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DOCUMENT DESCRIPTION: Legal - Deposition of Mark DeLassus for Rogers Corp.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NIAGARA

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In Re: NEW YORK CITY ASBESTOS LITIGATION NYCAL
-----x

TERRANCE E. HILL and MARY LOU HILL, his spouse,
Plaintiffs,

v. Index No.: 115895
CYTEC ENGINEERED MATERIALS INC., et al.,
Defendants.
-----x

Courtyard Marriott
Fishkill, New York
February 24, 2004
10:15 p.m.



VIDEOTAPED EXAMINATION BEFORE TRIAL
of the Defendant, ROGERS CORPORATION, by
Mark DeLassus.

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25 (Continued)

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6
7 Also Present: John Comerford, Esq., Lipsitz
& Ponterio, Esqs., for
Plaintiffs, and Michael Bennett,
8 Videographer
9 *** **

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1 STIPULATIONS
2 IT IS HEREBY STIPULATED AND AGREED by
3 and between the attorneys for the respective
4 parties herein that the sealing, filing and
5 certification of the within Examination Before
6 Trial be waived; that all objections, except as
7 to form, are reserved to the time of trial;
8 That the transcript may be signed before
9 any Notary Public with the same force and
10 effect as if signed before a Clerk or Judge of
11 the Court;
12 That this Examination Before Trial may
13 be utilized for all purposes as provided by the
14 CPLR;
15 That all rights provided to all parties
16 by the CPLR shall not be deemed waived and the
17 appropriate sections of the CPLR shall be
18 controlling with respect thereto.
19 IT IS FURTHER STIPULATED AND AGREED by
20 and between the attorneys for the respective
21 parties hereto that a copy of this Examination
22 Before Trial shall be furnished, without
23 charge, to the attorney representing the
24 witness testifying herein.
25

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1 MR. COMERFORD: Let's put
 2 stipulations on the record, if we have any.
 3 Everyone appears to be here.
 4 John Comerford and Mark Strauss on behalf of
 5 the plaintiff.
 6 At this time -- Jim, can you hear
 7 me? Jim Whitcomb? I am just doing a test.
 8 (No Response)
 9 MR. SANTOMASSIMO: Jim, can you
 10 hear us?
 11 MR. WHITCOMB: I can barely hear.
 12 MR. COMERFORD: Okay. Jim, how
 13 is that?
 14 MR. WHITCOMB: That's much
 15 better.
 16 MR. COMERFORD: Jim, can you just
 17 identify yourself for the record?
 18 MR. WHITCOMB: James W. Whitcomb,
 19 Phillips, Lytle, LLP for Cytec Engineered
 20 Materials.
 21 MR. COMERFORD: At this time I
 22 assume all objections are preserved to the time
 23 of trial except as to form objections.
 24 Any other stipulations anyone
 25 wants to put on the record other than an

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1 objection by one is an objection by all before
 2 we start?
 3 MR. SANTOMASSIMO: That's fine.
 4 MR. CASIMIR: "Objection" is
 5 fine.
 6 I don't know what you meant,
 7 objections to form.
 8 MR. COMERFORD: Well, usually
 9 defendants want to preserve all objections
 10 until the time of trial, but if you don't want
 11 to do that --
 12 MR. CASIMIR: No, just with the
 13 video going on, we can also reserve it on the
 14 record, too.
 15 MR. COMERFORD: It's really up to
 16 you.
 17 MR. CASIMIR: Okay.
 18 MR. COMERFORD: I -- usually the
 19 defendants request that all objections except
 20 as to form be reserved to the time of trial.
 21 MR. CASIMIR: Okay. I
 22 understand.
 23 MR. COMERFORD: We are on the
 24 same page, then.
 25 THE VIDEOGRAPHER: We are now on

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1 the record beginning approximately at 10:19
 2 a.m., February 24th, 2004.
 3 This is the deposition of Mark
 4 DeLassus in the matter of Terrance E. Hill and
 5 Mary Lou Hill, his spouse, plaintiffs, versus
 6 Cytec Engineered Materials, Inc., et al.,
 7 defendants, in the Supreme Court, State of New
 8 York, County of Niagara, Index No. 115895.
 9 The location of which this
 10 deposition is being taken is the Marriott
 11 Courtyard Hotel located at 17 Westage Drive in
 12 Fishkill, New York.
 13 Present along with Mr. DeLassus
 14 is the stenographic reporter, Cheryll Kerr,
 15 with Priority-One Court Reporting, and
 16 currently speaking, the videographer, Michael
 17 Bennett, representing Certified Video
 18 Productions of Lawrenceville, New Jersey.
 19 Would counsel please identify
 20 themselves?
 21 MR. COMERFORD: John Comerford
 22 and Mark Strauss on behalf of the plaintiffs.
 23 MR. SANTOMASSIMO: Christopher M.
 24 Santomassimo, with the law firm of McGivney,
 25 Kluger & Gannon, representing the Rogers

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1 Corporation and Mr. DeLassus.
 2 MR. CASIMIR: Gary Casimir,
 3 Anderson, Kill & Olick.
 4 MS. WOOD: Allison Wood, McCarter
 5 & English.
 6 MR. MASINO: Michael Masino,
 7 Harris Beach.
 8 THE VIDEOGRAPHER: And is there
 9 counsel appearing by phone?
 10 MR. COMERFORD: Mr. Whitcomb,
 11 please announce yourself.
 12 MR. WHITCOMB: James Whitcomb for
 13 Cytec Engineered Materials.
 14 THE VIDEOGRAPHER: Would the
 15 reporter please swear in the witness?
 16 M A R K D E L A S S U S,
 17 called as a witness, having been first
 18 duly sworn, was examined and testified
 19 as follows:
 20 EXAMINATION BY
 21 MR. COMERFORD:
 22 THE STENOGRAPHER: Can we please
 23 get your full name and address for the record,
 24 please?
 25 THE WITNESS: Mark DeLassus, 77

Page 10 1 Schoolbrook Lane, Burnan, Connecticut 06066. 2 THE STENOGRAPHER: Thank you. 3 Q. Mr. DeLassus, I am going to 4 introduce myself. 5 My name is John Comerford. I am 6 here with Mark Strauss to ask you some 7 questions about a case called Terrance Hill. 8 We represent the plaintiff in 9 this matter. Good morning. 10 A. Good morning. 11 Q. Sir, I know you have given a 12 deposition in the past, but I would be remiss 13 if I just don't go over the ground rules real 14 quickly. 15 Today if at any time if you don't 16 understand any of my questions, please advise, 17 and I will do my best to rephrase the question 18 hopefully in a way that you do understand. 19 If you could wait for my full 20 question before you begin to give an answer, 21 the court reporter will be much happier with 22 us, because she can't take down two people at 23 once. 24 I'll extend the same courtesy for 25 you. I will wait for a complete answer before	Page 12 1 Q. Did you review answers to 2 interrogatories, for example, while -- 3 A. Well, I did a couple of answers, 4 yeah. 5 Q. Well, what I would like to do 6 sir, is as -- as best you can is sort of give 7 me a laundry list of what documents, if any, 8 you reviewed in anticipation of coming here 9 today. 10 And I think you said answers to 11 interrogatories? 12 A. I looked at one page of an 13 interrogatory. 14 Q. Do you know for what case that 15 interrogatory was for? 16 A. (No Response). 17 Q. Was it for this one? I can -- I 18 can -- 19 A. I don't know the name of the 20 case, but it was something from the past -- you 21 know. 22 Q. Well, let me ask you this: 23 Was it an interrogatory 24 surrounding an asbestos case that involved 25 Rogers Corporation?
Page 11 1 I begin with my next question. 2 Sir, as you may or may not know, 3 I am here to ask you some questions about your 4 relationship and your knowledge of the Rogers 5 Corporation, and I would like to first start 6 off with this question: 7 Have you ever given a deposition 8 before? 9 A. Yes. 10 Q. How many? 11 A. One. 12 Q. And the deposition you gave in 13 the past -- 14 Was that in relation to a case 15 concerning Rogers Corporation? 16 A. Yes. 17 Q. Other than that, have you given 18 any other depositions in any other type of 19 case? 20 A. No. 21 Q. And, sir, before you -- you came 22 today, what documents, if any, did you review 23 in anticipation of your testimony? 24 A. I don't think I reviewed any 25 documents.	Page 13 1 A. Yes. 2 Q. Okay, and do you know for what 3 issue you looked at this interrogatory for? 4 A. I just wanted to see what grade 5 numbers were listed that someone said pertained 6 to Rogers. 7 Q. Okay, and do you know if that 8 interrogatory you looked at -- 9 Was that for a case out of the 10 Diemolding facility in Canastota, New York? 11 Was that a different type? 12 A. (No Response). 13 Q. I am just trying to understand -- 14 A. I don't know which one it was. 15 Q. Do you know if it was a recent 16 interrogatory, or one that was done a number of 17 years ago? 18 A. Reasonably recent, I think. 19 Q. By "reasonably recent," would 20 that be within the last year? 21 A. I don't know that. 22 Q. Okay. 23 And as you sit here today, can 24 you tell me what you remember looking at? 25 Was your recollection refreshed

1 in some way of the grades of asbestos?
 2 A. The grades were listed there, but
 3 I never saw the document from which the grades
 4 were identified originally.
 5 I just wanted to see what was
 6 in -- in the interrogatory.
 7 Q. And by "grades of asbestos," just
 8 so we are on the same page, could you tell me
 9 what you mean by that?
 10 A. I mean grades of molding
 11 compound --
 12 Q. Okay.
 13 A. -- grades of asbestos.
 14 Rogers only sold molding
 15 compound, so was the -- it was the product number
 16 or the product name.
 17 Q. Would it be RX and then a
 18 specific number?
 19 A. Yes.
 20 Q. Okay.
 21 Do you know if the number was 462
 22 that you looked at?
 23 A. That was one of them.
 24 Q. Okay.
 25 Do you know what the other number

1 three are.
 2 These are answers to
 3 interrogatories by Rogers, and there's three of
 4 them, and all of them surround cases that are
 5 Diemolding.
 6 What I would like to -- first to do
 7 is hand them to Mr. Santomassimo, and I would
 8 ask him to hand to the witness to see if this
 9 refreshes his recollection in some capacity.
 10 (Informal discussion held off the
 11 record)
 12 MR. COMERFORD: And Mr -- I'm
 13 sorry.
 14 If you want to stipulate to what
 15 he looked at, I would -- I will take your word
 16 for what he looked at ahead of time, if you
 17 want to move this along.
 18 MR. SANTOMASSIMO: Off the
 19 record.
 20 (Informal discussion held off the
 21 record).
 22 MR. SANTOMASSIMO: Sure. Go
 23 ahead.
 24 A. The one that I --
 25 MR. SANTOMASSIMO: Yeah.

1 was sitting here today without having the
 2 grades of the interrogatories?
 3 A. I'm not sure.
 4 Q. Okay.
 5 What I have here, sir, is some
 6 interrogatories that have been answered in the
 7 past.
 8 Let me just mark them and show
 9 them to you if I may to see if that refreshes
 10 your recollection, to ensure we are on the same
 11 page, okay?
 12 MR. COMERFORD: I would ask the
 13 court reporter if she would be kind enough to
 14 mark these three exhibits, but I would like to
 15 go by the witness' name, one, two and three.
 16 (Thereupon, three documents were
 17 marked DeLassus Exhibits 1 through 3 for
 18 identification.)
 19 (Informal discussion held off the
 20 record)
 21 MR. COMERFORD: And for all
 22 exhibits that I marked today, Counsel, I was
 23 going to leave with the court reporter.
 24 I do have an extra copy. I will
 25 say -- let me just briefly tell you what these

1 A. -- the one that I looked at a
 2 little bit yesterday was Exhibit 1
 3 (indicating).
 4 Q. And Exhibit 1, just so we are on
 5 the same page, sir, is answers to
 6 interrogatories that were given in a case where
 7 the plaintiff's name was Elaine R. Clark,
 8 C-L-A-R-K, has an index number, 2132, and this
 9 has been marked today as DeLassus 1.
 10 And, sir, other than that
 11 interrogatory, which has been marked as
 12 DeLassus 1, have you looked at any other
 13 documents in anticipation of your testimony
 14 today?
 15 A. I don't think so.
 16 Q. And, sir, I --
 17 I -- I just want to make sure
 18 that I understand that you are being
 19 represented today by Mr. Santomassimo?
 20 Is he your attorney for -- for
 21 this proceeding?
 22 A. Well, he's the attorney --
 23 MR. SANTOMASSIMO: Yes.
 24 A. -- for Rogers Corporation, so I
 25 yes, I guess so.

Page 18 1 Q. And do you currently work for 2 Rogers Corporation? 3 A. Yes. 4 Q. Okay, so I can't ask you 5 questions about communications you had with any 6 attorneys. 7 That's privileged, that's sacred, 8 but what I can do is ask you questions about 9 any conversations that you had about this case 10 with employees or anyone. 11 And I am not interested in 12 conversations that you may have had, for 13 example, about your wife that you have a 14 deposition, that you had to drive to Fishkill 15 today. 16 My specific question to you is 17 this: Who, if anyone, other than your 18 attorneys have you discussed this case with? 19 A. I didn't have any discussions 20 that the attorneys weren't at. 21 Q. Okay. 22 When you met with your attorney 23 to discuss this case, other than your attorney, 24 who else was present? 25 Who else was there?	Page 20 1 That's the Crisco Bosco Company. 2 I started there in 1974, so the product line 3 that I worked at originally came to Rogers in 4 1977. 5 My title was a development 6 chemist. I worked in the R&D center. In 1980, 7 I became -- 8 I moved from the R&D center to 9 the manufacturing facility, and my title was 10 technical manager. 11 In 1982 I became the controller. 12 In 1985, I became the marketing manager. In 13 1988 I became the sales manager. Sales and 14 marketing manager. 15 In, I think, about 1999 I became 16 the vice president, and we have since sold that 17 business, so now my -- 18 I am back at the corporate 19 headquarters, and my title is director of new 20 business development. 21 Q. And, sir, where is your office 22 located today? 23 Where are the corporate 24 headquarters? Where is that located? 25 A. Rogers, Connecticut.
Page 19 1 A. I -- 2 You want the name or you want the 3 function? 4 Q. The name first, please. 5 A. Dave Heilemann. 6 Q. Can you spell that for the 7 record, please, as best you can. 8 A. I will try. H-E-I-L-E-M-A-N-N. 9 Q. Okay. Anyone else, sir? 10 A. That's it. 11 Q. Okay, so what I would like to do, 12 if we can, is -- 13 Just give me a thumbnail sketch, 14 if you would, sir, on your job functions with 15 Rogers. 16 What I would like to do, if you 17 could, is give me the start date with Rogers, 18 and just walk us to the present, your various 19 job titles, and just -- a rough summary of what 20 your job responsibilities were with each title. 21 A. Okay. 22 I started with Rogers in 23 September, 1977. I came to Rogers in an 24 acquisition from Acme Resin, a part of CPC 25 International.	Page 21 1 Q. Okay. 2 Sir, you talked about a portion 3 of the Rogers Corporation -- I think you said a 4 division was sold in 1999? 5 A. It was sold in 2002. 6 Q. I'm sorry. 7 And what division was sold in 8 2002, and who was it sold to? 9 A. The molding compounds division or 10 the multiple composites division, depending 11 what area you are talking about (indicating), 12 was sold to Perstorp Corporation. 13 Q. Could you spell that? 14 A. P-E-R-S-T-O-R-P. 15 Q. And was from a particular reason 16 that division was sold in 2002? 17 A. The direction for Rogers' 18 businesses had changed, and Perstorp, which is 19 a Swedish company, and owns -- owns a Belgian 20 factory that makes very similar products to 21 Rogers, was very interested in acquiring that 22 Rogers division, so the two companies agreed. 23 Q. Do you know, sir, on whether 24 there was any agreement reached between that 25 company and Rogers concerning any liabilities

1 involved with asbestos?
 2 A. I did not -- did not participate
 3 in the actual agreements.
 4 Q. Okay.
 5 Is there anyone at the company
 6 that might have that information who would --
 7 who would have personal knowledge to that?
 8 A. I am sure that there's two or
 9 three people that have access to the agreement.
 10 Q. Okay, and who would one of those
 11 two or three people be?
 12 A. I think the corporate treasurer
 13 would have access to the agreement.
 14 Q. And who is that, sir?
 15 A. Bob Sulfur.
 16 Q. So as you sit here today, sir,
 17 you don't --
 18 Do you have any knowledge at all
 19 whether or not Rogers retained the liability
 20 for the asbestos claims that might be filed
 21 against Rogers, do you know either way?
 22 A. I don't know what that agreement
 23 said. I only know how much the company paid.
 24 In general terms, I don't know
 25 anything about the details of the agreement.

1 Q. And the agreement would speak for
 2 itself, I assume?
 3 A. I am assuming so.
 4 Q. Okay.
 5 Sir, I want to go over some names
 6 of people with you, if I may, and the first one
 7 is -- I think is David Heilemann.
 8 Am I saying that correctly?
 9 A. Yeah.
 10 Q. Can you give me an idea how old
 11 this gentleman is?
 12 A. I think he is about sixty-one.
 13 Q. And do you know what year he
 14 started with the Rogers Corporation?
 15 A. Not exactly, no.
 16 Q. Let me say it this way:
 17 My -- it's claimed in this case
 18 my client was exposed to asbestos from 1961 to
 19 1966, okay?
 20 Do you have any appreciation on
 21 whether he was working with the Rogers
 22 Corporation during that time frame?
 23 A. I -- I wouldn't think it would
 24 go back that far.
 25 Q. Okay.

1 Well, can you tell me
 2 Mr. Heilemann -- what his job today is with
 3 Rogers Corporation?
 4 What's his title?
 5 A. He is retired from Rogers
 6 Corporation.
 7 Q. And do you do you know
 8 approximately what year he retired?
 9 A. I think it's been very recent.
 10 Probably the late end of 2003.
 11 Q. And when he retired, do you know
 12 what his title was with the company?
 13 A. I don't know what it was when he
 14 retired.
 15 Q. Can you give me an appreciation
 16 what his job responsibilities were when he
 17 worked for Rogers Corporation?
 18 A. He worked in the finance
 19 department, and I believe at one point in time
 20 his title was -- dealt with a lot with
 21 insurance companies, and his title was risk
 22 manager.
 23 Q. And do you know where Mr.
 24 Heilemann lives today?
 25 Not the exact address, but the

1 general area will suffice.
 2 A. Rhode Island.
 3 Q. Do you know where -- where in
 4 Rhode Island?
 5 What city? Cranston? That's the
 6 only city I know, so I had to throw that out,
 7 but what city in Rhode Island he resides in?
 8 A. No. I don't.
 9 Q. I would like to ask you about a
 10 Howard -- I think Raphaelson?
 11 A. Raphaelson.
 12 Q. Raphael --
 13 I have it spelled as
 14 R-A-P-H-A-E-L-S-O-N. Does that sound about
 15 right?
 16 A. A-E-L-S-O-N.
 17 Q. Okay.
 18 Is he still with Rogers
 19 Corporation?
 20 A. No, he is not.
 21 Q. Is he retired?
 22 A. Yes, he's retired.
 23 Q. I am going to ask a lot of the
 24 same questions.
 25 Do you know if he was with Rogers

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1 Corporation on or before 1966?

2 A. He might have been.

3 Q. When he worked for Rogers, what
4 was his title or position?

5 A. His last position was the
6 corporate controller.

7 Q. And do you know approximately
8 what year he stepped down at Rogers?

9 A. Approximately three years ago.
10 Three or four years ago, so that would put it
11 at like 2000 or 2001.

12 Q. Okay, and because he is not a
13 lady, we can ask what his age was.

14 Do you have any idea how old he is
15 today?

16 A. Sixty-nine.

17 Q. Okay.

18 Other than his position as
19 comptroller, do you know any other positions he
20 held during his tenure at Rogers?

21 A. He was the controller when I
22 started, and he was the controller when he
23 finished.

24 Q. If we needed to find this
25 gentleman today, what -- what city or

1 It was more like that (indicating).

2 And sometime around 1920, when
3 phenolic resins were invented by Leo Bakehand
4 (phonetic), a Belgian guy, he came to the
5 United States and worked with Rogers along with
6 other companies most notably like Union
7 Carbide, and start -- started putting phenolic
8 resin into the paper beater, which is sort of
9 like the pulp mixer, so that we then had a
10 phenolic paper product, so that when it was
11 molded, it would be rigid and hard
12 (indicating).

13 These paper products went into
14 various applications, but relative to what I
15 do, it became a -- a molding compound by taking
16 the paper itself and cutting it into small
17 pieces sort of like with a pizza cutter
18 (indicating).

19 They sold it as what was called
20 mold dice -- molding dice, so that you had
21 little -- little squares of material indicating
22 that then could go into the mastic mold to be
23 made into a part.

24 And then from there it was -- it
25 took the same kinds of raw materials and

Page 27

Page 29

1 geographic area does he reside in?

2 A. I am not totally sure, but I
3 think he still lives in Connecticut.

4 Q. Sir, can you just walk me through
5 Rogers Corporation?

6 I know you didn't start with the
7 company until 1977, but if you can, based on
8 your review of documents and your knowledge of
9 the company, can you tell me what type of
10 business generally Rogers was in, and if -- if
11 you can go back as far as you can, I would
12 appreciate it.

13 A. Okay.

14 Rogers started out as the Rogers
15 Paper Manufacturing Company in Manchester,
16 Connecticut, and made paper board that would be
17 used inside of clothing items like collars
18 (indicating) and coattails and things like
19 that.

20 And around -- so it was paper
21 from 1832, Fibreboard, very thin -- thin board
22 (indicating), sort of like the backboard on
23 your pad of paper.

24 That would be about the thickness
25 (indicating). It was not corrugated cardboard.

1 extruded them, or roll mill compounded them
2 or -- you know.

3 Whatever it took to come up with
4 forms or shapes that were acceptable to the
5 customer.

6 Q. I would like to focus in on the
7 time, if I can, on the time period 1950 to
8 1970.

9 Okay?

10 A. Okay.

11 Q. You used a term -- I think you
12 called them something dice.

13 I didn't write it down. I'm
14 sorry.

15 A. Molding dice.

16 Q. Molding dice? Okay.

17 Let's focus on that time, period,
18 if I can, 1950 to 1970.

19 You will see, sir, I really have
20 very little knowledge how this is done, so
21 treat me like a third grader, if you can, and
22 walk me through it.

23 This molded dice -- what
24 facilities or facility was this molded dice
25 manufactured at?

Page 30

1 A. Manchester, Connecticut.

2 Q. Okay.

3 Again, this is 1950 to 1970 I am
4 focusing on.

5 The Manchester, Connecticut
6 facility -- did it -- it sounds like Rogers
7 Corporation -- stop me if I am wrong -- had
8 more than one physical location, or was this
9 the only physical location during that time
10 period?

11 A. There was more than one.

12 Q. So was this particular facility
13 in Manchester, Connecticut --

14 Did it have a special name like
15 manufacturing facility, or was it just known as
16 Rogers Corporation?

17 The one in Manchester?

18 A. Well, I don't know the name of it
19 at that time, because at that time, I believe,
20 that there were only two locations for Rogers
21 Corporation.

22 Whether they applied a name to --
23 to it other than the Manchester factory, I
24 don't know.

25 Q. Focus back on the Manchester

Page 31

1 facility during this time period.

2 Can you -- can you give me the
3 actual address where this facility was located?

4 The street or --

5 A. Its -- its address is the corner
6 of Mill and Oakland streets.

7 Q. And is that facility still there
8 today?

9 A. Yes, it is.

10 Q. And if we drove there today and
11 looked for a name (indicating), what would --
12 what would the name be today on that -- on
13 that -- that building?

14 A. That's the factory that was sold,
15 so it would have the name on it of Vyncolit,
16 V-Y-N-C-O-L-I-T.

17 Q. Okay. Back to the 1950/1970 time
18 period. If you can, how many people were
19 employed at this facility?

20 Now, if it vacillated a lot
21 during that time period, you can tell me, but I
22 am just looking for your best estimate of how
23 many people were there at that manufacturing
24 facility.

25 A. My guess would be about forty

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1 hourly people, and maybe as many as twenty
2 salaried people.

3 Q. Was it a union shop, if you know,
4 during that time period?

5 A. I am pretty sure the union was in
6 there, yes.

7 Q. And do you know what the name of
8 the union was that worked there?

9 A. That was the International
10 paperworkers union, I think that's what it was,
11 but it was the paper industry union.

12 Q. Was this particular facility at
13 that time period broken up in any type of
14 divisions or departments, if you know?

15 A. It was at that time probably two
16 departments.

17 Q. And those two departments were?

18 A. The paper machine department and
19 the extrusion department.

20 Q. Can you just give me an -- an
21 appreciation of what each -- what the function
22 was of each department?

23 A. The paper machine department took
24 this paper pulp mixed with phenolic resin onto
25 a paper machine (indicating) and made sheets of

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1 material approximately fifty inches wide
2 (indicating) by about seventy inches long,
3 approximately, depending on the grade, and
4 eighth of an inch thick (indicating).

5 These were used in the printing
6 industry.

7 Q. Did --

8 Can you tell me how they were
9 used in the printing industry?

10 A. They were used for the making of
11 intermediates between the magnesium masters and
12 rubber printing plates in flexographic printing
13 (indicating).

14 Q. And this material that was being
15 manufactured --

16 Do you know if asbestos was a
17 component part of that material?

18 A. I don't know what -- I don't
19 know --

20 Between 1950 and 1970, I don't
21 know when there was an introduction of
22 asbestos.

23 Q. Do you know at any time during
24 that period --

25 I am just focusing on the paper

Page 34 1 material at this point -- at any time was asbestos 2 ever a component part of that material? 3 A. Yes. 4 Q. Okay. 5 And as you sit here today, do you 6 know when -- 7 I think you just said you don't 8 know when. Can you give me the best estimate, 9 decade of the '50s, '60s, early '70s? Do you 10 have any idea? 11 MR. CASIMIR: Objection. 12 MR. SANTOMASSIMO: Objection to 13 form. 14 Q. If you know. 15 I am just looking for your best 16 estimate. 17 A. I couldn't guess very accurately. 18 Q. Okay. 19 And then the ex -- the ex -- the 20 extrusion department -- 21 Before I go to that department, 22 was there any other material being manufactured 23 in that -- in the -- in that first department 24 that you haven't told me about? 25 A. No, just paper. Paper board.	Page 36 1 So at some time period there was 2 a conversion, then, from the molding dice to 3 the -- to this molding compound, is that fair 4 to say? 5 A. Yeah. Yes. 6 Q. Can you give me your best 7 estimate on what decade that conversion took 8 place? 9 A. '50s. 10 Q. Okay. 11 So let me ask you, from this 1950 12 to this 1970 time period, how many different 13 grades of holding compound were being 14 manufactured? 15 Hundreds? Twenty? Ten? I am 16 looking for your best estimate. 17 A. Product names were probably 18 twenty to thirty. 19 Q. Okay. 20 Out of those twenty to thirty -- 21 and I am just going to call it molding 22 compound, if I may. 23 Out of those twenty to thirty -- 24 is grades a fair term, or should I call it 25 something else?
Page 35 1 Q. Let's go to the extrusion 2 department. 3 What was done there? 4 A. Sometime in the middle '50s 5 someone had the idea that instead of going to 6 the trouble of making these molding dice, we 7 would just take -- take basically the same raw 8 materials and extrude them (indicating) through 9 basically a large meat grinder (indicating) 10 with a die plate on it about this big 11 (indicating), ten to eleven inches in diameter 12 indicate, and however many holes you could put 13 into it, depending on the size of the pellets 14 that you wanted to make (indicating). 15 So you would extrude the wet mass 16 of material through the die plate, and then you 17 would dry the pellets out in an oven. 18 Q. And this end product, just so we 19 are on the same page, what was this commonly 20 known as? 21 This end product being 22 manufactured? Molding compound? I am just 23 looking for -- 24 A. Molding compound. 25 Q. Okay.	Page 37 1 A. Grades are fine. 2 Q. Okay. 3 Of those twenty to thirty 4 different grades, can you give me an 5 appreciation of how many out of those twenty to 6 thirty different grades contained asbestos as a 7 component part of that material? 8 A. I would say about a quarter. 9 Q. And the ones -- so we are going 10 to break up my questions, if I may, sir, and do 11 asbestos-containing molding compound and 12 nonasbestos-containing molding compound. 13 Is that fair to say? 14 A. Yes. 15 Q. So about twenty-five percent of 16 the end product coming out has asbestos, and 17 about seventy-five percent doesn't during that 18 time period, and I appreciate that's just best 19 estimate. 20 Is that fair? 21 A. Twenty-five percent of the grades 22 contained asbestos, and the rest did not 23 contain asbestos. 24 Q. Okay. 25 Now, this is a little different

1 question:
 2 What -- and I appreciate
 3 twenty-five percent of the grades had asbestos,
 4 seventy-five percent didn't.
 5 But if we had to add up all the
 6 end product coming out, what percentage of that
 7 end product contained asbestos?
 8 MR. SANTOMASSIMO: Objection to
 9 form.
 10 Q. The reason I am asking the
 11 question, is I am assuming some grades were
 12 more popular than others.
 13 Do you understand where I am
 14 going with this?
 15 A. I understand the question.
 16 Q. Okay.
 17 A. Unfortunately, I can't tell you
 18 which one was the most popular at the time.
 19 Q. Can you tell me this?
 20 Was asbestos-containing molding
 21 compound more popular than the asbestos-free
 22 molding compound?
 23 A. For the '50s, I couldn't --
 24 I couldn't tell you that, because
 25 the products originally came out of the paper

1 The fiberglass grades were the
 2 majority.
 3 Q. Let me focus my next questions on
 4 the asbestos-containing molding compounds from
 5 '50 to '70, again I am in that time frame,
 6 period.
 7 Can you give me an idea, if you
 8 know, based on your review of documents and --
 9 and historical review of -- of this case, who
 10 some of the customers were, if you know, of
 11 Rogers?
 12 Who did they sell to?
 13 A. '50s?
 14 Q. '50s to '70s.
 15 I am looking for a list, as best
 16 as you can tell me.
 17 MR. SANTOMASSIMO: Can you read
 18 the question back, please, Cheryl?
 19 THE STENOGRAPHER: Sure.
 20 (Record read)
 21 MR. SANTOMASSIMO: John, I am
 22 going to object.
 23 We are here to talk about the
 24 Hill case and Die Molding facility, not -- not
 25 every customer that -- that Rogers had during

1 market, which didn't have -- wasn't an
 2 asbestos-based industry.
 3 So there were cellulose grades
 4 that were the first products made in the
 5 extrusion department --
 6 Q. Let me --
 7 A. -- which would be like cotton,
 8 cotton with phenolic resin.
 9 Q. Same question for the '60s.
 10 Can you answer that one, whether
 11 the asbestos-containing molding compounds were
 12 more popular or less popular than the
 13 asbestos-free molding compounds?
 14 A. I would think in the '60s they --
 15 there was -- there was a good chance they were
 16 about equal.
 17 Q. Same question for the '70s.
 18 Do you know which one -- did one
 19 start to become more popular than the other,
 20 the asbestos-free versus the nonasbestos-free?
 21 A. The total factory by the '70s had
 22 started to evolve towards fiberglass, so
 23 essentially neither the asbestos, nor the --
 24 the cotton type materials was the majority of
 25 what was made.

1 the time period -- that even goes beyond the
 2 time of Mr. Hill's employment or -- the time of
 3 Mr. Hill's employment at Diemolding. Let's
 4 focus on Diemolding.
 5 MR. COMERFORD: My concern, and
 6 this has really been the history of the case
 7 management order, is when you depose a
 8 corporate representative, you don't cherry pick
 9 just for that specific case and that specific
 10 site.
 11 You are really forced to do it in
 12 a global nature. Otherwise, we're -- as much
 13 as I enjoyed meeting everyone in this room, we
 14 are coming back to Fishkill, New York every six
 15 months to then do another job site.
 16 I am not going to focus on these
 17 other job sites. You will see I am going to
 18 move on real quick.
 19 I need to find out -- a number of
 20 reasons -- you know, if he tells me, for
 21 example, that -- you know, a particular
 22 defendant was the great majority -- or customer
 23 was a great majority of where their work went,
 24 that's highly relevant product ID and
 25 what have you.

Page 42 1 MR. SANTOMASSIMO: Not for the 2 Hill case. 3 MR. COMERFORD: Sorry? 4 MR. SANTOMASSIMO: Not for the 5 Hill case. 6 MR. COMERFORD: What if he tells 7 me the biggest customer, for example, was Die 8 Molding, during that time period? 9 MR. SANTOMASSIMO: It's not 10 relevant to the Hill case, because Mr. Hill 11 wasn't working there during that time period. 12 MR. COMERFORD: He wasn't working 13 at Die Molding from 1950 to 1970? 14 MR. SANTOMASSIMO: 1950 to 1960. 15 I said, let's focus on the Die 16 Molding facility during the right time period. 17 What I am telling you, John, is I 18 am -- I will give you leeway, but I am not -- . 19 MR. COMERFORD: I am not going to 20 spend a whole lot of time on other job sites. 21 I just want to get an appreciation of what 22 their customer base was. 23 What if their customer base was 24 limited to Alaska? I don't know until I find 25 out.	Page 44 1 A. -- electric switch or something. 2 Q. Would you agree that Diemolding 3 in Canastota, New York, then, is a custom 4 molder? 5 Is that fair? 6 A. Yes. 7 Q. Okay. 8 I am just looking if you know, 9 from 1950 to the 1970s, I will limit it to the 10 northeast, who some of the customers were of 11 Diemolding -- were of Rogers. 12 MR. SANTOMASSIMO: For phenolic 13 resins, we are talking about? 14 MR. COMERFORD: For 15 asbestos-containing molding compounds. 16 A. There are a lot of names of 17 companies that I have seen, but since those 18 companies were no longer customers by the time 19 I became involved, most of them I plain -- 20 simply don't -- don't recollect, because they 21 were like -- that was like meaningless 22 information to me, and most of those 23 companies -- 24 Before the advent of the custom 25 molders, the OEMs did their own molding, so
Page 43 1 MR. SANTOMASSIMO: Well, let's 2 find out. 3 MR. COMERFORD: I am just 4 trying to get an appreciation of where they 5 sold. 6 MR. SANTOMASSIMO: We will tread 7 lightly. 8 MR. COMERFORD: I can appreciate 9 that. 10 Q. Sir, I will limit my questions to 11 custom molding shops. 12 Do you know what a custom molder 13 is? Do you know that term? 14 A. I know what I call a custom 15 molder. 16 Q. Tell me what you -- what a custom 17 molder is under your analysis. 18 A. Custom molder is only molds -- 19 they like buy the plastic materials and they 20 only mold, and the product they sell is usually 21 shipped on to more what you would call an OEM, 22 and then the OEM makes it into -- you know, 23 whatever the device is. 24 A telephone or -- 25 Q. Would you --	Page 45 1 that by the time I was personally involved, the 2 companies like Western Electric or something 3 like that -- 4 They had stopped doing a lot of 5 the molding themselves, and had pushed them out 6 to the custom molders by, say -- 7 About '65 a lot of the OEMs were 8 not molding anymore. 9 Q. And let me ask you this: 10 Do you know any names of custom 11 molding companies as you sit here today in the 12 Northeast that Rogers would have sold directly 13 to from 1950 to 1970? 14 A. I think it's pretty clear that 15 we -- we sold to Diemolding. 16 We sold to Chicago Molded 17 Plastics. We sold to Harvey Hubbell. We sold 18 to Butterfield Plastics. We sold to Shaw 19 Plastics. 20 We sold to -- just -- I am really 21 fishing here for the names. 22 Norton Plastics and things like 23 that. 24 Q. Focusing again in the same time 25 period, '50 to '70, the asbestos-containing

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1 plastic molding compound manufactured by
2 Rogers, as you sit here today, do you know
3 ultimately what some of that plastic molding
4 compound was being used for, whether it be
5 kitchenware -- I'm just looking generally now.
6 Kitchenware, automotive industry?
7 Can you give me an appreciation of what the
8 asbestos-containing plastic molding compound
9 was going to end up as?

10 A. Rogers was a producer of the
11 specialty engineering grades of phenolic
12 molding compounds, and was not a producer of
13 general purpose or -- or sometimes called the
14 mineral-filled phenolic molding compounds.

15 And so as a consequence of that,
16 the prices of Rogers materials were two to
17 three times the prices charged by other
18 companies per pound, so Rogers did not
19 participate into the household appliance market
20 where some of the least expensive materials
21 were used.

22 Our products ended up into like
23 electrical switches or electrical commutators
24 for electrical motors.

25 Something that had mechanical, a

1 (indicating).

2 Q. Okay.

3 Sir, I am going to go back to
4 what you called the -- the extrusion
5 department.

6 During the 1950 to 1970
7 department -- 1950 to 1970 time period, can you
8 give me an idea of how many employees would be
9 in that department working?

10 A. I would say about fifteen.

11 Q. Okay.

12 Okay, and can you tell me what
13 the title would be of someone who would work in
14 that department?

15 I think your testimony earlier
16 was it was a union shop, so I assume these
17 people had specific job specifications, if you
18 know?

19 A. There were -- one was a premix
20 operator.

21 That's the person that took the
22 raw materials and weighed them, and mixed them.
23 Then out of the mixer it went into the
24 extruder, so then there was an extruder
25 operator's job to run the extruder, and then to

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1 thermal, or an electrical performance
2 requirement.

3 Q. And the electrical switches you
4 just talked about, was that mostly for
5 automotive or moment use or what kind of use?

6 A. It would be like the Western
7 Electric kind of thing or a Square D kind of
8 thing.

9 Q. Can you --

10 When you say -- just because I
11 don't have a good knowledge of this, as you can
12 tell, Western Electric --

13 What do you mean by "the Western
14 Electric thing"?

15 A. Western Electric was the
16 manufacturing arm of the Bell Telephone system.
17 They made all of the switch gear and all of the
18 telephones.

19 Q. Okay.

20 And just so we are clear, the
21 molding compound manufactured by Rogers was
22 used in what way for Western Electric?

23 A. I believe that it was used in
24 terminal strips, and sometimes in a little
25 indicator block inside the telephone

1 dry the products through the oven (indicating).

2 Then after that there was a
3 blender operator, took the dry pellets and
4 dried -- and blended them in the -- what's
5 called a twin cone (indicating) blender.

6 That's where the wax coating was
7 put on the pellets and stuff like that to keep
8 them shiny.

9 Q. If you could take me through the
10 same analysis you just did, I am looking for an
11 appreciation, for example, of how large the
12 mixer was and some of these other pieces of
13 equipment you just identified, if you can just
14 give me your best estimate.

15 Was it something the size of a
16 cereal bowl? Was it something the size of a
17 fifty-gallon drum?

18 I just need an appreciation of
19 the sizes of these various pieces of equipment.

20 A. The primary premix machine was a
21 sigma blade mixer, and the size of the sigma
22 blade mixer was about six feet by six feet by
23 six feet (indicating).

24 Kind of a big cube, and inside
25 were two sigma blades that -- that mixed like

1 this -- to mix up all the materials.
 2 (Informal discussion held off the
 3 record)
 4 Q. And how many -- can I call them
 5 mixer men?
 6 How many people would be on that
 7 equipment when it was being mixed?
 8 A. One.
 9 Q. And how much equipment would
 10 actually be in the mixer that was being mixed?
 11 A. How much equipment?
 12 Q. I'm sorry. How much material?
 13 A. About one thousand pounds.
 14 Q. And how long would it take
 15 generally to run that mixer?
 16 A. About --
 17 You are asking what the through-
 18 put of the line was?
 19 Q. Correct.
 20 A. I would say that the throughput
 21 of the line was -- at that time was probably two
 22 hundred and fifty pounds per hour.
 23 Q. Okay.
 24 And then after it was mixed,
 25 where -- what type of equipment would -- would

1 Q. Take me to the extruder.
 2 What did the material look like
 3 at the end of the meat grinder?
 4 A. The material was made --
 5 It was extruded out (indicating),
 6 and cut into pellets, so the pellet was the
 7 diameter of the hole, which was typically like
 8 5/32 of an inch.
 9 From an eighth of an inch up -- a
 10 little higher, so 4/32, 5/32, 6/32 of an inch
 11 in diameter, and it wasn't very precise on the
 12 length of the pellets, but it could be like a
 13 quarter inch long or as long as 3/8 of an inch.
 14 Q. Ultimately would this material be
 15 packaged in some way for sale?
 16 A. It would go into --
 17 The material would go -- all
 18 these pellets would go in -- through the dryer,
 19 into the blender.
 20 In the blender, the coatings were
 21 put on. The polyethylene wax was put on, and
 22 then out of the bottom of the blender the
 23 material was weighed into -- most of the time,
 24 cardboard boxes.
 25 And if not cardboard boxes, it

1 the plastic molding compound go to next?
 2 A. It would be dumped out and screw
 3 fed to the extruders.
 4 Q. And can you just give me an
 5 appreciation what the extruders looked like?
 6 The size of it?
 7 A. Well, the die plate, as I said,
 8 was about ten to eleven inches in diameter
 9 (indicating).
 10 Q. Okay.
 11 A. The length of the extruder was no
 12 more than two feet (indicating). It had a
 13 hopper -- a little hopper opening at the back
 14 end (indicating).
 15 Material would come through with
 16 a big screw. The screw would push it against
 17 the die plate (indicating), and there was a
 18 cutter knife that would -- that would clip off
 19 the extrusions, just like a meat grinder at the
 20 butcher shop.
 21 Q. How would the material be
 22 transferred from the mixer to the extruder?
 23 A. Sometimes in barrels, but most of
 24 the time by just a screw logger (phonetic)
 25 would just move the material across the room.

1 would be those fiber drums with the metal --
 2 metal -- metal bottom ring (indicating) and the
 3 metal top ring.
 4 Q. And these drums --
 5 Again, I am just focusing on
 6 asbestos-containing molding compound.
 7 These drums -- would they be
 8 labeled in any way? Some identifying mark in
 9 some way, shape or form?
 10 A. I believe that it would just have
 11 the grade name --
 12 Rogers Corporation, the grade
 13 name, the weight (indicating).
 14 Q. Were these fifty-gallon drums, or
 15 what was the size of them?
 16 A. No. They were -- they were --
 17 I'm not sure what the --
 18 We didn't use drums when I
 19 started there. I only know drums from how
 20 other people, maybe, sold us raw materials
 21 (indicating).
 22 And then people would say, "Well,
 23 we used to use drums, but we don't anymore," so
 24 they were probably like thirty -- thirty-gallon
 25 drums.

Page 54 1 Q. As you sit here today, do you 2 know either way how this was packaged, or your 3 best estimate from the '50 to '70 time period? 4 A. In the '60s, many cardboard boxes 5 were used. 6 Q. Okay. 7 A. Whether it was exclusive or not, 8 I can't say. 9 Q. Do you know how the molding 10 compound materials were shipped from 11 Manchester, Connecticut to a customer? 12 A. Common carrier. 13 Q. And do you mean -- 14 Was there a particular common 15 carrier that you would use, if you know? 16 A. I don't -- I don't think -- 17 I don't know, and there was no 18 specific contract that Rogers would always use 19 one company. 20 Q. At any time period, at any part 21 of the plant that was processing or using 22 asbestos in some way at the Manchester 23 facility, were any measures at any time ever 24 taken to keep dust down? 25 MR. SANTOMASSIMO: I will object	Page 56 1 described -- 2 The paper machine is a totally 3 water based system where we are dealing with 4 paper pulp resin, and at times an asbestos 5 material, so it was always more or less inside 6 the water slurry, so there really wasn't any 7 dust. 8 And the extruded products inside 9 that sigma blade mixer (indicating) -- there 10 was -- there was water added to make the 11 material of a consistency (indicating) and soft 12 enough that when it went through the extruder, 13 you could actually make pellets -- pellets out 14 of it, and not just have dry material go in and 15 dry material kind of like fall out the front 16 (indicating). 17 So both processes used a 18 considerable amount of water, and that's why 19 you had to dry the pellets after you extruded 20 them. 21 Q. Well, my -- my question is this, 22 though: 23 Was any process -- anything ever 24 put in place by Rogers Corporation -- to reduce 25 dust at the Manchester facility?
Page 55 1 to the form. 2 Could you be -- would you 3 rephrase that question? 4 MR. COMERFORD: No, I will have 5 the court reporter read it back, if she would 6 be kind enough. 7 THE STENOGRAPHER: Sure. 8 (Record read) 9 (Informal discussion held off the 10 record) 11 MR. SANTOMASSIMO: Are you 12 referring to some particular type of dust? 13 Is -- is the question -- is the 14 question phrased the way you want it to be? 15 MR. COMERFORD: It is. I will 16 rephrase it. 17 Q. Was there any measures -- 18 What measures, if any, were ever 19 put in place by Rogers Corporation to reduce 20 dust in the workplace? 21 A. Okay. 22 MR. SANTOMASSIMO: Assuming that 23 there was dust. 24 A. Yeah, you have to take -- keep in 25 mind that both Rogers process lines that I have	Page 57 1 MR. SANTOMASSIMO: Objection to 2 form. 3 Q. Was any process taken, whether it 4 be some industrial hygiene measures, 5 ventilators, waterdowns, masks given to 6 employees? 7 Any process at all to reduce dust 8 to employees? 9 MR. SANTOMASSIMO: Objection to 10 form. 11 You can answer. 12 A. Sometime -- sometime -- I don't 13 exactly know when, but at some -- at some point 14 in there Rogers installed dustex (phonetic) bag 15 houses to remove particulates from the air. 16 Q. And what area of the plant was 17 that, sir? 18 A. Well, not for the paper machine. 19 Only -- only at that time for the extrusion 20 department. 21 Q. Okay. 22 So the extrusion department -- 23 some type of device was set up to assist in the 24 removal of particulates in the air? 25 Is that fair to say?

1 A. That's true.
 2 Q. Okay.
 3 Do you know what decade that was
 4 put in place?
 5 A. No, I don't.
 6 Q. Do you know why that was put in
 7 place?
 8 For what reason?
 9 A. I can -- I can --
 10 I can only make the same kind of
 11 guess that a lot of people would make, but I
 12 don't actually know what anybody discussed
 13 about it.
 14 Q. Well, sir, was that particulate
 15 air removal system -- was that put in before or
 16 after you started in 1977?
 17 A. Before.
 18 Q. Do you -- can you give me an
 19 appreciation how far before?
 20 How much before you started? An
 21 hour before?
 22 A month before? A decade before?
 23 A. Ten to fifteen years before.
 24 Q. Okay.
 25 So you think sometime by 19 --

1 If you know.
 2 A. I think it was put in to remove
 3 particulates from the air.
 4 Q. Would you agree with me, though,
 5 that one of the particulates that were
 6 generally were -- that Rogers was concerned
 7 about was asbestos?
 8 MR. SANTOMASSIMO: Objection to
 9 form.
 10 Q. If you know.
 11 A. All of --
 12 All of the particulates taken as
 13 a group was what Rogers at that point in time
 14 would have been attempting to reduce in the
 15 air.
 16 Q. And you would agree that asbestos
 17 would be one of those component particulates?
 18 MR. SANTOMASSIMO: Objection.
 19 Q. You can answer, sir.
 20 Would -- would you agree with me
 21 that asbestos was one of the --
 22 A. It was part of the formula, yeah.
 23 Q. Okay.
 24 And, sir, we have talked about
 25 asbestos being a component part of -- of about

1 approximately about 1960 to '65 it was put in?
 2 A. Sometime --
 3 Sometime right in there I would
 4 say that the technology was available to do
 5 what you had to do.
 6 Q. And were one of the types of
 7 particulates what Rogers was trying to reduce
 8 or keep down --
 9 Did that include asbestos?
 10 MR. SANTOMASSIMO: Objection.
 11 He's already said he wasn't
 12 present.
 13 He didn't know. Right?
 14 MR. COMERFORD: He did, but
 15 based --
 16 You know, this is the corporate
 17 representative you have tendered for a
 18 deposition, and if he doesn't know, he doesn't
 19 know, but --
 20 Q. From your review of documents and
 21 your historical review of this case, do you --
 22 Do you know whether or not this
 23 air particulate system was put in place to
 24 assist in the removal of asbestos from the air
 25 at the Rogers facility?

1 twenty-five percent of the plastic molding
 2 compound material that was being manufactured
 3 by Rogers from 1950 to about 1970, correct,
 4 sir?
 5 A. Right.
 6 Q. As you sit here today, do you
 7 know what types of asbestos fibers were
 8 utilized by Rogers in their plastic molding
 9 compound material that was sold?
 10 By types of fibers, and I will
 11 give you specific examples. I mean chrysotile,
 12 amosite, crocidolite.
 13 That's what I mean by "type of
 14 fiber," just so we are on the same page.
 15 A. The vast majority was chrysotile.
 16 Q. I don't think I asked
 17 percentages, but you -- you just jumped ahead a
 18 little.
 19 So you are saying the great
 20 majority was chrysotile, but was some
 21 crocidolite, the African blue fiber, also used
 22 by Rogers?
 23 A. I personally don't know of the
 24 use of crocidolite prior to about 1975. That's
 25 my personal knowledge of crocidolite in the --

Page 62 1 in the company. 2 Q. But you would agree with me that 3 Rogers Corporation did sell and distribute a 4 plastic molding compound with the Code No. 462, 5 would you agree? 6 A. Yes, they did. 7 Q. And you would agree with me that 8 462 was made up of two types of asbestos 9 fibers? 10 Chrysotile, and what would be -- 11 what would be the other type that made up 462? 12 A. Crocidolite. 13 Q. Okay. 14 And can you give me an 15 appreciation of 462 what -- 16 We will say from 1950 to 1970, as 17 you best you can, what percentage of Rogers 18 asbestos-containing molding compound that was 19 sold was made up of the 462? 20 A. Well, first of all, my knowledge 21 of the crocidolite was -- was actually in 462, 22 was my perception is that the larger 23 application for 462 started in the mid-'70s. 24 So prior to that, if it was used, 25 it was in a very -- you know, 462 may be --	Page 64 1 from 1960 to 1966? 2 Can you tell me? 3 A. That exhibit, D, says that Rogers 4 sold 462 to Diemolding (indicating). 5 Q. Okay. 6 As you sit here today, would you 7 agree with me that 462, as far as you know, 8 always contained -- as far as you know, by -- 9 you know, I mean your historical review of the 10 documents, in your knowledge of being an 11 officer of this corporation, that 462 contained 12 two types of asbestos fibers? 13 Chrysotile and crocidolite? 14 MR. SANTOMASSIMO: If you know. 15 A. Yeah, well, I only know -- 16 I have only seen the formula for 17 462 for the '70s. 18 Q. Who here -- 19 Who alive today would have 20 personal knowledge about 462 back in the '50s 21 or '70s, alive today? 22 A. I don't -- I don't know if there 23 is anyone alive today that would have that 24 information. 25 Q. Do you --
Page 63 1 maybe even if it existed back then -- I 2 personally don't know. 3 I know that -- I saw it in the 4 deposition, but that doesn't mean that I -- 5 that I can say that I have seen records back 6 there myself. 7 And it would have been a very 8 small part of the product line, and certainly 9 except for these -- this one application in the 10 '70s, it would have been -- 11 It would have been under one 12 percent. 13 Q. Who -- and, sir, let's -- let's 14 take this right to the -- the case we have 15 here. 16 I understand that you have 17 reviewed DeLassus 1, which are answers to 18 interrogatories given some time ago in a case 19 called Clark. 20 And in that case, sir, can you 21 tell me based on your review of that 22 interrogatory, whether 462 was sold to 23 Diemolding during that time period, the time 24 period -- and I will be happy to show you the 25 exhibit specific -- it's Exhibit D here, 19 --	Page 65 1 Have you looked at formulations 2 or specifications of 462 in the past at any 3 time? 4 MR. SANTOMASSIMO: Could you 5 rephrase -- or read that back, please, Cheryl? 6 (Record read) 7 MR. SANTOMASSIMO: Thank you. 8 A. Yes. 9 Q. Okay. 10 And that's something you would 11 have done before this case, I assume? 12 A. As part of my job for many years. 13 Q. Okay. 14 At any time, have you ever seen 15 any formulation for 462 that did not include 16 crocidolite in any part? 17 A. Formulas for 462 that I sold -- 18 saw -- did contain crocidolite. 19 Q. Okay. 20 Just so we are clear, you are not 21 aware of any formulation at any time that did 22 not include crocidolite? 23 Is that fair to say? 24 A. I prefer to word that in a 25 positive frame.

Page 66 1 I can only say what I saw. 2 Q. Let's focus on what you saw. 3 When you saw a formulation for 4 462, did it always include crocidolite as a 5 component part? 6 A. Yes. 7 Q. If I was going to accompany you 8 back to the Rogers plant today, and I don't 9 think Mr. Santomasimo would welcome that, 10 would you be able to show me some type of 11 specification that said this? 12 Is there something that -- a 13 drawing, a recipe of some type -- some type of 14 document that shows that? 15 MR. SANTOMASSIMO: That said 16 what? 17 MR. COMERFORD: That 462 included 18 chrysotile and crocidolite as a component part 19 of the product. 20 MR. SANTOMASSIMO: Object to the 21 form, but it's been asked and answered. He 22 said the formula he has seen pertains to the 23 1970s only. 24 You are asking him to prove 25 something that goes beyond his knowledge.	Page 68 1 asbestos, and twenty percent was crocidolite 2 asbestos. 3 Does that jell with your memory on 4 the documents you have seen concerning 462 and 5 those formulas? 6 A. That would be approximately 7 correct. 8 Q. And over time -- at any time -- 9 did those percentages of chrysotile versus -- 10 versus crocidolite change in any way? 11 A. Generally -- 12 Generally -- in the -- in the 13 time period that I am familiar with, only two 14 or three percent, plus or minus. 15 Q. Okay. 16 And, sir, can you tell me if what 17 companies did Rogers actually order its 18 asbestos from, whether it be chrysotile or 19 crocidolite? 20 A. I -- I don't want to get into 21 like the distributors, but like the miners or 22 the -- the manufacturers would have been like 23 Carey or Cassiar, those kinds of companies. 24 Q. And I have got answers to 25 interrogatories, here, sir, and I am going to
Page 67 1 I object to the form of the 2 question. 3 MR. COMERFORD: I haven't -- 4 my -- my question, though, didn't focus on a 5 time frame, yet. 6 I am going to break it up if I 7 get an answer, but -- 8 Q. I guess my question to you is 9 this: 10 Are there formulas back at the 11 Rogers facility that indicate what percentage 12 of the product contained chrysotile and what 13 percentage contained crocidolite? 14 A. There were formulas, but Rogers 15 sold that particular factory. 16 Whether Rogers has all the 17 formulas at this stage of the game, I don't 18 know. 19 Q. If -- 20 A. I personally have not seen a 21 formula in a couple of years. 22 Q. Now, the answers to 23 interrogatories, this DeLassus 1, indicate for 24 462 -- and I will be happy to show it to you -- 25 that thirty-three percent was chrysotile	Page 69 1 see if this refreshes your recollection. 2 As I am looking for them, I will 3 try to remember, but I think one of the 4 distributors, if I remember correctly was North 5 American Asbestos Corporation. 6 Do you remember that as a company 7 that sold to -- that sold asbestos to -- I'm 8 sorry -- to Rogers Corporation? 9 Does that name ring a bell to 10 you? 11 MR. CASIMIR: Can I get that 12 question read back? 13 (Record read) 14 (Informal discussion held off the 15 record) 16 THE VIDEOGRAPHER: Off the record 17 at 11:25 a.m. 18 (Recess taken at 11:25 a.m.) 19 (Resumed at 11:39 a.m.) 20 THE VIDEOGRAPHER: Stand by. We 21 are back on the record. 22 The time is approximately 11:39 23 a.m. 24 Q. Sir, John Comerford here again. 25 Sir, I want to hand you what has

Page 70 1 been marked as DeLassus 3, and this is page 13 2 of interrogatories that were answered in this 3 case. 4 And the question is, if the 5 defendant -- strike that. The answer is, 6 "Rogers has purchased asbestos from the 7 following:" 8 From the following -- I'm sorry. 9 My Buffalo accent is coming through, "in the 10 list for companies." 11 Can you look at that? I am 12 giving it to you to see if it refreshes your 13 recollection as to who Rogers purchased raw 14 fiber from. 15 Sir, my question is this: As you 16 sit here today, do those appear to be a portion 17 of the companies that Rogers purchased raw 18 asbestos fiber from? 19 MR. SANTOMASSIMO: Objection to 20 form. 21 Mischaracterizes the witness' 22 earlier testimony. 23 MR. COMERFORD: Yeah, I am using 24 this, though, to test his recollection. 25 We will take these one at the	Page 72 1 Q. Okay. 2 Next question is Associated 3 Mineral Corp. That's listed there. Do you see 4 that? 5 A. Yes. 6 Q. Have you ever seen that name 7 before? 8 A. I don't recall seeing -- 9 Other than Johns-Manville, which 10 is the fourth one, I don't consciously 11 recognize any of the three names that are -- other 12 three names that are listed. 13 Q. Are you able to as you sit here 14 today, let's say from the 1960 to 1970 time 15 period, give me some indication on who the 16 principal seller was, percentages to each? 17 Are you able to do that in any 18 way, shape or form? 19 MR. SANTOMASSIMO: Principal 20 seller of what? 21 MR. COMERFORD: Raw asbestos to 22 Rogers. 23 A. The principal -- 24 Again, some companies were 25 distributors, and some companies were
Page 71 1 time. 2 Q. Sir, who is the first company 3 that Rogers listed there? 4 Who was the first company that 5 indicates that they purchased raw asbestos 6 fibers from? 7 A. It says North American Asbestos 8 Corp. 9 Q. Now, are -- do you know that 10 company? 11 Have you ever heard of that 12 company? Would -- these are answers to that 13 were given by Rogers in this case. 14 A. Yeah. I -- 15 Q. Okay. Do you -- 16 A. My recollection is that I didn't 17 focus on the names of the companies. 18 I just focused on there was an 19 asbestos supplier from Chicago. 20 Q. Okay, but that wasn't my 21 question. 22 My question is this: Do you -- 23 have you ever heard of that company, North 24 American Asbestos Corporation? 25 A. Actually, no.	Page 73 1 manufacturers, so my information would be as -- 2 Well, whose name was on the 3 plastic -- the paper bag that the asbestos came 4 in? I don't -- 5 I don't recall on this list, 6 other than Johns-Manville -- Johns-Manville -- 7 name being on the bags. 8 Q. Do you know who would have 9 personal information about this, sir, and 10 specifically the suppliers of the raw asbestos, 11 who that person would be? 12 A. I -- 13 I don't know if anybody is alive 14 who could answer that specific question. 15 Q. Do you know how my -- the answers 16 to these interrogatories were arrived at? What 17 people were contacted? 18 You know, how did those answers 19 get there? 20 A. I don't know about this one 21 specifically, but Mr. Raphaelson generally led 22 the -- the development of the answers to the 23 interrogatories, and he interviewed, I would 24 say, a very small -- small group of people, two 25 or three, to get his answers, and...

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1 Q. Those two or three people, would
2 be whom, sir, that Mr. Raphaelson would meet
3 with, if you know?
4 A. Well, Dave Heilemann, who had
5 access to some of the records.
6 And then there were a couple of
7 people at Manchester that aren't living
8 anymore.
9 Q. And those people that aren't
10 living anymore --
11 Do you know their names?
12 A. Walt Hayes.
13 Q. Anyone else?
14 A. I am not sure if Curly Maron, is
15 living or not. Curly Maron, M-A-R-O-N.
16 I don't know if he is living or
17 not.
18 Q. When was the last time you spoke
19 with Mr. Maron? Christmas party? Some kind of
20 retirement function?
21 A. He -- Mr. Maron is the -- plays
22 the role of the Santa in the Mountain Hilltop
23 cabin at the big park in Manchester.
24 So he is like the Santa for the
25 whole area, and that's the last time I spoke to

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1 him, and that was about fifteen years ago.
2 Q. So my guess about a Christmas
3 party was pretty close?
4 A. Pretty close.
5 Q. Sir, in looking at this list, are
6 you able to -- and the names of North American
7 Asbestos Corporation, Associated Mineral Corp.,
8 Special Materials, Inc., Johns-Manville --
9 Looking at that list, do you know
10 which companies, if any, were suppliers of
11 crocidolite?
12 A. I believe the supplier of
13 crocidolite was a Chicago company, but again, I
14 didn't focus on the name of the company.
15 Q. Okay.
16 Sir, in one of the answers to
17 interrogatories, I reviewed in this case, and
18 if I have to, I can pull it, there is an
19 indication that the sales to Diemolding, how
20 much and when, was derived from the review of
21 microfiche.
22 Are you generally aware of that?
23 A. I heard someone say that there
24 were records on microfiche.
25 I have never seen those records

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1 on microfiche.
2 Q. As you sit here today, do you
3 know if they exist?
4 A. I don't know where they are or
5 anything about them.
6 Q. Sir, when the --
7 When the portion of the Rogers
8 Corporation was sold to this -- I think you
9 said Swedish company?
10 A. (Nodding).
11 Q. Do you know what documents, if
12 any, Rogers maintained, we will say, for
13 purposes of litigation?
14 A. I don't know if Rogers maintained
15 anything they didn't already have in their own
16 hands.
17 Q. And for purposes of litigation,
18 what type of documents, if you know, if any,
19 did Rogers maintain for purposes of litigation
20 when this transaction took place?
21 A. I don't know that Rogers -- most
22 of their records were retained for financial
23 and income tax records.
24 I don't know that Rogers retained
25 anything specifically for purposes of

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1 litigation (indicating).
2 Q. I am going to check my notes.
3 You indicated that there was a --
4 the sale to this Swedish company took place
5 sometime in 2002?
6 Is that correct?
7 A. That's correct.
8 Q. Now, at that point, as you sit
9 here today, do you know whether there were --
10 there were any depending asbestos personal
11 injury or wrongful death claims pending against
12 Rogers at the time of that transaction?
13 A. They don't generally give me a
14 laundry list of all the cases.
15 I suspect that there might have
16 been one or two, but I don't know the names of
17 the parties.
18 Q. Are you aware if there's any
19 communications that took place amongst anyone
20 that said okay, something along these lines, we
21 better gather up these documents for future
22 cases now that we have sold that -- the molding
23 division?
24 Any kind of -- any communication
25 about retention of documents in -- in that way?

Page 78 1 A. I -- I think simply from the 2 standpoint of -- of searching what was 3 in-house, and maybe a little segregation just 4 so that it would be easier look for things in 5 the future, but that's it. 6 Q. Sir, I also -- 7 In reviewing for this case, I see 8 that Diemolding manufactured some products 9 themselves -- themselves, which they would then 10 sell. 11 Is that fair to say, that 12 contained asbestos? 13 MR. SANTOMASSIMO: Sorry, John. 14 Could I -- Cheryll, could you just read the 15 question back? 16 THE STENOGRAPHER: Sure. 17 (Record read) 18 MR. SANTOMASSIMO: If you know. 19 A. The question is not -- not 20 totally clear. 21 MR. COMERFORD: Let me rephrase 22 it. 23 It was a poor question. 24 Q. Did Rogers manufacture finished 25 asbestos-containing product?	Page 80 1 John, I think we are having a 2 hard time how you are using by "finished 3 product." 4 MR. COMERFORD: Well, let me make 5 it a little easier. 6 I'll make it a little easier. 7 MR. SANTOMASSIMO: If this 8 helps -- 9 MR. COMERFORD: Right. 10 MR. SANTOMASSIMO: -- tell me if 11 I am wrong. 12 For purposes of Rogers, Rogers 13 considered its finished product to be molding 14 compounds. 15 That was a raw material to 16 somebody like Diemolding. 17 Q. Did Rogers manufacture anything 18 that contained asbestos other than plastic 19 molding compound? 20 A. Other -- 21 Other than the pellets and the 22 paper machine products, Rogers did -- to my 23 knowledge, did not make any asbestos-containing 24 production products. 25 Q. Sir, what about gaskets? Did
Page 79 1 A. Rogers or Diemolding? 2 Q. Rogers. 3 A. Manufacture our products that 4 contained asbestos? 5 Q. That were a finished product, 6 not -- 7 I am not talking about -- 8 A. Finished product? 9 Q. Molding compound. Actual 10 finished product. 11 A. No. 12 Rogers did not make finish -- in 13 the finished product -- in the form of did we 14 mold our -- our pellet products into something 15 molded, no. 16 Rogers did not do that as a 17 business. 18 Q. That wasn't really my question. 19 My question, though, was this, 20 and I can have it -- 21 Did Rogers manufacture an 22 asbestos-containing finished product? That's 23 my question. 24 MR. SANTOMASSIMO: I am going to 25 object to the form.	Page 81 1 Rogers make any gaskets? 2 A. Gaskets are paper-containing 3 products made on a paper machine. 4 Q. Okay, so we are just having a -- 5 okay. 6 Just so we are on the same page, 7 I think we are just having a -- a 8 miscommunication. 9 This fiber -- this paper 10 product -- can you give me some uses for it 11 that contained asbestos that was manufactured 12 by Rogers? 13 A. Rogers had two facilities, the 14 one in Manchester and the one in Rogers. Each 15 facility had paper machines. 16 The paper machine in Manchester 17 made the product I described before, which was 18 fifty by seventy, eighth of an inch thick 19 (indicating). 20 And that was for use in -- as an 21 intermediate in the making of flexographic 22 printing plates. 23 The products at the Rogers 24 location were involved in the gasket materials. 25 Q. And those gasket materials --

1 Just so we are on the same page,
2 what would they be used for? Automotive
3 industry? Pipes?
4 Just give me an idea, generally
5 speaking, if you can.
6 A. My expertise to that -- to that
7 particular application is very limited, and
8 that -- I would --
9 I would just say that Rogers did
10 have asbestos-containing gasket materials.
11 Q. Did Rogers manufacture those
12 asbestos-containing gasket materials for other
13 people which would then be relabeled under a
14 different name?
15 A. I don't have knowledge of that.
16 Q. Do you know what percentage of
17 asbestos were -- was in this gasket material,
18 if you know?
19 A. I don't know.
20 Q. Do you know whether chrysotile or
21 crocidolite were used in these gasket
22 materials?
23 A. I don't know.
24 Q. Is there anyone alive today who
25 would have answers to that information?

1 microfiche is in existence today?
2 A. I don't know.
3 Q. Do you have any knowledge as you
4 sit here today on whether are not some of that
5 microfiche was disposed of at some time?
6 Some -- I am looking for any
7 information you have -- may have on retention
8 policies.
9 A. I don't know of -- I don't know
10 that anything was disposed of.
11 Q. Okay.
12 So you just don't know either
13 way, is that fair to say?
14 A. About the microfiche? I don't
15 know really -- I don't really know anything
16 other than I was told that there was microfiche
17 at one time.
18 Q. And who told that you? What
19 person?
20 A. I believe it was Dave Heilemann.
21 Q. Okay.
22 Sir, during the 1950s, '60s or
23 '70s, are you aware of any salesmen for Rogers
24 Corporation?
25 And by "salesmen" I will limit it

1 A. I suspect that there might be one
2 or two people, yeah.
3 Q. And can you give me their names,
4 please?
5 A. I believe that Barry Widegren
6 is --
7 Q. Can you spell that?
8 A. W-I-D-E-G-R-E-N.
9 Q. Anyone other -- other than that
10 gentleman?
11 A. He is the only one that I know
12 of.
13 Q. Okay.
14 And, sir, I think we testified
15 earlier -- stop me if I am wrong -- that there
16 were some microfiche in Rogers' possession
17 years ago which sold -- which indicated where
18 Rogers sold its plastic molding compound to.
19 Is that fair?
20 A. I said that I heard about
21 microfiche.
22 I never saw them, and I actually
23 don't know what was on them.
24 Q. Do you have any knowledge --
25 personal knowledge -- on whether that

1 to this: Salesmen for the plastic molding
2 materials.
3 A. I am -- I am aware of quite a few
4 salesmen.
5 Q. Can you give me the names of
6 those salesmen, please?
7 A. George --
8 You want the ones that are alive
9 or the ones that are -- what?
10 Q. Just give me the names first, and
11 why don't we break it up between the ones who
12 are with us and the ones who have left us?
13 A. Rogers had a -- what was what --
14 what was called a national sales group, so that
15 there might have been salespeople that spent
16 less than five percent of their time selling
17 molding compounds, twenty percent of their time
18 selling gaskets, fifty percent of their time
19 selling electric circuits or something like
20 that, so --
21 And Rogers probably had two
22 hundred salespeople, at least, in -- in that
23 time period, so you -- you want ones that were
24 like most -- majority of their time was spent
25 selling molding compounds, or what?

Page 86 1 Q. Why don't you give me the ones 2 that you believe had some connection to 3 Diemolding, if any? 4 And by "Diemolding" I will say 5 the Northeast for plastic molding compounds. 6 Is that fair? 7 A. Okay. 8 Q. Thank you. 9 A. In the time period the '50s to 10 the '70s, I believe there was one sales 11 engineer, George Smith. 12 At the end of the '70s, there 13 would have been a second one, John Witkewicz. 14 Q. Can you spell that last name? 15 A. W-I-T-K-E-W-I-C-Z. 16 Q. Anyone else other than Mr. Smith 17 and the second gentleman? 18 A. In the time period, no. 19 Q. I saw an indication that 20 Mr. Smith has passed away. 21 Is that fair to say? 22 A. That's what I understand. 23 Q. What about the second gentleman? 24 Is he still with us? 25 A. I believe he is alive.	Page 88 1 Okay, and did you actually see 2 him that day and talk to him a little bit? 3 A. Yes. 4 Q. Okay. 5 Did he give you any indication 6 what he is doing today? Is he -- is he 7 completely retired? 8 Is he working for another 9 company? Do you know as you sit here today? 10 A. I don't know what he is doing. 11 Q. George Smith -- 12 Do you know if he has ever given 13 a deposition, what you -- you are going through 14 today? 15 A. I have no idea. 16 Q. Did you ever discuss any sales 17 with Mr. Smith? 18 A. (No Response). 19 MR. COMERFORD: Jim, John 20 Comerford. 21 Are you still there? 22 MR. WHITCOMB: Yeah. 23 MR. COMERFORD: You are just 24 making some noise there. 25 Sounds like --
Page 87 1 Q. And do you know what decades he 2 worked for Diemolding? 3 A. These are the Rogers salespeople. 4 Q. I'm sorry. I know. That was a 5 really bad question. 6 Do you know what decades the 7 second gentleman worked for Rogers? 8 A. The tail end of the '70s and the 9 '80s. 10 Q. Okay. 11 Do you know where the second 12 gentleman lives today? 13 What area of the country? 14 A. Connecticut. 15 Q. When was the last time you saw 16 him or spoke to him, if you know? 17 A. Five years ago. 18 Q. And in what capacity did you see 19 him five years ago? 20 A. He just walked in the door of 21 the -- the factory, and wanted to chitchat with 22 people, because he was retired and had nothing 23 better to do. 24 Q. Kind of sounds like that movie, 25 Schmidt. I can't think of the name of it.	Page 89 1 (Informal discussion held off the 2 record) 3 Q. Sir, did you ever discuss with 4 Mr. Smith about where he sold to or any of 5 his -- his work as a salesman? 6 A. To a limited extent. 7 He left Rogers in about 1980, and 8 I joined Rogers in about 1977. 9 Q. Do you -- 10 Do you remember ever having any 11 conversations about Diemolding with him? 12 A. No. 13 Q. Sir, I want to ask you about 14 where or not any tests were ever done by Rogers 15 on asbestos through the research and 16 development division. 17 Are you familiar with any being 18 done? 19 A. Any tests on asbestos? 20 Q. Correct, by research and 21 development. 22 A. I don't think Rogers tested any 23 asbestos. 24 Q. Just give me a minute, sir. 25 Sir, I am going to refer to

Page 90 1 what's been marked as Plaintiff's 3 -- I'm 2 sorry -- been marked as DeLassus 3. 3 It's an answer to an 4 interrogatory. 5 What I am going to do, sir, is 6 read the answer to interrogatory out loud and 7 let you have as much time as you need to take 8 to review it. 9 The question was asked about any 10 research or studies performed by Rogers on 11 asbestos-containing materials, and the answer 12 is this: 13 "Rogers does have a research and 14 development department where some testing of 15 its products has taken place. 16 "Moreover, on one occasion in 17 1978, the test was performed to determine the 18 need for placement of OSHA warning labels on 19 Rogers products. 20 "These tests were conducted under 21 extreme conditions, and did not reflect the use 22 for which the product was designed." 23 I am going to hand this to you. 24 This is page 20 of Exhibit 3, and I just want 25 to ask you some questions about that test.	Page 92 1 record) 2 A. When you incorporate the asbestos 3 to phenolic resin and the minerals into a 4 molding compound, Rogers runs tests on that. 5 I just want to be clear that you 6 were in to two different areas, and that's why 7 you got the answer you got. 8 Q. Well, you would agree with me, 9 sir, that some of the plastic molding compounds 10 that Rogers made were more than half asbestos? 11 Isn't that true, sir? 12 MR. SANTOMASSIMO: Objection to 13 form. 14 Q. Well, let's talk about 462. What 15 percentage of asbestos was in 462? 16 Two percent? One percent? What 17 percent? 18 A. Somewhere in the neighborhood of 19 fifty percent. 20 Q. Okay. 21 Well, why don't I just call it 22 asbestos-containing materials? Would that 23 be -- would that -- 24 Would that be fair to say? 25 A. Yeah, that's fine.
Page 91 1 Do you have any personal 2 knowledge about the answer that was given 3 there? 4 If you need to take time to read 5 it, go ahead. 6 A. I am aware -- 7 I am aware of the -- what's on 8 this piece of paper. 9 Your first question to me was did 10 Rogers run any tests on asbestos, and I said 11 no, and that's true -- 12 Q. Okay. 13 A. -- but now this page relates to 14 did Rogers test asbestos-containing molding 15 compound. 16 Because that's a different issue. 17 Q. Why is that a different issue? 18 Help me. 19 A. Well, asbestos is this fibrous 20 fiber that you buy from the raw materials 21 supplier. 22 Did Rogers test that? No, but 23 when Rogers incorporates it with phenolic resin 24 and other minerals into a molding compound -- 25 (Informal discussion held off the	Page 93 1 Q. Okay. 2 Back -- back to my question. Did 3 Rogers ever do any -- any testing on any 4 asbestos-containing materials? 5 A. Yes. 6 Q. And why don't you walk me through 7 the -- 8 First of all, tell me why a test 9 was performed, if you know. 10 A. Did Rogers run any tests? 11 Rogers ran hundreds of tests on 12 every batch of material that was made. We did 13 impact testing. 14 We did flex testing. We did 15 tensile testing. We did all kinds of 16 electrical tests, environmental tests. 17 Q. Well, I want to take you back to 18 what's reported in the interrogatory. 19 A. Okay. 20 This -- this page in 21 (indicating). 22 Q. That specific test -- 23 A. Okay. 24 Q. -- and first of all, you were at 25 the company by that time?

Page 94 1 Correct? 2 A. That's correct. 3 Q. And can you tell the jury why you 4 did a test? 5 What was the -- what was the 6 purpose, if you know? 7 A. I personally do not know why the 8 test was run, but I was present when the test 9 was run. 10 Q. And what was being tested, if you 11 can tell me? 12 A. For whatever reasons, we molded 13 half by half by half by five inch long bars 14 (indicating). 15 So it's a half by half, five 16 inches long (indicating), just a test specimen, 17 and gave these to a technician. 18 The technician took these bars, 19 and just one bar after the other simply 20 disintegrated the bar on a grinding wheel 21 (indicating). 22 You know, a punch top grinding 23 wheel, just disintegrated bar after bar. 24 Q. But what was actually being 25 tested?	Page 96 1 Q. Would you agree -- and I think I 2 have the regulation here with me -- that it was 3 passed during the Nixon administration? 4 Sometime during the early '70s? 5 Do you know that as you sit here today? 6 A. No, I don't know that. 7 Q. Do you know if OSHA was in place 8 before you stepped foot into Rogers? 9 The actual regulation itself? 10 A. No, I don't. 11 Q. Okay. 12 But you do have some general 13 regulation -- some general understanding that 14 it was in the '70s? 15 Is that fair to say? 16 A. Yeah, yes. 17 Q. And you just don't know if it 18 was -- 19 You don't know either way if 20 early -- it was early, middle or late '70s? 21 A. I don't know. 22 Q. Okay. 23 Now, do you know if this test 24 was -- was being performed by Rogers to 25 determine the need, if any, of placing OSHA
Page 95 1 Ambient air? Dust counts? What 2 was being analyzed, if you know? 3 A. I am not an expert in the area, 4 but I do -- 5 I do believe that the employee 6 running the test had one of those little 7 suction device gizmos that the environmental 8 people sometimes have employees wear. 9 Q. And is -- 10 Do you actually know what the 11 results of those tests were? 12 A. I don't -- I -- 13 I -- I don't recall what the 14 results of the tests were. 15 I may have been shown the report 16 at one time, but it wasn't explained to me, and 17 I don't know if the tests themselves really -- 18 what they applied to. 19 Q. Let me ask you this: 20 You are familiar with OSHA coming 21 into existence sometime around 1972? 22 A. I don't know the time frame, 23 but -- you know. 24 When -- I was aware of them -- 25 you know, by the late '70s, sure.	Page 97 1 pneumoconiosis warnings on its materials? 2 A. I never heard that term before. 3 Q. I will get rid of that fancy 4 pneumoconiosis word. 5 Do you know if the test was being 6 done to determine whether or not an OSHA 7 warning needed to be placed on packaging and 8 container material of the plastic molding 9 compound materials? 10 A. I think the first part of my 11 answer was I did not know exactly the purpose 12 for us doing the test. 13 But my title was the development 14 chemist, and a technician actually did the 15 grinding. 16 Q. But when you saw these testing, 17 you seem like kind of a curious guy. 18 Did you say, "What's going on 19 here? Why are we doing this?" Do you 20 remember -- 21 MR. SANTOMASSIMO: Objection to 22 form. 23 Q. Do you remember having any of 24 those sort of questions? 25 A. It didn't take all that long to

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1 run the test.
 2 It was kind of like perfunctory.
 3 Just -- just do it.
 4 Q. Are you familiar with the term
 5 "threshold limit value" or "permissible
 6 exposure limits," commonly known as TLV and
 7 PEL?
 8 A. I am now, yes.
 9 Q. Okay.
 10 Do you know if that test was
 11 being done to determine if what the threshold
 12 limit value or the permissible exposure level
 13 was violated by the grinding that this
 14 technician was doing?
 15 A. I don't -- I didn't know that at
 16 that time.
 17 I didn't know the -- I didn't
 18 even know what the TEL, PEV was. I didn't know
 19 what those terms meant at that time, and
 20 obviously I might not even know now, but I am
 21 aware that those -- those things exist.
 22 Q. When the gentleman was doing this
 23 grinding, did he, himself take any
 24 respiratory --
 25 Did he take any precautions like

1 Q. And do you know where he lives or
 2 resides?
 3 A. No, I do not.
 4 Q. Is he still with the company?
 5 A. No, he is not.
 6 Q. When was the last time you saw
 7 Mr. Lee?
 8 A. About a year ago.
 9 Q. In what capacity did you see him
 10 a year ago?
 11 A. Just in the hallway.
 12 Q. Okay.
 13 Was he visiting like the other
 14 gentleman?
 15 A. No. He was still an employee.
 16 Q. When he left the company in about
 17 a year or so, in what capacity did he leave?
 18 What was his title?
 19 A. I don't know his title, but he
 20 was in the -- the safety and environmental
 21 area.
 22 Q. As a result of this test being
 23 done, were any changes implemented by Rogers,
 24 if you know?
 25 MR. SANTOMASSIMO: Objection to

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1 wearing a dust mask, respirator or SCUBA? Do
 2 you know?
 3 A. As was a requirement in the
 4 laboratory for handling any dusty material, he
 5 wore a paper mask.
 6 Q. And do you know -- and that takes
 7 me to --
 8 Well, focusing still on this
 9 test, do you know if any documents, memorandum,
 10 were -- were -- was drafted or created as a
 11 result of this technician doing this test?
 12 A. I am -- I am pretty sure that
 13 there was a report written.
 14 I said I think that I saw it, but
 15 I don't remember exactly what it said, and I am
 16 not really sure what its conclusions were.
 17 Q. Who -- who was the individual
 18 doing the test?
 19 The actual report? Who authored
 20 it?
 21 A. Who authored the report?
 22 Q. Yes.
 23 A. As I suspected, it was Bob Lee.
 24 Q. Is Mr. Lee still with us?
 25 A. He is still alive, yes.

1 form.
 2 Q. Any policies modified in any way,
 3 shape or form, if you know?
 4 A. There were no changes to the
 5 manufacturing equipment or the laboratory
 6 equipment on the basis of that -- that -- of
 7 that testing.
 8 Q. Do you know what the conclusions
 9 were, if -- as you sit here today?
 10 A. You asked me that already.
 11 Q. I'm sorry.
 12 A. I said I don't know.
 13 Q. I'm sorry.
 14 You mentioned earlier about a
 15 requirement of wearing a dust mask in the
 16 laboratory.
 17 I just want to make sure I
 18 understood that correctly.
 19 Did Rogers at any time have any
 20 policies about any of its employees wearing
 21 masks or respirators?
 22 A. There was no -- in R&D, it was --
 23 I don't know if it was a policy
 24 or not, but it was kind of a rule that
 25 Rogers -- that if you worked -- were working

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1 with powdered materials that had the potential
2 of becoming airborne, that you should wear the
3 paper mask.

4 Now, we can get into all of this
5 NIOSH this and that, what these paper masks
6 are, but it was just -- in my view, it was just
7 a white paper mask (indicating).

8 And I -- I don't know what the
9 rule -- what the -- there's like a union kind
10 of rule relative to -- to masks was, and I
11 don't think that it changed on the basis of
12 this test.

13 Q. Do you know what year or time
14 period masks were recommended by Rogers to its
15 employees?

16 A. In R&D, they were in existence
17 when I arrived.

18 Q. Do you have any knowledge of any
19 union complaints made or requests made by the
20 union for better respiratory protection for the
21 union work force at Rogers?

22 A. That's a complicated question,
23 but generally speaking, it was not a request to
24 give us like the rubber masks or give us SCUBA
25 gear, as you described it before.

1 what started in about 1990.

2 Q. Who, if anyone, from Rogers would
3 interface with the union at any time?

4 A. Generally --

5 Generally -- well, interface with
6 the union?

7 Everyone would interface with
8 union employees, but you mean like as a
9 committee meeting or something?

10 Q. Would field any complaints by the
11 union.

12 A. In general, it would be the
13 division vice-president, the operations
14 manager, and maybe a manufacturing manager.

15 Q. Can you give me the names of
16 those individuals during the '60s or '70s that
17 ran those various departments for Rogers?

18 A. Walt Hayes was the division
19 vice-president.

20 Curly Maron was the operations
21 manager or the plant manager.

22 Q. Anyone else you can think of
23 during that time period?

24 A. I don't know --

25 I don't know how -- what --

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1 There was no requests like that.
2 I think the requests were more on the order
3 of -- you know.

4 There was maybe some little extra
5 dust there. Maybe "can you turn up the speed
6 of the dust collector or something?"

7 Q. Okay.

8 Was there ever a union representative
9 that was in charge of health and safety? A
10 superintendent for the union, if you --

11 During the '60s, '70s, or '80s,
12 if you know?

13 A. I don't think that the union was
14 that organized to have that specific a -- a --
15 that specific of a function.

16 Q. Was there a voice of the union
17 that you remember?

18 Someone who was a constant -- I
19 will strike that.

20 Is -- was there a voice of the
21 union or a particular person that ever made
22 complaints that you can think of concerning
23 dust levels?

24 A. My involvement with the union
25 took -- to the level of knowing who was saying

1 whether some of these names ever met with the
2 union.

3 Q. We heard some testimony last week
4 from a Mr. Donald Dew (phonetic), who was a
5 former president of Diemolding.

6 Have you ever had any
7 communications or discussions with him?

8 A. I have met Don Dew, Sr. a couple
9 of times for fifteen, twenty minutes each.

10 Q. And when and for what for did you
11 meet with him?

12 A. It was --

13 We were trying to initiate a
14 division -- a phenolic division of the Society
15 of the Plastics Industry, the SPI.

16 Q. And were you seeking him as a
17 potential member of that association?

18 A. I think we were all seeking each
19 other.

20 Q. Okay.

21 A. It wasn't a Rogers-only
22 initiative.

23 Q. Who else was part of that
24 organization or that potential association?
25 Who else did you seek to join the club?

Page 106 1 A. Most of the compounders, and 2 many -- and as many of the custom molders as 3 would join. 4 Q. Okay. 5 Have you ever been to the 6 Diemolding facility in Canastota, New York? 7 A. Yes, I have been there. 8 Q. When? 9 A. Probably 19 -- you are asking the 10 earliest time? 11 Q. Please. 12 A. About 19 -- 1979. 13 Q. For what reason? 14 A. Molding trials on products for 15 new projects. 16 Q. And I was remiss not asking you 17 this before you earlier. 18 Before I forget, with your 19 educational background, what is -- are you a 20 chemist by nature? 21 A. Do you want the whole thing? 22 Q. If you can. 23 A. I have a BS in chemistry. You 24 just want the -- the -- 25 Q. Please, and if you can tell me	Page 108 1 tests were performed at Rogers regarding 2 industrial hygiene? 3 If you -- do you know what I mean 4 by industrial hygiene? 5 A. Yeah, I am familiar what -- with 6 what you mean. 7 Q. Any air testing at all in the 8 plant? 9 Any type of industrial tests or 10 studies done at the plant at any time? 11 A. I would like to change the term 12 from "test" to "sample." 13 Q. Sure. 14 A. I think Rogers made -- took 15 samples, and then sent our samples someplace 16 else for testing. 17 Q. And what were they sending these 18 samples for? 19 Let me -- what were these samples 20 of, I will say. What was it of? The plastic 21 molding compound, or was it ambient air? What 22 was being sampled? 23 A. Well, either -- in that group, 24 either test -- tested ambient air, or like 25 effluence --
Page 107 1 the school and the approximate year you 2 graduated, I would appreciate it. 3 A. Okay. 4 A BS in chemistry from Valparaiso 5 (phonetic) University in Indiana, 1971. 6 An MBA from Northwestern 7 University in Evanston, Illinois, 1979, and a JD 8 of the University of Connecticut. 9 I think it was 1998 -- 10 Q. I'm sorry -- 11 A. -- or 1999. 12 Q. I am sorry to hear about the 13 latter degree, but -- 14 I am kidding. 15 * MR. COMERFORD: At this time I 16 just want to request from Rogers the test that 17 was done near around 1978 that we went over 18 earlier. 19 I would ask the court reporter if 20 she can put that at the end of the transcript, 21 and I will send a formal question to 22 Mr. Santommasimo for that specific document. 23 Q. Sir, as you sit here today, do 24 you know, other than what we have discussed 25 under the Interrogatory No. 17, if any specific	Page 109 1 Q. Okay. 2 A. -- which would be like exhaust 3 air or exhaust water. 4 Q. Exhaust from what, sir? 5 A. From -- 6 Q. From what machine, I guess is my 7 question. 8 A. Well, you have a dust collector, 9 and you have to make sure the dust collector is 10 catching the particulate (indicating), and not 11 just dumping it out into the parking lot. 12 Q. Okay. 13 Do you know what year these dust 14 collectors were put in at Rogers? 15 A. I don't know the first one, but 16 by the time 1977 rolled around, there was about 17 fourteen of them. 18 Q. And these dust collectors, about 19 fourteen of them -- 20 Were tests done routinely to make 21 sure they were removing dust from the air? 22 A. Yes. 23 Q. Okay. 24 And can you just give me an 25 appreciation of how often that would be --

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1 those tests would be done?
 2 A. I don't believe that in general
 3 was done in an entirely proactive way, but it's
 4 not like you tested every -- one every week, one
 5 every month.
 6 But there was perhaps some
 7 schedule to the testing, and then it would be
 8 tested, if there was an obvious malfunctioning,
 9 that it just wasn't pulling -- pulling the --
 10 It wasn't sucking right
 11 (indicating), and you would have to make sure
 12 that there -- try to diagnose what the problem
 13 was.
 14 Q. When there was a malfunctioning,
 15 whatever it may be, and I think you used the
 16 word "obvious one," what would be the
 17 consequences?
 18 Visible dust in the air? Dust in
 19 the parking lot? Just give me an appreciation
 20 of what of these obvious consequences would be.
 21 A. There would be a little backup at
 22 the -- at the hood that the air became more --
 23 maybe became cloudy and the operator would say,
 24 "There is something wrong with the dust
 25 collector."

1 Corporation retained a certified industrial
 2 hygienist by the name of Clyde Porter, who it
 3 appears worked for Rogers from 1980 to 1986.
 4 Do you recognize that name?
 5 A. Yes, I do.
 6 Q. And do you recognize -- or do you
 7 believe that he was a certified industrial
 8 hygienist?
 9 Well, what do you remember his
 10 job title being is probably a better question.
 11 A. I know that --
 12 I know that he acted as one for
 13 Rogers. Whether he was certified or not, I do
 14 not know.
 15 Q. And is there --
 16 Are there any circumstances which
 17 caused Rogers Corporation to retain an
 18 industrial hygienist back in 1980?
 19 Do you know why it was done?
 20 A. I think it was just done in the
 21 normal course.
 22 I don't think that he was any
 23 different than other people.
 24 Q. Let me ask you this:
 25 Do you know if an industrial

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1 Q. Did OSHA ever come in at any time
 2 and do any testing at the Rogers facility, as
 3 far as you know?
 4 A. I don't believe that OSHA was
 5 ever at Rogers in the -- in the '50s, '60s,
 6 '70s, or '80s.
 7 Q. Did OSHA -- I'm sorry.
 8 Did any state monitoring
 9 outfit -- any governmental agency -- ever come
 10 in and do air sampling at Rogers for any
 11 reason?
 12 A. I don't believe so.
 13 (Informal discussion held off the
 14 record)
 15 THE VIDEOGRAPHER: Off the
 16 record, 12:21 p.m.
 17 (Recess taken at 12:21 p.m.)
 18 (Resumed at 12:30 p.m.)
 19 THE VIDEOGRAPHER: We're back on
 20 the record.
 21 The time is approximately 12:30
 22 p.m.
 23 Q. Sir, I see --
 24 I see in answers to
 25 interrogatories that in 1980, Rogers

1 hygienist was in the employment of Rogers
 2 before 1980?
 3 A. I would have thought there was
 4 one, but why I don't actually know for sure.
 5 Q. Okay.
 6 As far as you know -- was
 7 Mr. Porter, as far as you know, the first
 8 industrial hygienist retained by Rogers?
 9 A. I don't know.
 10 Q. Was there a particular function
 11 as an industrial hygienist that Mr. Porter had
 12 at Rogers?
 13 A particular area of focus?
 14 A. He would have been involved in
 15 air sampling, but I don't know -- you know, how
 16 much of his job he spent doing that.
 17 Q. And I see he left in 1986,
 18 according to the answers to interrogatories.
 19 Was there a reason he left in
 20 1986?
 21 A. I don't know.
 22 I am assuming that it was a
 23 personal reason.
 24 Q. But you don't know what the
 25 reasons were as you sit here today?

1 A. No.
2 Q. Did you ever discuss any of his
3 air sampling tests that was performed by
4 Mr. Porter?
5 You, personally?
6 A. No.
7 Q. At any time do you remember him
8 reporting in some way, shape or form, that
9 there was a violation of exposure limits for
10 asbestos during any time that he worked at
11 Rogers?
12 A. I am not aware of it.
13 Q. Are you aware of any industrial
14 hygienists employed by Rogers at any time ever
15 reporting a violation of a threshold limit
16 value or a permissible exposure limit?
17 A. I am not aware of it.
18 Q. I see Mr. Porter started in 1980
19 and left around 1986, according to the answers
20 to interrogatories.
21 Was there a time when Rogers made
22 a decision to no longer sell or have asbestos
23 as a component part in its plastic molding
24 compound material?
25 I am looking for a year, if you

1 for?
2 What type of industry?
3 A. Electric motor commutators.
4 Q. And do you know who the biggest
5 customer of yours was for that product -- that
6 particular type of product?
7 A. Yes, I do.
8 Q. Who? Which one?
9 A. Ford Motor Company.
10 Q. Okay.
11 Sir, have you ever known someone
12 who suffered from an asbestos-related disease,
13 whether it be asbestosis or mesothelioma? You,
14 yourself.
15 MR. SANTOMASSIMO: Objection.
16 Whatever relevance it has I'm not
17 sure, but --
18 MR. COMERFORD: Well, if he had a
19 brother who died of mesothelioma forty years
20 ago, that might go to notice.
21 My question to you is this:
22 Q. Have you ever met or known
23 someone, whether it be a neighbor, a friend, a
24 colleague, someone at church, anyone who told
25 you "I have an asbestos-related disease"?

1 can.
2 A. There were different answers for
3 different product lines.
4 Q. I am just looking for the last
5 time Rogers sold any product that had asbestos
6 in it.
7 A. The last --
8 The last -- the last extrude
9 product was probably 1985.
10 Q. As you sit here today, do you
11 know when the last time Rogers incorporated the
12 African blue crocidolite in one of its
13 products?
14 A. I --
15 Plus or minus a year, I think, it
16 was probably like 1979.
17 Q. Going back to the product -- the
18 last extruded product that contained asbestos,
19 I think, you said was 1985, what was the -- the
20 code number for that product or code numbers,
21 if there's more than one product that contains
22 asbestos?
23 A. I am pretty sure that was our
24 X476.
25 Q. And do you know what 476 was used

1 A. Yes.
2 Q. Who?
3 A. Name escapes me now. It is -- it
4 was an employee of Rogers --
5 Q. Okay. I'm sorry to hear that.
6 A. -- Corporation. I can't think
7 the name.
8 Q. What decade was it when this
9 person said to you "I have an asbestos-related
10 disease"?
11 Was it two years ago? Twenty
12 years ago? Your best estimate.
13 A. Between two and five years ago.
14 Q. Okay, and do you know if it was a
15 malignancy, a cancer? Was it a mesothelioma?
16 Asbestosis?
17 Do you know?
18 A. I don't know the diagnosis other
19 than it was a problem with the lining -- the
20 pleura or the outside of his lung.
21 Q. Okay.
22 Do you know if it was cancer or
23 not?
24 A. I don't know that.
25 Q. Is that gentleman still living

Page 118 1 today, if you know? 2 A. No, he is not. 3 Q. Okay. 4 I think you testified you -- you 5 don't know his name, is that fair to say, or 6 you don't remember it as you sit here today? 7 A. I know it now. 8 Q. What is it? 9 A. I just remembered it. His name 10 was Bill Lisk. 11 Q. Okay. 12 And what job title did he have 13 at -- at Diemolding -- I'm sorry, at Rogers? 14 What was his position? 15 A. He worked for Rogers for about 16 forty years. 17 I suspect that he had eight or 18 nine different jobs in the -- in the company 19 during that time period, so he probably -- 20 the -- 21 The way he was doing it is he 22 worked about five years in approximately eight 23 different positions. 24 Q. And, sir, other than him, did you 25 ever know anyone else with an asbestos-related	Page 120 1 from that company to Rogers, "We will 2 transition -- transition it so that there will 3 be no asbestos in those products." 4 Q. And how long did it take Rogers 5 to do that transition once you joined them? 6 A. Rogers never made the 7 asbestos-filled product of that product line. 8 Q. And when you learned this 9 information back in 1977, did they -- I mean, 10 what was conveyed to you? 11 MR. SANTOMASSIMO: Can you read 12 that back, Cheryll, please? 13 THE STENOGRAPHER: Sure. 14 (Record read) 15 MR. SANTOMASSIMO: By whom? 16 By -- 17 Q. I assume someone from Rogers told 18 you that this -- well, let me back up. 19 This line -- what was this line 20 for that Rogers was going to take over and make 21 asbestos-free? 22 What was the line of material? 23 A. It was making a polyester-type 24 product. 25 Not -- not a phenolic-type
Page 119 1 disease? 2 A. I am aware of a couple other 3 people at the company, but -- you know, did 4 I -- 5 Did I actually ever -- was it 6 ever actually said to me what kind of problems 7 that they had officially -- in an official 8 thing, I didn't know. 9 I only heard it as a rumor 10 amongst employees. 11 Q. So when it -- did it come to your 12 knowledge, your personal knowledge, yourself, 13 that there might be a potential health hazard 14 associated with asbestos? 15 A. 1977. 16 Q. And -- 17 A. 1977. 18 Q. And can you tell me how you 19 learned that? 20 A. When I was working at Acme Resin, 21 which was part of CPC International, and Rogers 22 bought this little piece of this company 23 (indicating), we were making a product that 24 contained asbestos. 25 Rogers said in the transition	Page 121 1 product. 2 Q. And can you just give me some 3 idea what type of product it was? 4 Commercial use? In the home? 5 What was it? 6 A. It was an industrial grade high 7 temperature plastic. 8 Q. Okay. 9 But if you can help me for -- 10 for -- electrical switches, automotive? I am 11 just trying to understand. 12 A. Almost exclusively for 13 connectors. 14 Q. Connectors for -- 15 A. Electronic connectors. 16 Q. Okay. 17 And did someone from Rogers back 18 in 1977 have this conversation with you about 19 the potential health hazards of asbestos? 20 A. It wasn't a discussion about 21 health hazards of asbestos. 22 It was -- was a discussion about 23 a project at Rogers to eliminate asbestos 24 from these products because of a potential 25 health hazard, but I did not have a detailed

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1 discussion about the health hazards of
2 asbestos.
3 Q. Who -- who hired you back in
4 1977?
5 A. The person who actually made the
6 job offer was Dick Barry.
7 Q. Is he still alive?
8 A. No, he is not.
9 Q. Okay.
10 And when he hired you, was it
11 discussed that one of the things you would be
12 doing is assisting in this line that was going
13 to be asbestos-free?
14 Or is that something you learned
15 about after you joined the company?
16 A. I think it was after.
17 Q. Okay.
18 And can you just tell me how much
19 after it was?
20 A few months, a few weeks?
21 A. Couple of months.
22 Q. And he brings you into the
23 office, and he -- he tells you this line is
24 going to be asbestos-free, correct?
25 A. Well, he hired me, but there was

1 p.m. February 24th, 2004, and this will begin
2 Videotape No. 2 of this recording.
3 (Record read)
4 Q. Well, let me tell you, sir --
5 Do you know why as you sit here
6 today Rogers made a determination to create an
7 asbestos-free product line?
8 A. I think that Rogers understood --
9 I don't recall who told it to me.
10 I don't know how they arrived at
11 the conclusion, but they just understood that
12 by -- right at that time, that asbestos had
13 come on the scene, so to say, as something that
14 an industrial company if you had an opportunity
15 to get into a different product, it would --
16 that there was a opportunity to do that.
17 Q. Were health reasons or potential
18 health hazards one of those reasons, do you
19 know, was that ever mentioned in this
20 conversation?
21 A. I think at -- in 1977, that there
22 were, and I am not sure to say if it was
23 studies or conclusions or what, but there was
24 media attention on asbestos.
25 Q. Do you remember ever hearing that

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1 a -- I had a manager in between.
2 Q. Who was that?
3 A. Linwood Walters (phonetic).
4 Q. Is that person still alive?
5 A. No, he is not.
6 Q. Okay.
7 Well, you are a real historian
8 here.
9 Was it your understanding that
10 this product was going to be an asbestos free,
11 because of --
12 MR. COMERFORD: I guess we need
13 to change the tape. I don't have much more,
14 though.
15 THE VIDEOGRAPHER: You can finish
16 the sentence.
17 MR. COMERFORD: Go ahead.
18 MR. SANTOMASSIMO: We are off the
19 record at approximately 12:41 p.m., February,
20 24th, 2004.
21 (Informal discussion held off the
22 record).
23 THE VIDEOGRAPHER: We are back on
24 the record.
25 The time is approximately 12:43

1 asbestos might have some connection with
2 cancer?
3 A. Somewhere in that '77 time frame,
4 yeah.
5 Q. Okay.
6 Did there come a time that you
7 became aware of something called mesothelioma?
8 A. Sometime maybe a little later
9 than that.
10 Q. Okay.
11 A. '79.
12 Q. Sir, I have asked you about
13 Diemolding and your visits to that facility.
14 Did -- are you familiar with any
15 other companies -- we will say during the
16 1960s -- that manufactured asbestos-containing
17 molding compounds?
18 During the 1960s?
19 A. There are quite a few.
20 Q. And can you give me the names of
21 those other companies?
22 MR. CASIMIR: Objection.
23 MS. WOOD: Objection to form.
24 MR. COMERFORD: There was an
25 objection.

1 I am just going to ask the basis
2 of your objection.
3 MR. CASIMIR: Basis of knowledge.
4 He was researching Rogers
5 Company. I don't know if he was researching
6 the entire industry.
7 That's all.
8 MR. SANTOMASSIMO: Cheryl, could
9 you read back the original question, just to
10 make sure how it was asked?
11 THE STENOGRAPHER: Sure.
12 MR. SANTOMASSIMO: Sorry, John.
13 (Informal discussion held off the
14 record)
15 (Record read)
16 MR. SANTOMASSIMO: Okay. Thanks.
17 A. The -- the biggest compounders of
18 phenolic molding compounds were Durez, Plenko
19 (phonetic), GE, and Union Carbide.
20 And then the smaller ones that
21 were into the specialty areas were Fibright
22 (phonetic) and Rogers.
23 There was a couple of really
24 small regional-type companies, but that's about
25 it.

1 compound in 1970, and Rogers produced a very
2 small amount compared to that total.
3 But because we were a specialty
4 company, and these -- and these -- those four
5 companies that I mentioned --
6 They were much larger than Rogers
7 in the supply of phenolic molding compounds.
8 Q. SPI, just so we are clear, what
9 does that stand for?
10 A. Society of the Plastics Industry.
11 Q. So these companies you just
12 named -- we will take them one at a time.
13 Durez? Did you ever visit their
14 site or their plant at any time?
15 A. I never visited -- never visited
16 Durez.
17 Q. Did you visit any of the sites or
18 any plant locations for -- and I will go
19 through the list you gave.
20 Durez, GE, Bakelite?
21 MR. CASIMIR: Objection to form.
22 Q. Oh, actually, you said Union
23 Carbide. Let me ask you this:
24 Is there any connection between
25 Union Carbide Corporation and the Bakelite

1 Q. And, sir, what is the basis of
2 your knowledge that those other companies --
3 General Electric, Union Carbide, Durez and
4 Plenko -- were sort of players in the plastic
5 molding compound industry?
6 Why do you believe that?
7 MR. CASIMIR: Objection to form.
8 Q. You can answer.
9 A. In the --
10 In the course of formation of
11 that SPI phenolic molding division, there --
12 the SPI collected the information from the
13 industry participants, and published the --
14 like the grand total numbers for the industry
15 for phenolic molding compounds.
16 And since that number that I had
17 seen from the -- like 1970 -- I saw it years
18 after it was published, but industry numbers
19 were available, and I saw them at an SPI
20 meeting.
21 SPI didn't exist in 1970 for that
22 purpose, but they had the numbers from that
23 time period, was that --
24 There was approximately four
25 hundred million pounds of phenolic molding

1 Corporation, if you know?
2 A. I am not -- I am not totally sure
3 of that connection, but I did visit one --
4 one -- one -- one factory of one of those --
5 of -- of a general purpose phenolic compounder.
6 Q. And what company was that?
7 A. That was Bakelite Thermalset
8 Limited in Canada.
9 Q. And what year, approximately,
10 what year was that?
11 A. I visited them probably in '83,
12 '84.
13 Q. And for what reason did you visit
14 them in that time period?
15 A. That was a -- what was the
16 question?
17 Q. For -- why did you visit that
18 facility?
19 A. In that time period, Rogers was
20 anticipating a potential application, which was
21 larger than the capacity of our plant to
22 produce, and Bakelite Thermalsets Limited, I am
23 pretty sure, was no longer running.
24 But their plant was in existence,
25 so we went up there to see if we could make use

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1 of their equipment to make our product, and
 2 it -- you know.
 3 It was an enormous place. The
 4 building was six or seven stories tall, and the
 5 equipment was three or four times the size of
 6 our equipment.
 7 Q. Do you know, sir, that this
 8 Bakelite facility that you visited -- if that
 9 was owned by any corporation?
 10 A. I think that it passed through
 11 the hands of a couple of different
 12 corporations, and I -- and I --
 13 Since I am not clear, I'd just as
 14 soon not answer that directly.
 15 Q. Other than the --
 16 Other than that site, did you
 17 visit any other of these plastic molding
 18 compound sites?
 19 A. Not -- not inside, but -- you
 20 know.
 21 Like on the street, just like
 22 kind of take a look at how big their building
 23 was.
 24 Q. So you can get an appreciation of
 25 how big the competition a little bit?

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1 A. Something like that. How many
 2 cars in the parking lot.
 3 Q. Sure.
 4 Were you ever involved in the
 5 creation of the MSDS sheets for plastic molding
 6 compound that was -- that were created by
 7 Rogers?
 8 A. I saw them, but I did not create
 9 them.
 10 Q. Who, if anyone, at this site
 11 would have created them?
 12 A. Well, some of the --
 13 Some of the questions would be
 14 asked of engineering people, but the final
 15 filling of them out was generally done at the
 16 corporate location.
 17 Q. Were you --
 18 Was Rogers ever a member of the
 19 Asbestos Committee of the Society of Plastics,
 20 Inc.?
 21 A. I couldn't tell you that.
 22 Q. Have you ever heard of that
 23 association before?
 24 A. No, no, I haven't, but I will --
 25 I am wondering if the Society of Plastics,

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1 Inc., is the Supply -- the Society of the
 2 Plastics Industry, but I don't know.
 3 I never heard of that
 4 organization.
 5 Q. Have you ever heard of a Dr.
 6 Selikoff?
 7 A. No.
 8 Q. Sir, I want to ask you some
 9 questions about Workers' Compensation claims.
 10 As you sit here today, sir, do
 11 you have any knowledge of whether a Workers'
 12 Compensation claim was ever filed by a Rogers
 13 employee for an asbestos-related claim?
 14 A. I -- I -- I can't say for sure.
 15 Q. Is there anyone who worked at
 16 Rogers who would have personal knowledge about
 17 the filing of Workers' Compensation claims for
 18 asbestos?
 19 A. I think that ultimately the
 20 knowledge of that would -- would have ended up
 21 with -- with someone like Dave Heilemann.
 22 Q. And Mr. Heilemann, we indicated,
 23 is still with us?
 24 Is that correct?
 25 A. He is still alive, yes.

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1 Q. Do you know who the Workers'
 2 Compensation insurance carrier was for Rogers
 3 during either the '60s, '70s or '80s?
 4 A. I don't recall who it was for --
 5 I don't really know for the '60s
 6 and the '70s. Actually, I will just say I
 7 don't know.
 8 Q. Okay.
 9 Do you even know if Rogers had --
 10 were they self-insured, or did they have a
 11 Workers Compensation insurance carrier in the
 12 '60s or '70s, if you know either way?
 13 A. I think that we had an insurance
 14 carrier.
 15 Q. Do you know if it was Liberty, by
 16 any chance, if that rings a bell?
 17 A. I don't think that Liberty went
 18 back into the -- into the beginnings of this.
 19 I think Liberty is later.
 20 Q. Do you know if any of your
 21 Workers Compensation insurance carriers -- if
 22 any of them ever conducted any air sampling
 23 tests themselves because of the filing of a
 24 Workers' Compensation claim for asbestos
 25 disease?

1 A. I am not aware of it.
 2 Q. Do you have any appreciation as
 3 you sit here today on what decade the first
 4 Workers Compensation claim was filed?
 5 A. For anything?
 6 Q. For -- my questions are limited
 7 to asbestos-related conditions.
 8 If it was the '40s, '50s, '60s,
 9 '70s, '80s, '90s? I am just --
 10 A. There's --
 11 I think there's a possibility in
 12 the '80s.
 13 Q. Okay.
 14 Do you know early, middle, or
 15 late? '80s, of course.
 16 MR. SANTOMASSIMO: If you know.
 17 Q. If you know.
 18 A. I don't know specifically.
 19 Q. Do you know if anyone has ever
 20 filed a Workers' Compensation claim because of
 21 the development of an asbestos-related
 22 malignancy, at least claiming that?
 23 A. When you say "Workers'
 24 Compensation," do you mean were they an
 25 employee when they filed, or did they file

1 sorry. Three columns.
 2 A. It's the claimant, claim date,
 3 and the notice date.
 4 Q. Can you tell me the difference
 5 between the notice date and the claims date, if
 6 you know?
 7 A. Well, I know --
 8 I know about half the people on
 9 the list personally by name --
 10 Q. Sure.
 11 A. -- and the claim date appears to
 12 be the date that Rogers probably received
 13 paperwork that there was a claim.
 14 The notice dates -- they are not
 15 consistent. Some of them are like -- like in
 16 the middle of their employment.
 17 Some of them are after their
 18 employment. I don't really know -- this notice
 19 date column doesn't seem to be consistent on
 20 how the dates are arrived at.
 21 Q. Do you know what individual
 22 gathered up that information to create those
 23 three columns?
 24 A. No, I am not.
 25 Q. I want to ask some general

1 after their employment ceased?
 2 Q. My question is for both, and I
 3 will --
 4 Once -- if you know some specific
 5 information, I will break it up that way, of
 6 course. I am just trying to ascertain what you
 7 know.
 8 Workers' Compensation claim for
 9 asbestos disease, whether it be asbestosis,
 10 lung cancer, mesothelioma?
 11 A. I am not aware of any employee
 12 while employed filing anything.
 13 Q. Okay.
 14 And, sir, I had a brief
 15 conversation with your attorney about a
 16 Workers' Compensation answer that's on page 43
 17 here.
 18 Have you had a chance to look at
 19 this? Now, do you have personal knowledge --
 20 this might be a question for Mr. Heilemann
 21 later, which is fine.
 22 There is three rows there. Do
 23 you see those? One is name. One is notice
 24 date.
 25 What's the other column? I'm

1 questions about Workers' Compensation if you
 2 know it if that applied in the state of
 3 Connecticut.
 4 Do you know if the rates are
 5 determined -- and by "rates," of course, I mean
 6 the premiums that Rogers Corporation will have
 7 to pay for Workers' Compensation coverage,
 8 based on the history of prior claims being
 9 filed.
 10 A. I am not sure how it works for --
 11 First of all, I am not sure that
 12 Rogers ever had anything on this particular
 13 topic, but I believe that it's experience
 14 based.
 15 Q. Okay.
 16 Do you know as you sit here today
 17 whether or not Workers' Compensation insurance
 18 rates have ever been -- you know, higher in
 19 cost because of previous Workers' Compensation
 20 claims being filed for asbestos?
 21 A. I am not aware of an impact from
 22 the rate from asbestos claims.
 23 Q. Do you know whether under the law
 24 of Connecticut that -- whether or not widow
 25 benefits are honored in the state of

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1 Connecticut?
2 And by that I mean if someone who
3 is retired ten years into retirement develops
4 an asbestos-related disease and passes, would
5 his wife have what's known as a widow claim for
6 benefits, even though her husband was no longer
7 working at the time of his disease?

8 A. I don't -- I.

9 Don't know how the -- I don't
10 know the mechanics of how the wife -- if it
11 was -- if it was the woman -- I don't know how
12 the wife would be compensated.

13 Q. Okay.

14 Because under New York law -- and
15 I will tell you where I am going with this -- a
16 widow may be entitled to widow benefits,
17 regardless of whether or not her husband was
18 still working at the time of his disease and
19 death.

20 Do you know if there is somebody
21 at the Rogers Corporation who might have a list
22 of payments that are being made today to widows
23 and/or claimants for an asbestos-related
24 disease?

25 A. I suspect somebody has the list.

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1 Q. Okay.

2 Sir, I am just about to the end
3 here.

4 There was -- I am going to show
5 you, if you could hand that piece of paper
6 back --

7 Here on page 44 I am looking for
8 any testimony given in the past by any former
9 employee -- employees of Rogers, former and
10 current, and I got your previous testimony
11 in -- in a case which I have here, I think you
12 gave back in 1994.

13 Then I think the second
14 deposition I have -- and I have to look,
15 that -- is that of a Mr. Smith?

16 MR. SANTOMASSIMO: Yeah.

17 Q. Mr. Smith, in a case called
18 Asprey (phonetic), which took place in
19 Michigan. I think it focused on a case
20 involving Ford.

21 My question is this: There's
22 three other depositions that took place in 1987
23 in a case called Stahl, S-T-A-H-L, and the
24 gentleman who testified in those cases was a
25 David Heilemann, H-E-I-L-E-M-A-N-N.

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1 (Informal discussion held off the
2 record)

3 Q. Raymond Mikulak, M-I-K-UL-A-K,
4 and a James -- I will spell this,
5 S-C-H-L-E-S-K-E-R.

6 Now, that case took place in
7 1987, and I have been trying to find the
8 depositions for that case.

9 Do you know -- do you know
10 anything about that case?

11 A. No.

12 Q. Where those --

13 A. No, I don't.

14 Q. And I will just ask a few
15 questions, and I will move on.

16 I see here that it was a New York
17 case.

18 Do you know what part of New
19 York, if anything, that case involved,
20 whether -- was it a custom molding case, like
21 Diemolding?

22 What -- do you know that --

23 A. I don't --

24 I don't know the -- the roots of
25 that case.

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1 * MR. COMERFORD: Okay.

2 I will just make a continuing
3 request for it. I know Mr. Santommasimo is
4 looking for that testimony.

5 I know if he finds it, he will
6 turn it over to me, but I will ask the court
7 reporter to put it at the end of the transcript,
8 and I will do my best to try to find it, and if
9 I do find it, I will send it over to
10 Mr. Santommasimo.

11 Just a few more questions here.
12 One second, sir. If I can, just mark these two
13 exhibits as Exhibits 4 and 5.

14 (Thereupon, two documents were
15 marked DeLassus Exhibits 4 and 5 for
16 identification.)

17 MR. COMERFORD: Mr. Santommasimo,
18 I am just going to hand you a copy of the
19 second document. Take that --

20 MR. SANTOMASSIMO: Are we marking
21 these as exhibits?

22 MR. COMERFORD: Yeah.

23 These are marked as four and
24 five. Those are just copies. I have got
25 the --

Page 142 1 MR. SANTOMASSIMO: Yeah, I 2 understand. 3 Off the record for a second. 4 THE VIDEOGRAPHER: Off the record 5 at 1:04 p.m. 6 (Informal discussion held off the 7 record) 8 THE VIDEOGRAPHER: We are on the 9 record at approximately 1:04 p.m. 10 Q. Sir, there's a document that's 11 marked Exhibit 4, and that's the one from the 12 Johns-Manville Corporation to a Mr. Carl 13 Welshman, W-E-L-S-H-M-A-N. 14 Do you see that? 15 A. Yes. 16 Q. Do you see it's dated 1971? 17 A. Yes. 18 Q. Sir, my question is this: 19 Have you ever seen that document 20 before, if you know? 21 A. No. 22 Q. Who was Carl Welshman? 23 A. Carl Welshman was an employee 24 at -- at the Rogers corporate location, and he 25 was involved in the purchasing of the -- like	Page 144 1 conversations or communications with 2 Mr. Welshman about Rogers' need to file the 3 OSHA regulations concerning the threshold limit 4 values of asbestos? 5 You, yourself? 6 A. No. 7 Q. And, sir, I am going to -- 8 The next document is something 9 called Consad Research Corporation. Do you see 10 that? 11 A. Yes. 12 Q. And this is marked Exhibit 5. 13 This is -- this document, page 2, 14 was prepared for OSHA in 1977 by the Consad, 15 C-O-N-S-A-D, Research Corporation. 16 Have you ever seen that document 17 before? 18 A. No, I have not. 19 Q. Sir, do you have any general 20 knowledge of General Electric pulling out of 21 the plastic molding compound business sometime 22 in or around 1972? 23 Any general understanding of 24 that? 25 A. General Electric?
Page 143 1 the large volume kind of raw materials. 2 Q. And is he still alive today, if 3 you know? 4 A. I believe he is alive. 5 Q. Okay. 6 Is he still in the employment of 7 Roger Corporation? 8 A. No, he is not. 9 Q. Okay. 10 Now, in looking at this letter 11 Mr. Welshman received, a document from 12 Johns-Manville corporation regarding OSHA and 13 some of the regulations, do you see the date 14 there? 15 1971? 16 A. Yes. 17 Q. Does that assist you at all in 18 that the -- the fact that OSHA was passed as a 19 federal regulation sometime in the early 1970s? 20 A. Does it help me recall? 21 Well, I didn't know that it was 22 in the early '70s, so it doesn't help me 23 recall. 24 Q. Okay. 25 And did you ever have any	Page 145 1 Q. Yes. 2 MS. WOOD: Objection. 3 A. I -- 4 Q. You know, it was a bad question 5 on my part. 6 Do you have any general 7 knowledge -- my co-counsel was kind enough to 8 correct me that General Electric in 1972 phased 9 out the use of asbestos in its plastic molding 10 compounds. 11 Do you have any knowledge of that 12 either way? 13 A. About asbestos with General 14 Electric? 15 No. 16 Q. Did you ever learn that at some 17 period that some of your competitors -- even 18 some of the larger plastic molding compound 19 suppliers -- phased out asbestos at any time? 20 Conversations about that, or 21 communications about that in some regard? 22 A. I don't have any knowledge of the 23 specific points at which they exited asbestos 24 compounding. 25 Q. Do you have the knowledge that

Page 146 1 some pulled out of asbestos earlier than 2 others? 3 A. I would have that impression. 4 Q. And who, if you can give me an 5 idea of who sort of -- you know, who pulled 6 asbestos out of their product before others, or 7 phased out, I should say? 8 A. I don't know the answer to that. 9 Q. Okay, but you -- you have some 10 recollection of that in the past, that some did 11 do that? 12 You just don't know who? 13 A. The industry didn't decide on all 14 do it on the same day, so it was on different 15 days and different years, and I don't know 16 which was which. 17 Q. And this -- DeLassus 5 -- have 18 you ever seen this before, this -- 19 A. No, I have not. 20 Q. The -- 21 We heard testimony from 22 Mr. Donald Dew last week about Diemolding, sir, 23 manufacturing kitchenware and some other 24 materials. 25 I can give you a second to read	Page 148 1 specifically supplied a material into. 2 Q. Well, we heard some testimony 3 from Mr. Dew that he was -- 4 That quite often Westinghouse, 5 Corning, Alcoa -- who am I leaving out here -- 6 Revere -- would specify the type of molding 7 compound that Diemolding would use to make some 8 of this kitchenware or flatware and other 9 materials. 10 And are you aware of as you sit 11 here today of any of those four customers of 12 Diemolding specifying the use of a Rogers 13 molding compound? 14 A. I can get one of the -- 15 One of the first questions you 16 asked me was -- you know, the kinds of products 17 that Rogers made, and I said that our product 18 were engineering-type material that cost two to 19 three times what the competitive materials 20 generally cost with the exception of Fiberite 21 (phonetic), they were more similar to us, and 22 the appliance industry that you are talking 23 about now is one of the most price-sensitive 24 industries, and that the -- that Rogers didn't 25 sell into those companies for purposes of
Page 147 1 that, if you want, sir. I was going to move 2 on -- 3 A. Go ahead. 4 Q. -- but if you need time, I will 5 be happy to give it to you -- about Diemolding 6 manufacturing products for four companies, 7 Revere, ALCOA, Corning, and Westinghouse. 8 Have you ever -- has Rogers at 9 any time ever had any business relationships 10 with those four companies I just gave you? 11 A. Only with Westinghouse. 12 Q. And what, if anything, would 13 Rogers -- what kind of business did Rogers do 14 with Westinghouse? 15 A. I don't know -- I can only answer 16 for -- for the parts that I have any 17 familiarity with, but Rogers -- well, this is 18 sort of like the -- 19 This is -- it's more like a story 20 about the roots of Rogers, and I'm not sure if 21 it's allegorical or what it is, but it's like 22 George Westinghouse used some Rogers product in 23 the first invention of the transformer. 24 But after that point in time, I 25 can't name a specific application that Rogers	Page 149 1 household appliances, pots and pans and 2 electric frying pans and things like that. 3 Rogers didn't sell into that, and 4 my comment about Westinghouse was like -- like 5 a totally industrial form, not a commercial 6 form at all. 7 Q. And going back to this case, and 8 if I -- if you have already testified to this, 9 I apologize, because I have done my best to try 10 not to ask the same question twice today. 11 I am getting -- getting to the 12 end. The specific 462 and what have you that was 13 sold by Rogers to Diemolding that's reflected 14 as Exhibit D in the interrogatories -- 15 Do you know what that plastic 16 molding compound was being used to create by 17 Diemolding? 18 A. Well, I said that I didn't know 19 for sure if 462 existed in that period of time. 20 Therefore, I don't know what it 21 would have been used for. 22 Q. And there's two types of plastic 23 molding compound that could have been sold, at 24 least according to the interrogatories, by 25 Rogers to Diemolding during that time period,

1 is that correct, sir?
 2 A. Yes.
 3 Q. And one was 462, and the other
 4 one --
 5 Do you remember what that was,
 6 sir?
 7 A. 466.
 8 Q. Let's break these up.
 9 466 -- what would that have been
 10 used for by Diemolding back in the '60 to '66
 11 time frame?
 12 A. I don't know the specific
 13 application, but the product itself in general
 14 was used for electric motor-type parts.
 15 Q. Okay.
 16 Let me just check my notes, sir.
 17 I think I am just about at the end of the road,
 18 here.
 19 Sir, I want to ask you about
 20 sales to the United States military.
 21 Did Rogers have any sales of
 22 plastic molding compound to the United States
 23 government, if you know?
 24 MR. SANTOMASSIMO: So the
 25 government could use -- mold it itself, you

1 in not asking you this:
 2 Did there come a time period when
 3 Rogers began to place a warning on their
 4 asbestos-containing plastic molding compound
 5 that it sold to customers?
 6 And if so, what year was that?
 7 A. I believe --
 8 Yes, they did, and I believe that
 9 it was 1977.
 10 Q. And do you know who was involved
 11 in the decisionmaking by Rogers to implicate
 12 such a warning?
 13 A. I don't know --
 14 I don't know if it was one
 15 person, two people, five people, but I suspect
 16 that one of the people was that Walt Hayes, who
 17 was the division vice-president.
 18 Q. And I -- it's in my notes
 19 somewhere.
 20 Is Walt Hayes still with us?
 21 A. No, he is not.
 22 Q. And you said that.
 23 I'm sorry. Do you -- do you know
 24 if the Society of Plastic -- Plastics exists
 25 today?

1 mean?
 2 MR. COMERFORD: I assume if the
 3 government was buying plastic molding compound,
 4 that they would --
 5 I'm not sure what they would do
 6 with it, but I -- I have got a pretty good
 7 guess.
 8 Q. Any sales of any plastic molding
 9 compound sales to the United States government
 10 that you may be aware of?
 11 A. I will just say that because we
 12 have this custom molder intermediary situation,
 13 and in the vast majority of cases, I believe
 14 that the -- that the government did have
 15 applications that contained phenolic molding
 16 compounds, but who molded the parts themselves,
 17 I can't be sure.
 18 Q. Okay.
 19 But my -- my question though, was
 20 a little different, though.
 21 If you know, do you have any
 22 knowledge of specific sales from Rogers to the
 23 federal government?
 24 A. No, I do not.
 25 Q. And -- and I have -- I was remiss

1 Is there such a thing?
 2 A. The Society of Plastics Industry
 3 is still probably the largest trade group --
 4 what do you call it?
 5 Trade -- trade association for
 6 the plastics industry as a whole, so it still
 7 exists.
 8 Whether the phenolic division
 9 still exists, I don't know.
 10 Q. And was Rogers a member of that
 11 Society of Plastics throughout the entire
 12 tenure that you were there?
 13 A. No.
 14 Q. Let me ask you this:
 15 Do you have any knowledge of
 16 whether or not Rogers was even a member of that
 17 association?
 18 A. Yes.
 19 Q. And when, if at all, did they
 20 become a member, if you know?
 21 A. I believe about 1982. '81, '82.
 22 Q. And what --
 23 Was there something that
 24 precipitated Rogers gaining -- gaining an
 25 interest in this association and joining it?

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1 A. That was the time that I met Don
 2 Dew, Sr., and we were trying to inaugurate the
 3 phenolic molding of the SPI.
 4 Q. Did the SPI have some kind of
 5 predecessor association, or did you guys start
 6 that new?
 7 A. The SPI is an umbrella that has
 8 many different divisions underneath it, so in
 9 1982, we wanted to establish a phenolic molding
 10 division underneath the SPI umbrella
 11 (indicating).
 12 Q. If I wanted to drive to this
 13 association, where would I go?
 14 A. The headquarters of it is in
 15 Washington, D.C.
 16 Q. And how long have the
 17 headquarters been there, if you know?
 18 A. I don't know. Long time.
 19 Q. As early as the 1960s?
 20 A. I don't know. I don't know
 21 how -- at least 1980, but earlier than that, I
 22 don't know where it was.
 23 Q. Do you --
 24 Do you know or are you aware of
 25 any associations that Rogers may have been

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1 associated with at any time during the '70s or
 2 '80s --
 3 A. In the '80s --
 4 Q. -- other than this? Other than
 5 this association?
 6 A. Other than this, no.
 7 Q. Was Rogers ever a member of the
 8 National Safety Council?
 9 A. I don't know.
 10 MR. COMERFORD: Okay. Sir, I am
 11 through.
 12 I may have a followup question
 13 after -- as we go around the table, but I don't
 14 anticipate, and I hope I am right, many
 15 questions from -- from the defendants here, but
 16 I will pass the witness at this time.
 17 MR. CASIMIR: Can we go off the
 18 record?
 19 (Informal discussion held off the
 20 record)
 21 THE VIDEOGRAPHER: We are off the
 22 record at 1:19 p.m.
 23 (Recess taken at 1:19 p.m.)
 24 (Resumed at 1:31 p.m.)
 25 THE VIDEOGRAPHER: We are back on

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1 the record.
 2 The time is approximately 1:31
 3 p.m.
 4 EXAMINATION BY
 5 MR. CASIMIR:
 6 Q. Good afternoon, Mr. DeLassus. Is
 7 that right?
 8 A. Yes.
 9 Q. My name is Gary Casimir. I just
 10 have a -- a few questions.
 11 Could you explain if there's a
 12 difference between a general purpose phenolic
 13 molding compound and other phenolic molding
 14 compounds?
 15 A. The general --
 16 When I used the term "general
 17 purpose phenolic molding compounds," I am
 18 speaking of materials that are -- that have very
 19 little, if any, reinforcement, and they are
 20 generally wood flour or mineral filled with
 21 resin or other things, but --
 22 Q. Do the general purpose phenolic
 23 molding compounds have asbestos?
 24 A. I don't --
 25 I don't know if any of the

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1 general purpose compounds had asbestos in it or
 2 not.
 3 Q. Okay.
 4 Earlier you had testified that
 5 through some documents you saw published by the
 6 SPI, there was a total production of four
 7 hundred million pounds of phenolic molding
 8 compound.
 9 Do you know if all of that was
 10 asbestos-containing, or some of it was? Do you
 11 know what the -- the -- the -- the differences
 12 between the two, if any?
 13 A. (No Response)
 14 Q. Let me -- I'm sorry. Withdraw
 15 that question. Let me rephrase it.
 16 Do you know if the four hundred
 17 million pounds of phenolic molding compound --
 18 did it all contain asbestos?
 19 A. I doubt it.
 20 Q. Okay.
 21 Do you know how much of it did or
 22 did not contain asbestos?
 23 A. I don't know.
 24 Q. Okay.
 25 You mentioned earlier that five

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1 or six companies were producers of phenolic
 2 molding compound.
 3 I am sorry, seven companies.
 4 One, two, three, four -- six companies were
 5 producers of phenolic molding compound.
 6 Were there other companies that
 7 you did not mention?
 8 A. Yes.
 9 Q. Okay.
 10 Do you know how many other
 11 companies there were that you did not mention?
 12 Not names, but number, if you can give me a
 13 range?
 14 A. Four or five more.
 15 Q. Do you know the names of any of
 16 the four or five that you did not mention?
 17 A. Yes, I do.
 18 Q. What are their names?
 19 Just so -- you mentioned Durez,
 20 Plenko, GE, Union Carbide, Fiberite and Rogers.
 21 A. Yeah. Reichold, R-E-I-C-H-O-L-D,
 22 Bakelite Thermalsets Limited Resinoid, and I
 23 think the name of the company was Valentine
 24 Sugar, but their product was Val Light.
 25 Q. Now, the Bakelite Company that

1 What does GTE stand for?
 2 Q. I don't know.
 3 MR. CASIMIR: That's all the
 4 questions I have.
 5 Thank you.
 6 MR. COMERFORD: We are going to
 7 go around the table.
 8 Any other questions?
 9 MS. WOOD: No questions.
 10 MR. COMERFORD: Mr. Whitcomb?
 11 You are on the --
 12 MR. WHITCOMB: No questions.
 13 MR. COMERFORD: Mr. Santomassimo?
 14 MR. SANTOMASSIMO: I have no
 15 questions.
 16 MR. COMERFORD: Sir, thank you
 17 for your time.
 18 We are done.
 19 THE VIDEOGRAPHER: That will
 20 conclude the recording of this deposition and
 21 the videotape.
 22 We are off the record at
 23 approximately 1:35 p.m., February 24th, 2004.
 24 (Time noted: 1:35 p.m.)
 25

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1 you just mentioned --
 2 Is that the same company you
 3 mentioned in Canada as well?
 4 A. Bakelite Thermalsets Limited that
 5 I am talking about is -- was in Canada.
 6 Q. Do you know where it is now? You
 7 said "it was in Canada."
 8 A. I think I -- I suspect it was
 9 absorbed by some other corporation. That plant
 10 is probably not used at all.
 11 Q. Is that the plant that you
 12 visited in 1983 that you were thinking of
 13 acquiring?
 14 A. Yes.
 15 Q. At that time it was no longer
 16 functioning?
 17 At that time it was no longer
 18 functioning, is that correct?
 19 A. That's correct.
 20 Q. Do you know if a company named
 21 GTE also produced phenolic molding compounds?
 22 A. GTE?
 23 Q. Uh-huh.
 24 A. I don't know if they produced
 25 compounds or not.

1 ACKNOWLEDGMENT
 2 STATE OF NEW YORK)
 3 :ss
 4 COUNTY OF)
 5 I, MARK DELASSUS, hereby certify
 6 that I have read the transcript of my
 7 testimony taken under oath in my deposition
 8 of February 24, 2004; that the transcript is
 9 a true, complete and correct record of what
 10 was asked, answered and said during this
 11 deposition, and that the answers on the record
 12 as given by me are true and correct.
 13
 14 -----
 15 MARK DELASSUS
 16 Signed and subscribed to
 17 before me, this day
 18 of , 2004.
 19 -----
 20 Notary Public
 21
 22
 23
 24
 25

CERTIFICATE

I, CHERYLL KERR, hereby certify
that the Examination Before Trial of MARK
DELASSUS was held before me on February 24,
2004;

That said witness was duly sworn
before the commencement of his testimony;

That the within testimony was
stenographically recorded by myself, and is a
true and accurate record of the Examination
Before Trial of said witness;

That the parties herein were
represented by counsel as stated herein;

That I am not connected by
blood or marriage with any of the parties. I
am not interested directly or indirectly in
the matter in controversy, nor am I in the
employ of any of the counsel.

IN WITNESS WHEREOF, I have
hereunto set my hand this 24th day of
February, 2004.

CHERYLL KERR