doesn't specify time or specific products involved.
A. Again, in the 1960s we became generally aware that there was a health problem associated with

76

asbestos.
Q. And do you know if one of the health problems that were associated with asbestos was asbestosis, the scarring of the lung?
A. I'm not sure.
Q. Okay.
A. I just know it was a health problem as it was discussed in papers, newspapers.
Q. Do you have, you know, extending past the 1960s any time frame where you can say Borg Warner realized that exposure to asbestos could cause asbestosis?
A. Are you talking about asbestos in friction material products or asbestos in the raw state at the mine?
Q. In any form. I'm going to get more specific, but right now I want to know what you know by making it the broadest question as I can.
MR. MITCHEL: Then object it is overbroad.
A. Aware of problems with asbestos in the free state in the mines or in textile, asbestos textile manufacturing operations.
MS. DEAN: Object to nonresponsive.
Q. I guess what I'm trying to figure out is if, is about the particular health problem that is associated with the exposure. Do you know any time frame when Borg

Q. Okay. With regard to crocidolite, C-r-o-c-i-d-o-l-i-t-e --

A. Yes.

Q. -- what is the Borg Warner product that you understand contained crocidolite which is the blue fiber, if you know?

A. I'm not sure.

Q. Okay. What is your understanding of the fiber type that was used in manual clutch facings?

A. Chrysotile.

Q. Thank you, that is all I have.

MS. DEAN: Anyone else on the phone? Speak now or forever hold your peace. Then we're off the record.

VIDEOGRAPHER: This is the end of the deposition of Richard Anderson and we are off record at 2:51 p.m.

(Deposition adjourned at 2:51 p.m.)

CERTIFICATE

I, SUSAN S. KLINGER, Certified Shorthand Reporter in and for the State of California, hereby certify to the following:

That the foregoing deposition of RICHARD ANDERSON was taken before me and completed on December 20, 2007, and thereafter transcribed under my direction; that the deposition transcript is a full, true and accurate translation of the testimony of said witness, including all questions, answers, objections, and exceptions;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, that the witness reserved signature;

That I am not a relative, employee, attorney, or counsel of any party to the action or a relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition transcript of RICHARD ANDERSON and delivering the same to Elizabeth Phifer and to be forwarded to Jessica Dean, counsel for plaintiff, for custodial keeping.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 4th of January, 2008.

_____
SUSAN S. KLINGER, RMR, CRR
Certified Shorthand Reporter in
and for the State of California
License No.: 13084
Expiration date: December 31, 2008

Case Name: Edward Guerra v. Bondex, et al
Case No.: BC 365479
County: Los Angeles
Deponent: RICHARD ANDERSON
Reporter: Susan S. Klinger, RMR, CRR, CSR 13084

SIGNATURE

I declare, under penalty of perjury under the laws of the State of California, that I have read my within deposition and the same is true and accurate except for changes and/or corrections, if any, as indicated by me below.

Signed in _____, _____,
On the _____day of_____, 2008.

_____
RICHARD ANDERSON

RICHARD ANDERSON
CHANGES AND/OR CORRECTIONS
Page No. Line No. Change and/or Correction