

COPY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

WESTERN DIVISION

FRED A. WALLACE, et al.,)

Plaintiffs,)

vs.) Case No. C84-7864
Judge Walinski

CHRYSLER PLASTIC PRODUCTS)
CORPORATION, et al.,)

Defendants.)

- - -

Deposition of FRED A. WALLACE, a
Plaintiff herein, called as if upon
Direct Examination under the Federal
Rules of Civil Procedure, taken before
me, the undersigned, Dianne Bochi, a
Notary Public in and for the State of
Ohio, at the Providence Hospital,
Sandusky, Ohio, on Wednesday, July 17,
1985, at 9:20 o'clock a.m.

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APPEARANCES:

On behalf of the Plaintiffs:

MURRAY & MURRAY:
Kirk J. Delli Bovi

On behalf of Defendant Chrysler Plastic Products
Corporation:

EASTMAN & SMITH:
M. Donald Carmin

On behalf of Defendant Kanematsu-Gosho:

JONES, SCHELL & SCHAEFER:
Willis P. Jones, Jr.

On behalf of Defendants Conoco, Goodrich,
Goodyear, Firestone and Diamond Shamrock:

FULLER & HENRY:
John J. McHugh, III

On behalf of Defendant Monsanto:

PORTER, WRIGHT, MORRIS & ARTHUR:
Craig D. Barclay

ALSO PRESENT:

C. Roland Steckel, Video Operator
Chet Ferguson
Etta Wallace

- - -

MR. DELLI BOVI: This is the
commencement of the video tape trial
testimony of Plaintiff Fred Wallace
in the case of Fred Wallac , et al.,

versus Chrysler Plastic Products Corporation, et al, pending in the United States District Court for the Northern District of Ohio, Western Division. My name is Kirk Delli Bovi. I'm here representing the Plaintiff. This testimony is being taken at Providence Hospital in Sandusky, Ohio. Counsel for the various Defendants are present and Mr. Steckel, if you could pan the room and have the counsel identify themselves and their representation.

MR. CARMIN: I am Donald Carmin on behalf of the Chrysler Corporation, Chrysler Plastic Products and the Chrysler employees and ex-employees named herein who I represent.

We object to the taking of this deposition under the conditions that are prevailing here. First of all, it's virtually impossible to write or see and it is very adverse conditions of taking of trial testimony.

I believe.

MR. DELLI BOVI: Mr. Carmin, if you would like to move your chair to your right --

MR. CARMIN: I can't, I will pull plugs out.

MR. DELLI BOVI: I don't see any problems, Mr. Carmin.

MR. CARMIN: My objection is on the record.

MR. DELLI BOVI: Is there something you would like in terms of a table? We would be more than happy to provide it for you.

MR. CARMIN: I have a pad. I need a table.

(Off the record.)

MR. DELLI BOVI: Mr. Carmin, is the table you have been provided with satisfactory?

MR. CARMIN: The table alone is fine.

MR. DELLI BOVI: Can you see

Mr. Wallace all right?

MR. CARMIN: No, I can't. I can see Mr. Wallace through a reflection in the mirror.

MR. DELLI BOVI: Can you see him now?

MR. CARMIN: Yes.

MR. DELLI BOVI: Do you have any objection to the procedures utilized this morning?

MR. CARMIN: Yes. I object to it being used in light of testimony at the time of trial.

MR. DELLI BOVI: You are aware of Mr. Wallace's condition, are you, sir?

MR. CARMIN: I am not. I have not been furnished --

MR. DELLI BOVI: The reason Mr. Wallace's testimony is being taken this morning, Mr. Carmin, as I explained is we do not expect Mr. Wallace to be alive at the time of trial.

MR. JONES: I object to this colloquy on the record and move to

strike all the discussion between Counsel. We have an objection to make too, but I don't want that on the record.

MR. McHUGH: I join in Mr. Jone's motion to strike the colloquy and on behalf of the various manufacturers whom I represent I would object to the taking of the deposition under these circumstances. I have been provided no information or indication from physicians or from Counsel for Mr. Wallace indicating that the only time, circumstance, place and condition suitable for the taking of the deposition is that with which we are confronted here at Providence Hospital. I understand the representations Mr. Delli Bovi has made, but I find none which provide competent medical proof that there are other circumstances under which the deposition could be taken and which we would be in a position to inquire of

Mr. Wallace under more favorable circumstances and accordingly object on that basis.

MR. JONES: On behalf of Kanematsu-Gosho, we join in the last objection. From our understanding, we can only reach the conclusions that this is an effort to invoke passion or prejudice, either intentionally or inadvertently and we are informed of no circumstance that would indicate that this deposition could not be taken at another time.

MR. DELLI BOVI: I should state for the record that prior to today no Counsel indicated to me any objection whatsoever to the time of the taking of Mr. Wallace's video tape testimony. As I explained to the only attorney who contacted me within the last two days since the location of the deposition was changed, Mr. Wallace had to be rushed by ambulance to this hospital

from my office two days ago. It was originally and had always been our intention to take his video tape testimony at our office and the circumstances that cause us to be here today rather than at our studio are certainly beyond my control and Mr. Wallace's control. He was admitted here by a doctor and the doctor would not permit him to be released from the hospital for the taking of video tape testimony at our office.

MR. JONES: Well, let me speak of that just briefly. I have been effectively out of town during the preceding portion of this week. I got the message about the change in location late yesterday. I obviously had notice that the location was changed because I'm here. What we object to are the circumstances and know of no reason why the deposition could not be postponed for a day or a week or taken in a

conference room or an office or some setting or under different circumstances than exist here and that's the basis for our objection.

MR. McHUGH: We join in that statement as well and note that we received word from Mr. Delli Bovi's office of the change of location yesterday morning and to date I have still not received any admitting notes or any indication signed by any physician stating that this is the only circumstance under which the deposition should or would be permitted for medical reasons to proceed.

MR. DELLI BOVI: Nor have you asked any such notification.

MR. McHUGH: I am requesting it now if you have it.

MR. DELLI BOVI: I do not have it with me now. I will be happy to provide it for you as soon as I obtain it.

MR. CARMIN: For the same reason

stated by Counsel for the manufacturers, we did not receive notice of this location until yesterday afternoon, although I think our office was notified in the morning of this location nor did we have time to prepare a protective order or any type of a proceeding with the court.

MR. DELLI BOVI: And I should state for the record that the reason notice of the change of the location was not given to Counsel until yesterday morning is that I was not able to communicate with Mr. Wallace's doctor until yesterday morning, nor to secure the permission of Mr. Wallace's doctor and the hospital for the video taping this morning.

MR. BARCLAY: For the record, I simply join in objections made by previous Counsel regarding circumstances of taking the deposition.

MR. STECKEL: I think in the

continuity of the tape, the whole first portion of this tape is obviously for the purpose of the court, so as long as it's agreed to by Counsel that that portion have its integrity maintained and presented through the court, why don't we commence from this point to introduce the case and then swear in the witness, the rest having been put on the record and then this won't have to be played for the jury and everything else if it's allowed to go through so proceed from there. Is that agreeable, gentlemen?

MR. JONES: Sure, that is agreeable but it's our request that without waiving any objections previously made that the camera be placed on the witness' upper body and only his upper body during the entirety of the deposition. We object to any panning, we object to any introduction of other people, other circumstances that would be intentionally

or inadvertently or would intentionally or inadvertently result in sympathy, passion or prejudice.

MR. DELLI BOVI: Let's go back on. We're on already?

MR. STECKEL: We're running.

MR. DELLI BOVI: Let me start over again and we'll pick up from there.

This is the commencement of the video tape trial testimony for Plaintiff Fred Wallace in the case of Fred Wallace, et al versus Chrysler Plastic Products Corporation, et al pending in the United States District Court for the Northern District of Ohio, Western Division.

My name is Kirk Delli Bovi. I represent the Plaintiffs in this action. Also here this morning are Mr. John McHugh, Mr. Willis Jones, Mr. Don Carmin, Mr. Craig Barclay. They represent the corporate Defendants in this case as well as those individual Defendants who have been served and who have filed an

answer. Mr. Chet Ferguson is also here as a representative of Chrysler Plastic Products Corporation. Mr. Steckel, would you swear in Mr. Wallace, please?

MR. JONES: I object to the statement of Counsel as being inaccurate.

FRED A. WALLACE,
after being first duly sworn to tell the truth, the whole truth, and nothing but the trust, testified and said as follows:

DIRECT EXAMINATION

BY MR. DELLI BOVI:

Q Fred, will you state your full name, please.

A Fred Wallace.

Q How old are you, Fred?

A Thirty-six years old.

Q When were you born?

A June 5, 1949.

Q Are you married?

A Yes, I am.

Q Your wife's name?

A Etta.

Q Do you have any children?

A Yes, I do, two girls.

Q Would you tell me their names and ages, please?

A Angela, 13; Sara, 11.

Q Where were you born, Fred?

A Sandusky, Ohio.

Q And where did you go to school?

A I went to school, graduated from Huron.

Q Huron, Ohio?

A Huron, Ohio.

Q And when did you graduate from Huron High School?

A Sixty-eight.

Q During high school did you participate in any sports?

A Yes, all four years.

Q What type of sports did you engage in during high school?

A Football, basketball, track.

Q Did you get a varsity letter in any of those sports?

A Yes.

Q In which ones?

A Football, basketball.

Q Did you work at all while you were going to high

school?

A Yes, my senior year.

Q And during your senior year where were you employed?

A Scott Paper Company.

Q In Sandusky?

A Yes.

Q And what did you do at Scott Paper Company?

A Paper products.

Q After you graduated high school in 1968 where did you next work?

A Bay Billetts.

Q And Bay Billetts is what?

A No, I got that mixed up. Bonnett's Poultry, I drove truck.

Q And how long did you work driving a truck for Bonnett's Poultry?

A I think about a year, year and a half.

Q And where else did you work after high school?

A I worked at Bay Billetts and I --

Q Aluminum Magnesium?

A Yeah.

Q That's in Sandusky?

A Right.

Q On the west side of town?

A Yeah.

Q And what did you do at the Bay Billetts plant?

A I was a utility man.

Q And as a utility man, what jobs did you have?

A I did everything. I worked in everything.

Q Besides working at Bonnett Poultry and Aluminum Magnesium after high school, where else did you work?

A I worked at Huron Lime.

Q And what did you do at the Huron Lime plant?

A I forgot. Sixty-eight I worked for Price Construction for about three months, I think.

MR. STECKEL: Can we go off the record just a moment.

(Discussion held off the record.)

MR. DELLI BOVI: I can do one of two things. I can either repeat his answer or I cannot repeat his answer. I will be glad to do what you gentlemen want me to do.

MR. JONES: I don't want you to

repeat his answers. I don't mind with regard to preliminary matters, particularly such as places of previous employment. I think that we can rely on your understanding of his answers based on previous discussions you've had with him and other contact with either Mr. Wallace or his employer, but I do not want you to repeat any answers that he gives with respect to substantive issues.

MR. DELLI BOVI: I will do the best I can and we will see how it goes.

MR. STECKEL: Okay, back on the record.

BY MR. DELLI BOVI:

Q Fred, when you operated a front end loader at the Huron Lime plant, what types of materials did you handle?

A Just rock, take the front end loader and dump them in the hopper and they take it and dumps it in a storage bin and runs through the kiln.

Q You also said that you worked for Price Construction

for a while?

A Yeah.

Q Where was Price Construction located?

A Norwalk, Ohio.

Q And what did you do when you worked at Price Construction?

A Laborer, laborer.

Q In the construction business?

A Yeah.

Q What types of construction were you involved in?

A Asphalt about a month and with gravel, spread gravel around, shovel.

Q When were you and Etta married?

A Sixty-nine.

Q And do you know what Etta's date of birth is?

A November 23rd.

Q What year?

A 1950.

Q 1950?

A 1950.

Q How long have you known Etta?

A All together about twenty years or more. We grew up together.

Q To your knowledge, Fred, were you exposed to any toxic or hazardous chemicals when you worked at Scott Paper, Aluminum Magnesium, Huron Lime, Bonnett's Poultry or Price Construction Company?

MR. JONES: Objection, foundation.

MR. CARMIN: Objection.

A Not to the best of my knowledge.

MR. CARMIN: Move to strike.

MR. JONES: I will join in the motion to strike.

MR. McHUGH: Same.

MR. BARCLAY: Same.

Q To your knowledge, Fred, were you ever exposed to vinyl chloride or polyvinyl chloride on any of those jobs?

A No.

MR. JONES: Objection.

MR. CARMIN: Objection.

MR. McHUGH: Objection, same objection, foundation and move to strike.

MR. BARCLAY: Move to strike.

Q To your knowledge, Fred, did you ever work with vinyl chloride or polyvinyl chloride on any of

those jobs?

MR. JONES: Objection.

A No.

MR. CARMIN: Objection.

MR. McHUGH: Objection.

MR. BARCLAY: Objection.

MR. JONES: Move to strike.

Q Did anyone ever tell you that you were exposed to or worked with vinyl chloride or polyvinyl chloride on any of those jobs?

A No.

MR. JONES: Objection.

MR. CARMIN: Objection.

MR. McHUGH: Objection.

MR. BARCLAY: Move to strike.

Q When did you first begin working for Chrysler?

A 1972.

Q Do you recall what month?

A November I think it was, November 11th, I think.
I'm not sure.

Q Incidentally, Fred, after you graduated from Huron High in 1968, were you involved in any sports or any hobbies?

A Yes, I played basketball and I played softball for a church team.

Q Are you a smoker, Fred?

A No.

Q Have you in the last fifteen years smoked any type of tobacco product?

A One time I lit up a cigar and that's all.

Q Did you ever inhale it?

A Just puffed on it, never inhaled it.

Q Other than lighting up that one cigar, do you recall when that was?

A Yeah, it was in union negotiation we lit up a cigar to stink up the room to get the negotiation over with.

Q Was that when you worked at Chrysler?

A Yeah.

Q Do you recall approximately what year that was?

A 1970 -- I think about '74 or '75, one of those years.

Q Other than lighting up that cigar in '74 or '75, have you smoked any type of tobacco product since you graduated from high school?

A No.

Q Did you ever smoke on the job at Chrysler?

A No.

Q Do you drink alcohol, Fred?

A Occasionally I had a beer once in a while but not within the last, oh, ten years or more.

Q You haven't consumed any alcohol in that period of time?

A No.

Q And before that, let's go back before 1975, did you consume any alcohol before that time?

A Maybe once in a while we would stop and have a beer, that was all.

Q Since you and Etta married, have you ever kept any alcohol in your house?

A No.

Q You indicated earlier that you began working for Chrysler in late 1972. How long did you work for Chrysler?

A Until 1978.

Q And when you were employed at Chrysler, what department did you work in?

A I worked in cast, ink room, liberty and I guess solution mixer. They got it classified as two

parts is all. One department used to be to --

MR. McHUGH: Excuse me, a minute,
I'm sorry I just didn't understand the
answer.

Q I will go through each of them individually. The
first department that you mentioned, Fred, was
the cast coating department?

MR. JONES: We object to what now
in effect is Counsel for the Plaintiff
also acting as an interpreter.

MR. CARMIN: We join.

MR. JONES: It's apparent that
Mr. Wallace's response can't always be
understood or heard. We believe it to
be clearly improper for Counsel to be
an interpreter and that's why we
objected earlier.

MR. DELLI BOVI: I can understand
Mr. Wallace's responses. If you want
to move up closer, there's areas
adjacent to Mr. Wallace that are closer
than where you are sitting now.

MRS. WALLACE: Would there be an

objection if I told you what he said?

MR. JONES: Mrs. Wallace, at risk of being impertinent, this isn't the time for you and I to get involved in that sort of discussion, but let the record show that my feet are indeed at the foot of the bed.

Q Mr. Wallace, would you tell me one of the departments that you worked in at Chrysler?

A Cast coating department.

Q And what job did you perform in the cast coating department?

A I was a machine tender.

Q And as a machine tender, what did you do?

A We did it all. We ran, just ran, keep the machine running.

Q Was there any particular name that the machine had that you operated?

A Called it cast coating as far as I know.

Q What other department did you work in at Chrysler?

A Worked in liberty embossing.

Q And what is the liberty or the embossing department?

A That's where they take a cloth and vinyl and they

heat it on together.

Q And what job did you perform in that department?

A I was machine tender too there.

Q And was the machine called the liberty?

A Yeah.

Q What other departments did you work in while you were at Chrysler?

A I worked in the ink room and solutions, I guess you call them the same department.

Q And when you worked in the ink room what type of job did you have?

A I was a mixer. I mixed compounds together.

Q What type of compounds did you mix together?

A It was PVC and anamoni oxide, all this stuff.

Q Was that job in the ink room the same as what you've called solution mixer?

A No, it's different, a little bit different.

Q How was solution mixer different from what you did in the ink room?

A A solution mixer is more like a wet solvent. It's a cloth they made vinyl and in the other room as you mixed the clear and put over the top of the vinyl.

MR. McHUGH: I would move to strike the answer, and I'm sorry, simply because I don't understand it and it appeared to be a significant distinction because you pursued it.

MR. CARMIN: I have to join in the objection. If Mr. Delli Bovi would give me a continuing objection to the question and motion to strike the answer, I think it would save a lot of the -- I'm just understanding nothing, to save the record a little bit. I can't understand it.

Q Mr. Wallace, you worked --

MR. JONES: I'm sorry, I didn't know whether you responded to the continuing objection request.

MR. DELLI BOVI: Yeah, I'm not going to enter into a continuing objection.

MR. CARMIN: All right.

Q Mr. Wallace, you worked at Chrysler for approximately five and a half years?

A Yeah.

Q Out of those five and a half years, how much time did you spend working in the ink room?

A I spent three, maybe three and a half years.

MR. CARMIN: Move to strike the answer.

MR. DELLI BOVI: On what basis, Mr. Carmin?

MR. CARMIN: I couldn't understand it. If he will repeat it and I can understand it, it's a legitimate question, I just didn't get the answer.

Q Out of the five and a half years you worked at Chrysler, you worked two and a half to three years in the ink room?

MR. McHUGH: I thought he said three and a half.

MR. JONES: That's why I object. That's contrary to the way I understood the answer and we simply can't have Counsel act as an interpreter.

Q Out of the five and a half years that you worked at Chrysler, how many years all together did you work in the ink room?

A About three, two and a half years.

Q Was that --

MR. CARMIN: Move to strike the
answer, didn't get it.

Q Was that spaced out evenly over the five and a
half years or did you work more in the ink room
in the early years or the later years?

A It was kind of spaced out.

MR. CARMIN: Move to strike.

Q When you worked in the ink room, Fred, did you
work with polyvinyl chloride?

A Yes.

Q I'm going to hand you, Fred, some pictures that
I would like you to look at and I would like you
to pull out those pictures that show the location
in the ink room where you worked.

MR. JONES: These aren't exhibits
that I've ever seen before and I think
custom and proper procedure would
dictate that the exhibits be circulated
before --

MR. DELLI BOVI: I will do that as
soon as he pulls out the relevant

photographs.

MR. JONES: Object to that
 procedure.

A This is one. This is solution mixing department.
 That's part of the department back here.

Q Let me mark that on the back.

(Plaintiffs' Exhibit 1 marked for
identification.)

Q Fred, I'm going to hand you what I have marked
 as Plaintiffs' Exhibit Number 1. What department
 at Chrysler is shown in that picture?

A This is back in here, this is powder back in here
 and this is one area we visited over in the left.

Q And what was stored in that area?

MR. CARMIN: I would have to move
 to strike the answer. I didn't under-
 stand it or hear it.

Q What was stored in that area, Fred?

A That's chemicals on the left. On the right hand
 side were the powders and stuff.

Q Was any of the polyvinyl chloride that you worked
 with stored in that area?

A Some of it, yeah.

Q And how was it stored in that area?

A On pallets.

Q And how was the polyvinyl chloride stored on the pallets, what was it in?

A In bags.

Q What color was it?

A What color bags, brown.

Q And what color was the polyvinyl chloride inside the bags?

A White. This is solution. That's the way they mixed the compounds for the cast coater.

MR. CARMIN: Move to strike, not responsive.

A Storage beds.

(Plaintiffs' Exhibit 2 marked for identification.)

Q Fred, I'm going to hand you what I have marked as Plaintiffs' Exhibit Number 2. Would you tell the ladies and gentlemen of the Jury what is shown in that picture?

A What is shown is a vat, in contains 10,000 pounds of acid when you mix and you mix it up and on the right hand side would be two vats and you mix

that up and pump it into the storage tank and keep it in storage.

Q Were you involved in mixing the solutions that would be stored in those vats?

A Yes.

Q Did those solutions contain any polyvinyl chloride?

A Yeah.

Q Were you involved at all in putting the polyvinyl chloride in those vats?

A Right.

Q How was that done?

A It was done -- we take the tow motor and pick the bags up by a tow motor and dump them in the vat.

MR. CARMIN: Move to strike the answer. I didn't understand it or hear it.

Q Approximately how many bags of polyvinyl chloride would you put in each of those vats?

A It all depends on what kind of resin it was. Sometimes 150 bags, sometimes less. This is right here where the solutions where they mixed the individual colors up.

MR. STECKEL: Do you want to go off

the record, Mr. Delli Bovi?

MR. DELLI BOVI: No, let's stay on.

(Plaintiffs' Exhibit 3 marked for identification.)

Q Fred, would you tell us what Plaintiffs' Exhibit 3 that you are looking at now shows?

A It shows where colors were mixed up, individual colors. You put them on top and mix the colors in and then you dump them in the tub.

Q What department was that in?

A Cast coating.

Q Did you work in that area?

A Yeah.

Q Did you handle any polyvinyl chloride in that area?

A It was after you get done mixing we wouldn't. After we got done mixing it would be all right.

(Plaintiffs' Exhibit 4 marked for identification.)

Q The next photograph, Fred?

A This is the ink room department.

Q Are there other photographs that you have there, Fred, that also show the ink room department?

A Yes.

Q Why don't you hand me those, if you would. Is that last photograph the ink room department?

A No, this is cast coating department.

Q What are those other photographs you have, ink room?

A Ink room.

MR. DELLI BOVI: Why don't we go off the record for just a minute.

(Off the record.)

Q Fred, could you tell us what's shown in Plaintiffs' Exhibit 4?

A This is a holding tank for the colors in the ink room.

Q In the ink room?

A Yeah.

Q Did you have a job that involved working with those tanks?

A Yeah.

Q And what did you do?

A We would get a color and we would pump the clear and the rest of the colors in it and all that stuff. What is clear is ink it was ten drums of

colors you could make them any size you want.

Q Did you use any polyvinyl chloride in or around those?

A Not that one, no. We would mix the PVC in another tank.

MR. CARMIN: Move to strike that.

I couldn't hear it.

Q Did any of the photographs that we have here show the tanks where you mixed the PVC?

A Yeah.

(Plaintiffs' Exhibit 5 marked for identification.)

Q And that's number 5?

A Yeah.

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Q What is shown in that photograph, Fred?

A The clear tanks, where we mix the clears up.

Q In what department?

A The ink room.

Q Were you involved in handling polyvinyl chloride at all in that area?

A Yeah.

Q In what ways did you handle it?

A In machine handling you got bags, they took some

bags up the elevator and dump them in.

Q Did you do that?

A Yeah.

Q How big were the bags?

A Fifty pound bags.

Q And during the five and a half years that you worked at Chrysler, how much time did you spend back in the ink room doing that job?

A I'm not going to -- I would say about a year.

Q And how many bags of polyvinyl chloride would you handle a day when you did that job?

A That all depends on the resin what you call, how many jobs you had to make.

Q What would the range be?

A I can't remember offhand. That's too hard.

Q When you worked back in that area doing that job, did you handle polyvinyl chloride every day?

A Yeah.

(Plaintiffs' Exhibit 6 marked for identification.)

Q Would you take a look at the next photograph, Fred, and tell us what that shows?

A That's a front view of the clear tanks and it has

some resins in it.

Q Is that in the ink room or some other department?

A Ink room.

Q And what job did you perform in that area?

A Same.

Q You said you worked around those vats for about a year?

A Approximately more or less, I'm just guessing.

Q When was that during your employment with Chrysler?

A Pardon?

Q When was that during your employment with Chrysler?

A I don't know if I started cast coating in about a year I guess, I don't know. I'm not for sure.

Q Do you know whether it was in '72 or '73 or '74, '75 or later on?

A It was around '74, it's probably in there.

(Plaintiffs' Exhibit 7 marked for identification.)

Q What is the next photograph? That's number 7 you're looking at now?

A Yeah, that shows the tank, clear tank, probably color tank.

Q In what department?

A Ink room.

Q Did you handle polyvinyl chloride in connection with both the clear tanks and the color tanks?

A No, you didn't match them, no, it's different. You had to take clear, you would mix up the clear and you would put it over in the other tank.

Q To mix the color?

A You mixed the color.

Q So the only tanks you were putting the polyvinyl chloride in was the clear tank?

A Yeah.

(Plaintiffs' Exhibit 8 marked for identification.)

Q Exhibit Number 8?

A Yeah, this is a small mixing machine when you only had about three or four colors to mix up and you just mix them up.

Q Was that used for smaller quantities of ink?

A Yeah.

Q Did you handle polyvinyl chloride in connection with that job?

A No.

(Plaintiffs' Exhibit 9 marked for

identification.)

Q All right. And the last photograph, Fred?

A That's the solution mixer.

Q And the solution mixer is in what department?

A Cast coating department, it's in back of it.

Q Did you handle polyvinyl chloride at all in connection with that job?

A Yeah.

Q And during the five and a half years you worked at Chrysler, how much time did you spend on that particular operation?

A I'm going to say a year, year and a half.

Q Do you recall when that was in connection with the work you were doing in the ink room, whether it was before or after or whether it interchanged?

A Maybe it interchanged because I worked maybe more.

Q And describe for me if you can how you would use the PVC in that job.

A Well, you mix it up as a compound and you mix it in either that vat that's 2500 pounds.

Q That's the vat on the right side of the photograph?

A Yeah, and if you needed to you mixed small bags, small bags of resin, and you would sometimes mix

them up.

Q When you worked as a solution mixer, would you handle polyvinyl chloride every day?

A Yeah.

Q And was there an average number of bags you would use or did it vary according to what you were making?

A It varies.

Q Can you give me a range at all as to how few or how many bags of PVC you might use on a particular day in the solution mixing area?

A Three hundred, maybe, on a good day.

Q Were you actually involved in opening up those bags themselves?

A Yeah.

Q Did all of the PVC that you worked with have the same color?

A Yeah.

Q And that was what?

A White.

Q Did the PVC all look the same?

A Well, PVC looked the same but you had other stuff called anamoni oxide and M-70 which was gritty.

Q What appearance did the polyvinyl chloride have, what did it look like?

A Powder.

Q Have you described for us, Fred, all the areas in the plant where you handled polyvinyl chloride?

A Yeah, I think so.

Q When you were opening the bags and dumping the bags of polyvinyl chloride, did it create any dust?

A Yeah, it created all kinds of dust.

Q Where was the most dust generated?

A On the mixing compound on the platform. They had a platform we would mix it up and you would mix it up in there.

Q How did you get to the platform?

A Tow motor, lifted up by a tow motor.

Q In what department was the platform?

A Ink room -- not ink room, solution.

Q And describe for me if you can what the dust levels were like in there?

A When you're mixing in the vat it was bad when you were first mixing.

Q Were you involved in any operations at Chrysler where the PVC that you worked with was heated?

A It would be heated when you are breaking the chemicals down, the numbers on the rails I guess it would be heated.

Q In what areas of the plant?

A Solution and ink room.

Q Solution and ink room?

A They break the chemicals down.

Q Did you work with any of the PVC in either the ink room or the solution room when it was being heated?

A I imagine, I was in there all the time.

MR. MCHUGH: Move to strike as
nonresponsive.

Q Did you work in the ink room and the solution mixing room when the PVC became heated?

A Yes, I worked in there.

Q And what containers was the PVC in when it became heated?

A In a vat.

Q Did you work at all in or around the vats or make any adjustments to the solutions in the vats when the PVC was heated?

A You could turn it off and check it out.

Q And how would you check it out?

A Just by looking at it, open the vat.

Q You would open the vat and do what?

A Look at it and see if it's ready.

Q Did you detect anything in your eyes or your nose or your throat when you opened the vats?

A Yes, it kind of has a burning feeling. Do you think I could have a break and get cooled off?

MR. DELLI BOVI: Sure. Why don't we go off the record for a few minutes.

(Recess held.)

Q Fred, I want to hand you a number of photographs you've talked about already. First, Plaintiffs' Exhibit 5. I want you to look at that photograph and tell me if what is shown in there is the same as it was when you worked at Chrysler or whether there are any changes.

A There has been changes there but that was while I worked for Chrysler.

Q Okay. Do you know first of all what the changes were?

A Ventilation.

Q And where is it shown in that photograph?

A Around the tank.

Q Can we turn that around? Can you point that out, Fred, where it is?

A Underneath there.

Q And when was that put in, as best you can remember?

A I think it was in '74 or '75.

Q There are some stairs, Fred, that are shown in the right hand -- I'm sorry, the left hand side of that photograph. Where did the stairs lead?

A They led to the platform.

Q Is that the same platform you talked about before?

A It's a different one but you mix it up there too.

Q What type of mixing was going on up there?

A The clear, that's the clear.

Q Did you work up on the platform that those stairs lead to?

A Yeah.

Q And were you involved with using polyvinyl chloride at all up on that platform?

A Yeah.

Q Did you use it every day that you worked up there?

A Every day.

Q Fred, I'm going to hand you what we've marked as

UCC
043830

Plaintiffs' Exhibit 6. Are there any changes that are shown in that photograph from when you first began working at Chrysler?

A Yeah, same thing is ventilation.

Q And where on the photograph are the changes that were made?

A On this side on the front of the tank.

Q And what is different?

A Pardon?

Q What is different?

A Ventilation is different.

Q Do you recall approximately when that change was made?

A I'm going to say in '74 and '75 OSHA came in and changed it.

Q I'm going to hand you next, Fred, Plaintiffs' Exhibit 7. Would you take a look at that and tell me if there are any changes that are shown in that photograph?

A Still ventilation over here.

Q And in what way is it different from when you first started working in that department?

A They didn't have one in there.

Q Plaintiffs' Exhibit 9?

A They had ventilation over here where they mixed the individual vats I told you about.

Q Okay.

A That's what they got.

Q And do you recall when that ventilation was first put in?

A I think it's after I left.

Q Do you recall that ventilation being there at all while you worked at Chrysler?

A I think it's just put up. I think they were just putting it up, I'm not sure.

Q At the time you left?

A I'm not sure. I'm not positive on that.

Q Fred, did you ever register any complaints with anyone at Chrysler about the dust that was generated by the polyvinyl chloride that you worked with?

A When I was on the safety committee I was talking to Les Flounders about getting a physical for the guys that work back in the ink room.

Q Do you recall when it was that you talked to Mr. Flounders?

A No, I talked to him so many times.

Q Did you discuss the dust from the bags with Mr. Flounders?

A Talking about the fumes back there.

Q And did you make any requests to Mr. Flounders?

A No, the only requests were physicals.

Q And what did Mr. Flounders say in response to your request for physicals?

A He said when he was exposed to five milligrams, what do you call it, dust particles in the air.

MR. CARMIN: Move to strike the answer based on hearsay.

Q Were you ever given a physical while you worked at Chrysler?

A No, just when I hired in.

(Plaintiffs' Exhibit 10 marked for identification.)

Q I'm going to hand you, Fred, what's been marked as Plaintiffs' Exhibit 10 as soon as Counsel has had an opportunity to take a look at it. I want you to look at that exhibit and tell me whether you've ever seen that document or anything like it before.

MR. DELLI BOVI: Let's go off the record for just a minute.

(Off the record.)

MR. JONES: I object to any reference to the document. The only date I see on it is 1983. It's totally irrelevant in our position with respect to exposures if any during the time periods indicated. It is in our belief, therefore, irrelevant. Even if somehow relevant it is highly prejudicial.

MR. McHUGH: I join in that objection.

MR. BARCLAY: Same objection.

MR. CARMIN: We would join.

Q Fred, I'm going to hand you what I have marked as Plaintiffs' Exhibit 10. While you worked at Chrysler, were you ever furnished with any documents similar to that by Chrysler or anyone else?

A No.

Q Do you know what a material safety data sheet is?

A No.

Q Were you ever told by anyone at Chrysler that there were material safety data sheets for the polyvinyl chloride that you worked with?

A No.

Q Did anyone at Chrysler ever indicate to you that there was any danger involved in working with the polyvinyl chloride?

A No.

MR. CARMIN: Objection.

Q Did anyone at Chrysler ever tell you any of the signs or symptoms that could result from over exposure to vinyl chloride or polyvinyl chloride?

A No.

MR. CARMIN: Objection.

Q Did anyone at Chrysler ever tell you how you could minimize or eliminate your exposure to vinyl chloride or polyvinyl chloried?

A (Witness indicated.)

MR. CARMIN: Objection.

Q You have to answer out loud, Fred.

A No.

Q Did anyone at Chrysler ever tell you anything about the dangers involved in handling vinyl

chloride or polyvinyl chloride?

A. No.

MR. CARMIN: Objection.

Q. When you worked with polyvinyl chloride in the ink room and in the solution mixing area, were you given a respirator to wear?

A. Yes, dust mask.

Q. What did the dust mask look like?

A. Just like a paint mask, paper mask.

Q. What was it made of?

A. I don't know, just like a paint mask, I guess.

Q. Was it rubber or was it paper?

A. Paper.

Q. At the time you worked at Chrysler, did you have any facial hair?

A. Yeah.

Q. Would you describe for the five and a half years that you worked there what type of facial hair you had?

A. I had a beard all the way across.

Q. When you were given a dust mask by Chrysler, did they ever give you a face fit test?

A. No.

Q Were you ever given anything by Chrysler other than a dust mask to wear when you worked with the polyvinyl chloride?

A Sometimes I had a filter mask, it was black, it had a dust mask, what should I say, it's just a mask somehow it filters it.

Q Did it look different from the dust mask?

A Yeah.

Q In what way?

A Have you ever seen a gas mask, I guess, something with two filters on the side.

Q When were you first given the respirator?

A Back in when they started having trouble with a lot of fumes.

Q How long did you wear the respirator?

A As long as I was exposed to --

Q Pardon?

A As long as I was exposed to the stuff.

Q Was there a time you stopped wearing the respirator and went back to the dust mask?

A Yeah. The ink room, not ink room, compound area because they didn't think it was bad, apparently.

Q Did there come a time when Chrysler took away the

respirator and gave you back a dust mask?

A No.

Q Were you ever given the results of any monitoring done by Chrysler in the ink room for this solution mixing department?

A No.

Q When did you last work for Chrysler, Fred?

A April of '78.

Q And how did your employment with Chrysler change in that month?

A I quit to go look for another job.

Q And what was your reason for doing that?

A I had to get a better climate for my daughter's sake.

Q Tell us about your daughter.

A She had rheumatoid arthritis.

Q And was that one of your reasons for moving?

A One of them.

Q What other reasons did you have?

A I wanted to better myself.

Q Where did you move to?

A I wound up moving to Florida.

Q And what type of employment did you have in Florida?

A I am a utility man.

Q What company did you work for?

A General Developmental Utilities.

MR. McHUGH: Say that again, please.

Q What was the name of the company again?

A General Developmental Utilities.

Q And what type of work did you do for General Developmental Utilities?

A I did everything. I put in water lines, sewer lines, run a back hoe and all sorts of stuff.

Q Was it a job where you worked outside all the time?

A Yeah.

Q What type of activities did you engage in after you moved to Florida?

A I was jogging, running, exercising.

Q Was there any particular reason why you were doing the jogging and the running and the exercising?

A I wanted to get myself in shape.

Q Fred, when did you first become aware of your present injury?

A October '82.

Q And how did you become aware of it at that time, what happened?

A I went into -- I had a lump on my neck and I went and had it removed and it was cancer.

Q And you found out about that in October?

A Yeah.

Q To your knowledge, Fred, is there any history of cancer in your family?

A No.

Q When the lump on your neck was removed, where was the surgery done?

A St. Joe's Hospital.

Q And where was St. Joe's Hospital?

A Florida.

Q And after that surgery, Fred, what treatment, if any, did you receive?

A I received forty treatments of radiation treatment.

Q And over what period of time did you receive the forty radiation treatments?

A From November to February.

Q About four months?

A Yeah.

Q Would you describe for the Jury, Fred, what the

treatments were like and what effects the radiation treatments had on you?

A Well, the radiation treatments were bad. Every day I would go and get treatments once a week and it would take so much out of me and I couldn't understand it half way through the radiation course I thought I was going to die because I couldn't swallow, I couldn't eat nothing and I couldn't live on anything but tea, that's what I drunk all the time, and I had to take a break in the hospital. I dehydrated for seven days and it was Thanksgiving time and I had Thanksgiving dinner they bring you but I couldn't eat nothing, I couldn't eat nothing, I couldn't keep nothing down.

Q Did the radiation treatments have any effect on your hair?

A Yes, I lost my facial hair, my beard all the way from here.

Q Did the radiation treatments have any effect on your mouth and your teeth?

A Yeah, I had to have nine teeth removed before radiation started.

Q And what about your mouth, Fred?

A It was sore, red, it was blistered.

Q Did the radiation affect your ability to hold down food?

A Yeah, constantly. I had to take saliva, artificial saliva, in order to get the stuff down and I couldn't take it, that made me sick.

Q How did it affect your employment that way? Was there a time that you had relatives come down to help out?

A Yeah, my mother and father-in-law came down to help me out and my mother-in-law's fantastic. She took me to radiation treatment because my wife was working. She had to work and she had to take me. She fed me all the time.

Q After the radiation treatments ended in February of 1984, did you go through any other physical changes?

A I didn't hear you.

Q After the radiation treatments ended in February of last year, did you have or experience any other physical changes?

A Yeah. Things started coming back. It was going

along pretty good, and excuse me, my doctor I had a --

Q This is your right eye?

A Yeah, my doctor said I have myosclerosis so he checked it out and he treated me for that for about two months and then it wasn't so. I went to Cleveland to get a second opinion and I found out I had a tumor in my parotid gland.

Q Parotid gland?

A (Witness indicated.)

Q And where was it?

A It was on my right side of the face. They cut me back here all the way back, peeled my face back and took part of my jaw bone and they had to take a facial nerve, transplant the facial nerve over into my right side.

Q And what physical effects did you experience after that surgery?

A Oh, --

Q How did it change you?

A It changed my appearance. It changed my physical outlook on life. I didn't feel like much of a man no more.

Q As a result of that surgery in Cleveland Clinic, was your hearing affected?

A Yeah.

Q In what way, Fred?

A I lost my right ear.

Q Can you hear anything today through your right ear?

A No.

Q What about your left ear?

A I can't hear in my left ear perfect.

Q Do you wear a hearing aid?

A Yeah.

Q Did the surgery have any effect on your right eye or the right side of your face?

A Yeah, it left it paralyzed.

Q Can you close your right eye now?

A No.

Q After your surgery in Cleveland in July of last year, did you undergo any therapy?

A Yeah, chemotherapy.

Q And what did that consist of?

A Go in the hospital once a month for five days and get treatments, I.V. and it was bad. They had to give me treatments and it makes me throw up

constantly. I would throw up so much I would throw up blood for the whole month.

Q And for how many months did the chemotherapy last?

A Six months.

Q Did you develop any problems with your vision at all?

A Yeah, I had double vision in my eye.

Q When did you first begin to experience that?

A December.

Q Of last year?

A Yeah.

Q Did you develop any pain at all associated with the double vision?

A Yeah, I had pain in my right side. I had a stabbing pain in my right side constantly.

Q When did that first begin?

A I would say a month after the double vision started.

Q About the beginning of this year? Do you have that pain now?

A Yeah.

Q Has it been on and off or has it been constant since the beginning of the year?

A Constant.

Q Did the type of chemotherapy that you were receiving change at all this year?

A Yeah. After three months of this chemotherapy they found out it wasn't doing no good so they changed the chemo again to once a week.

Q Did you also learn late last year that the cancer you had had spread?

A Yeah.

Q Did you return at all this year to the Cleveland Clinic?

A Yeah.

Q When were you there last?

A July. Yeah, that's right, July.

Q What was your reason for going back to the clinic?

A I wanted to check out this double vision and they didn't do no good.

Q Are you on chemotherapy or radiation therapy or any therapy for your cancer now?

A No.

Q Did you discuss that with your doctors?

A Yeah.

Q Did you reach a decision about continued chemotherapy

or radiation therapy?

A Yeah.

Q And what was that decision?

A Not to take it no more. They let me -- the one they give me iodine test in Cleveland, they give me shots of iodine and it left my right side paralyzed.

Q Can you move or do you have any use of your right arm now?

A No.

Q What about your right leg, has that been affected?

A Some, not much.

Q In the last year have you been taking any medication for pain?

A Yeah, Methadone.

Q And how long have you been on Methadone?

A Three months.

Q Are there any other ways, Fred, that the cancer you have has affected you physically?

A Yeah.

Q Other than what we've talked about already?

A Yeah, it affects the -- I can't drive and it affected my sexual drive. I don't have no desire

no more.

Q When were you last able to work?

A December.

Q Of last year?

A Yeah.

Q During the last six months before you came to be here at Providence Hospital, how would you spend an average day?

A Before I came to Providence Hospital I just would spend it at home laying down watching TV and trying to get comfortable. I couldn't do nothing, didn't have no energy, can't drive, can't do anything.

Q Can you walk unassisted now?

A I haven't been able to the last week.

Q Are there things that you cannot do for yourself today that you could do for yourself a year or year and a half ago?

A Yeah. I could comb my hair and I could get myself dressed, I can't do it, my right arm is shot.

Q Would you describe, Fred, for the members of the Jury how your cancer has affected you emotionally?

A Well, it's hard to say how it affects somebody

unless you really went through it. Nobody knows the pain that the people have to suffer knowing that you don't have long to live, that you don't have much time to plan for your family, you can't do anything to be able to help yourself. It's just something -- just pain sometimes gets so unbearable that you can't hardly stand it but you know you got to go on. You keep telling yourself that you got to fight to keep going to win this battle and I know if I don't win it I'm going to give it a heck of a fight because I'm not dead yet and as long as I keep my breath I'm going to fight. The stuff I went through no man should have to go through. You lose your eyesight and face, you lose your right ear, you're paralyzed and you feel like you're not going to amount to anything in life so I don't know. If they don't go through it they don't know what it's like.

Q Are you aware, Fred, as you are here today what your prognosis is?

A It's six months to a year.

Q Have you spoken to your wife and your children about that?

A My wife. We had a will drawn out the other day and that was emotionally rough on us.

Q When, Fred, in your own mind did you first connect the cancer that you have now with your exposure to polyvinyl chloride at Chrysler?

MR. JONES: Objection.

MR. CARMIN: Objection.

A I didn't know until I contacted your office and had you work on the case for me.

Q October of what year?

A I'm not sure.

Q When you first contacted our office?

A Yeah. I get mixed up on my dates. My memory ain't too good.

Q Do you recall how soon the suit was filed after you first contacted our office?

MR. CARMIN: Object.

A No, I can't. I don't remember.

MR. DELLI BOVI: That's all I have, Fred. Thank you very much. Why don't we go off the record for just a minute.

(Recess held.)

- - -

CROSS EXAMINATION

BY MR. CARMIN:

Q Mr. Wallace, Don Carmin representing Chrysler Plastics. I have a few questions I want to ask you that weren't clarified or I didn't understand or didn't hear about your employment before going with Chrysler Corporation in 1972. What was your first job out of high school?

A Out of high school, Scott Paper Company was my high school employment. Out of high school I think I went to Bonnett's Poultry. I'm not sure. I get the dates mixed up.

Q What were your duties of that first job?

A At Scott Paper Company?

Q Is it Scott Paper Company?

A When I was in school I worked at Scott Paper Company in '68. My duties was packaging paper, waxed paper.

Q Waxed paper?

A Yeah.

Q Were you involved in the manufacturing of waxed paper?

A No.

Q The bundling of it?

A No.

Q The delivery of it or what did you do with it?

A We had this one lady together on the machine that put the Scott paper in a roll in a 75 foot roll and package them and ship them out.

Q What was your second job after high school?

A I'm thinking it was Bonnett's Poultry.

Q What?

A Bonnett's Poultry.

Q What were your duties?

A Truck driver.

Q Truck driver?

A (Witness indicated.)

Q And what did you haul?

A Chickens.

Q Chickens?

A Yeah.

Q How many jobs did you have before Chrysler, any more of them?

A Three.

Q Three more jobs. What was your next job after delivering chickens?

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A It was Aluminum Magnesium, and like I said, Price Construction Company. I said that first. Sixty-eight it was Price Construction Company.

Q What did you do for Price Construction Company?

A Laborer.

Q Exterior construction, finish construction?

A Exterior.

Q Was this residential buildings or commercial?

A No, it was mostly road work.

Q It was what?

A Road work, driveways and stuff.

Q And did you have any other jobs between high school and going to work at Chrysler?

A Not to my knowledge unless I forgot one. That's about all.

MR. DELLI BOVI: I don't want to interrupt or suggest one to him. There was one other he mentioned on Direct Exam. If you want me to mention it I will, if you don't, I won't.

MR. CARMIN: No, I would rather keep the record. I didn't hear direct or understand.

Q During the time you worked for Chrysler you were the union safety representative?

A Right.

Q How many years were you a union safety representative?

A I would say about two years.

Q How many?

A About two years.

Q Two years?

A Two and a half.

Q And what years were those?

A I think it was '74-'75.

Q During the period of time that you were union safety representative, you accompanied OSHA on an inspection of the plant, didn't you?

A Probably, yeah, I think. I don't remember if it was OSHA or someone. They come in the plant. I don't know who it was.

Q And you as union representative accompanied them and assisted them in their investigation and inspection, didn't you?

A I think so, yeah.

Q And you were advised of the results of the OSHA investigation, weren't you?

A I don't remember offhand.

Q Were you ever in the military service?

A No.

Q Is there any physical reason why you weren't?

A Too tall.

Q Too tall?

A Bad hearing, for one thing.

Q Bad hearing?

A (Witness indicated.)

Q Do you have any hobbies like painting?

A No, not painting, just sports.

Q Just sports, okay. Now, you left Chrysler in 1978 to go to Texas, I believe, didn't you?

A Yeah.

Q What was your first job in Texas?

A I went to Superior Homes.

Q With what?

A With Superior Homes.

Q And what did you do for Superior Homes?

A I was a carpenter's helper.

Q A carpenter's helper?

A And then a front end loader.

Q A what?

A Dozer operator.

Q How long were you a carpenter's helper?

A I was on it fifteen days. I only worked out there thirty days.

Q You were only in Texas thirty days?

A Yeah.

Q Why did you leave Texas?

A Because my father-in-law and them moved back and I come back to Florida, come back to Ohio, and we thought about going to Florida so we packed up and moved.

Q What town in Florida did you move to?

A Port Charlotte.

Q Port Charlotte?

A Yeah.

Q Where is that in Florida?

A Between Sarasota and Ft. Myers.

Q On the west coast?

A Yeah.

Q Did you buy a house there?

A Yeah.

Q You own the house now?

A Yeah.

Q You are now still a resident of Florida?

A Yeah.

Q Who was your family doctor in Florida?

A Janet, Dr. Janet.

Q Dr. Janet?

A Janet.

Q He was the family doctor that took care of you and your children and all before the cancer started?

A No, just me.

Q Just you?

A (Witness indicated.)

Q Just you, okay. How many employers did you have in Florida between 1978 when you got there and present?

A Two.

Q What were their names, the first one?

A General Developmental Utilities. I quit there and went to work for Allen New Spring Water.

Q For who?

A Allen New Spring Water for thirty days and I went back at Chrysler -- or General Developmental.

Q You only worked this one job thirty days?

A Yeah.

Q What did you do for them?

A Truck driver and mechanic operator.

Q And what was your primary duties with the other employer?

A General Developmental Utilities?

Q Yeah.

A I installed sewer water service lines, I fixed main breaks and take care of the outside services.

Q Did you have any further education after leaving high school such as a trade school or a technical school?

A No, General Developmental sent me to a meter school, meter reading school, and I learned more about meters, water meters and stuff.

Q Meters, water meters?

A Yeah.

MR. CARMIN: Just a minute, please.
I have nothing further, Mr. Wallace,
thank you.

- - -

CROSS EXAMINATION

BY MR. McHUGH:

Q Mr. Wallace, my name is John McHugh and I represent several of the manufacturers who have been named in this lawsuit. You indicated that you began your work with Chrysler in October of 1972, is that right?

A Right.

Q And at that time approximately how old were you?

A About 21.

Q And within is it two or three years of beginning employment with Chrysler at Chrysler Plastics you were elected to the union safety representative position?

A Right.

Q Would you tell me personally why you got involved in seeking that responsibility?

A I was concerned in the union business.

Q And tell me precisely what concerns you had that led you to accept this responsibility.

A Well, I didn't have no reason why, just active.

Q I take it one of the concerns that motivated you was to insure that you were working in a safe

environment?

A Right.

Q I take it another concern that you would have would be to learn of whatever risks or hazards would be associated with the work environment where you were employed, is that correct?

A Something like that.

Q And you indicated to Mr. Carmin that you had actually accompanied OSHA on the plant investigation and inspection in 1974 or 1975?

A I'm not sure if it was OSHA. Like I say, I accompanied someone.

Q Could you tell me specifically what area of the plant that you as the union safety representative covered with the inspectors?

A Ink room.

Q And in addition to the ink room did you go into the solutions mixing room?

A I probably did. I don't remember. We went on a tour of the plant, I guess.

Q I take it that given your personal work history in those areas as well as your position as a union safety representative that you would have

taken OSHA through or taken the inspectors through any area that you were personally concerned that there might be some hazards?

A I just don't remember now. It's been a long time ago.

Q Did you indicate to us that you did not follow-up or ask to see the results of the inspection?

A Well, I might have asked them. I don't remember.

Q Would you agree with me that as the union safety representative that you certainly would have had access to those monitoring results had you asked for them?

A Yeah. I wouldn't understand them. I wouldn't understand most of them.

Q Do you recall ever asking anybody from OSHA or any one of your employers or supervisors to explain the results to you?

A It's just one time Les Flounders tried to explain something to me.

Q So you do recall discussing with Les Flounders certain of the monitoring results?

A Yeah.

Q Now, you indicated to us that you had some high

school prowess in sports, is that right?

A Yeah.

Q I take it when you were still at Chrysler your health was still in very good condition?

A Pretty good.

Q Were you still playing basketball and church softball all the years you worked at Chrysler?

A I was playing basketball. I was kind of heavy then.

Q You left Chrysler in 1978. I think you indicated that you concluded your employment at Chrysler at your own initiative, correct? Isn't it true that Chrysler actually helped you in terms of finding new employment in the Houston, Texas, area?

A They didn't help me find it, they give me permission to go.

Q They did everything they could to help you, is that right?

A Yeah. Of course, I told him all the situation with my daughter and he understood, any man wouldn't.

Q Now, when was the first time that you learned in any form or fashion that you may have had a cancer

in your body?

A Oh, '82.

Q Could you tell me the circumstances under which you first became aware of that?

A I didn't become aware of it until the surgery on me.

Q And this was the surgery that was performed at St. Joe's Hospital?

A St. Joe's.

Q And that was in Port Charlotte, Florida?

A Right.

Q What is your address in Port Charlotte, Florida?

A 881 Columbia Street.

Q Had you ever had any previous addresses in Port Charlotte?

A 217 Rock Creek.

Q Rock Creek Drive?

A Yeah.

Q And how long did you live there?

A Five years.

Q When did you move to the new address?

A Two years ago.

Q You wouldn't by any chance happen to remember what

your old phone number was, would you?

A. 629-6176.

Q. 629-6176?

A. (Witness indicated.)

Q. How long did your first hospital stay at St. Joe's in Port Charlotte last?

A. Fourteen days.

Q. So you would have been discharged then sometime towards the middle of October?

A. Somewhere.

Q. I take it the diagnosis came as a complete surprise and a shock to you?

A. Definitely.

Q. And I assume that you undertook to find out what might have caused this cancer, is that correct?

A. (Witness indicated.)

Q. Would you tell me what you did to determine what may have caused or exposed you to some element that might cause that cancer in your body?

A. Well, I just thought it might be industrial related so I contacted lawyers to find out more.

Q. You said that you thought it might be industrially related?

A Yeah.

Q Was there any industrial employment that you had other than that at Chrysler Plastics?

A No.

Q You had earlier mentioned employment with Aluminum Magnesium, Bay Billetts.

A Yeah.

Q Were you exposed to any chemicals in that employment at all?

A No. If you melt down metals that's all we did, aluminum.

Q Did you conduct or pursue any inquiry at all to whether or not you had been exposed to any toxic chemicals or metals while you were employed at Aluminum Magnesium?

A No.

Q I take it then that the only inquiry you pursued regarding industrial exposure to toxic chemicals was at the Chrysler Plastics plant, is that right?

A (Witness indicated.)

MR. JONES: I didn't understand whether he answered. What was your answer, Mr. Wallace?

THE WITNESS: Yes.

MR. JONES: Oh, thanks.

Q The only place of employment then that you were concerned that you may have had exposure to any elements which might cause a cancer was during the five and a half years that you worked at Chrysler Plastics?

A Right.

Q You also indicated that you had talked to some lawyers about whether or not your industrial exposure had caused the cancer, is that correct?

A Uh-huh.

Q Could you tell me the names of those lawyers that you contacted?

A Larimer & Larimer and Murray & Murray.

Q And where are Larimer & Larimer located?

A 146 North High Street, Columbus.

Q How did you come by the name of Larimer & Larimer as attorneys?

A I had an industrial case against Chrysler a long time ago when I cut my finger off.

Q Was that at the time -- were there union negotiations going on at that same time?

A Yeah.

Q Did anybody ever refer to you as Bad Finger?

A Yeah.

Q Would you tell me where that came from?

A One of Chrysler -- from Chrysler.

Q And do you know what they were describing at the time?

A They thought it was my middle finger but it was my index.

Q Now, so you consulted Larimer & Larimer shortly after you were discharged from St. Joe's Hospital in Port Charlotte?

A I would say shortly after.

Q Within two or three months?

A It might have been.

Q And then you also indicated that you contacted Murray & Murray?

A Yeah.

Q Approximately within what time frame did you contact Mr. Delli Bovi's office?

A I would say about a month or so.

Q Within a month after you learned of cancer?

A A month or so.

Q Do you know, Mr. Wallace, whether you contacted anyone else, any other lawyers?

A No, I don't think so.

Q Do you know a lawyer by the name of Walter Butts?

A Yeah.

Q Who is Mr. Butts?

A He is an attorney for Claire Butts.

Q Who is Claire Butts?

A He's died from Chrysler. He died of cancer. He got cancer at Chrysler then he died.

Q Do you know when that took place, sir?

A Oh, it was pretty close to after my cancer.

Q Do you know where Mr. Claire Butts worked at the Chrysler Plastics plant?

A He worked in the ink room for a long time and then he worked at liberty.

Q Did you ever work with him in the ink room?

A Claire?

Q Yes.

A Yes.

Q And do you have any time frame when you learned that Claire Butts had developed cancer?

A Do I have any time frame? Not dates, no, he

didn't mention what dates.

Q Did you know that before you learned that you had cancer?

A I don't think so.

Q You do think so?

A I don't think.

Q Oh, you don't think so?

A Like I say, I'm not too good on dates. My mind slipped.

Q Do you remember how long it was after you learned that you had developed cancer that you also found out that Claire Butts had cancer?

A No. I called and he told me Claire had died from --

Q Who was that friend with whom you spoke?

A I prefer not to mention any name.

Q Sir?

A I prefer not to mention any name.

Q I'm afraid at this point, Mr. Wallace, with all due respect to you that you don't have that privilege. If you talked to somebody about it we need to know who you spoke with.

A He's a friend of mine, Larry Richardson. He just

told me.

Q Larry Richardson is his name?

A Yeah. He just informed me Claire died.

Q Do you know a fellow by the name of Jim Lang?

A Yeah.

Q Did you ever inquire into the condition of Mr. Lang's health?

A I asked about him once in a while.

Q What did you find out about Mr. Lang's health?

A He had cancer.

Q And did you ever inquire about a gentleman by the name of Billy Baker?

A Yeah.

Q And what did you find out about Mr. Baker?

A I never did find out too much about him.

Q Did you inquire about a gentleman by the name of Jack Ordways?

A Yeah.

Q Did you inquire into the condition of Mr. Ordways' health?

A Yeah. He's dead now.

Q Do you have any time frame that you specifically recall inquiring about the health of these gentlemen?

A No, I'm not going to say that because I don't know. I would be lying if I did. I don't want to lie.

Q All of these gentlemen were employees of Chrysler Plastics?

A Right.

Q Did they all work in the ink room?

A Right.

(Defendant Wallace Deposition Exhibit A
marked for identification.)

Q Mr. Wallace, I have handed you a document which we have marked for purposes of your testimony as Defendant's Exhibit A which is a four-page handwritten letter. I ask you if I can, can you identify that and tell me whether your signature appears on the last page?

A That's right.

Q Is that your signature down in the lower right hand corner of page four?

A Yeah.

Q And this letter was addressed to Walter Butts on East Main Street in Bellevue, Ohio, is that right?

A Yeah.

Q And at that time you were in fact residing at 217 Northwest Rock Creek Drive in Port Charlotte? In your letter which is dated October 30th you refer to the fact that on October 1 you found that you too have cancer.

A Yeah.

Q Would that suggest to you, sir, that you were aware on that date that several other employees, at least you thought that several other Chrysler Plastics employees also had cancer? And in page three of your letter you make specific reference to five of you working in that department have been inflicted by cancer -- Claire, Jim Lang, Jack Ordways, Billy Baker and you?

A Uh-huh.

Q Is that correct?

A Yeah. I can answer the question about Billy Baker I said I didn't know.

Q You weren't sure at that time about Mr. Baker?

A I'm still not.

Q And then you indicated that at the bottom of page three that if a lawsuit against Chrysler

Plastics would spare someone from this dread disease you would be interested in pursuing it, is that right?

A. Yeah.

Q. And that dread disease that you talked about there is, of course, cancer?

A. Cancer.

Q. I take it as of the time you then wrote the October 30, 1982, letter to Mr. Butts you believe that your exposure to the chemicals in the ink and solutions room at the Chrysler Plastics plant had caused you to develop the cancer?

A. I think so.

MR. MCHUGH: That's all I have,
sir, thank you.

MR. BARCLAY: I have no questions.

MR. DELLI BOVI: Gentlemen, I just have
a couple.

MR. CARMIN: Wait.

MR. DELLI BOVI: I'm sorry.

- - -

CROSS EXAMINATION

BY MR. JONES:

Q Mr. Wallace, my name is Willis Jones and I represent Kanematsu-Gosho. Do you have a present recollection, sir, of seeing any bags or other containers that had the name Kanematsu-Gosho on it?

A Probably. I don't know. There are so many chemicals you use.

Q Well, you either recall it or you don't. If you do recall seeing that name on any kind of container I would like you to describe the container and what you understood was in it.

A I can't describe it because I don't know what the thing is, the brand name. They usually come by what they used to tell us resin and what to get. I never paid no attention to brand name.

Q So from your own knowledge you have no recollection of seeing any kind of container bearing the name Kanematsu-Gosho?

A No, I didn't say that.

Q Well, then I --

A I said I might have then. I'm not going to lie

and say I didn't see it.

Q But you can't describe the container or any container that bore that name or what the contents of that container might have been?

A No. They were all marked. I didn't pay attention to brand name.

Q Did you provide that name to Mr. Murray, Kanematsu-Gosho?

A I don't know.

Q Or Mr. Delli Bovi or any lawyer?

A I don't know. I don't know.

Q Do you know anything about that company, sir, where it's located or what it makes?

A No.

Q Or even whether or not it even did business with Chrysler?

A No.

Q Just a couple of other things. Did you say that at Price Construction you did driveways?

A Driveways, gravel work.

Q Just the stone work or did you do asphaltting too?

A We did labor work, we did a little bit of gravel work, a little asphalt, not much. I was only

there three months.

Q Now, this Dr. Janet, did I understand you to say that he was a cancer doctor?

A No.

Q Just a family doctor?

A He's a family doctor.

Q But you're the only one in your family that went to see him?

A Yeah.

Q Is it your understanding that he is an M.D., medical doctor?

A Yeah.

Q And he had an office in Port Charlotte, Florida?

A Yeah.

Q What sort of complaint or problem did you have that caused you to first go to see him?

A A lump on my throat.

Q And about when did you first go to see him, Mr. Wallace?

A Oh, I don't know. It was probably in September, I guess.

Q Of what year, sir?

A Huh?

Q Of what year?

A Of '82. Dr. Janet, he's my family doctor but he also recommended me to a throat specialist and he took the neck, the lump, and he had a special surgeon for that and they did all kinds of biopsies and it was negative.

Q They did a biopsy that was reported as being negative, I'm sorry?

A The moisture and everything like x-rays and everything come back normal but when they found out, then they cut it out and it was cancer.

Q Who was the throat specialist?

A Dr. Snagalski.

Q Snagalski?

A (Witness indicated.)

Q Your answer is yes, Mr. Wallace? Your answer to that question was yes, Snagalski?

A Yeah, Snagalski.

Q Did you see any other doctors down there that you can think of?

A I saw Gattenel, I saw him.

Q His name, please, again?

A Gattenel.

Q Gattenel?

A Yeah.

Q Did you see him before you were admitted to St. Joe's Hospital?

A No, it was after.

Q Did you see him while you were in the hospital?

A No.

Q Did he ask you about your employment history, go into --

A (Witness indicated.)

Q Did any of these doctors ask you about your employment history?

A No.

Q You feel quite sure of that?

A Pardon?

Q You feel quite sure of that, Mr. Wallace, that there was never any conversation with these doctors about where you worked?

A I talked to them about if this could be any chemicals related.

Q Were you in St. Joseph's Hospital in Port Charlotte one time or more than one time?

A More than one time.

Q Were you admitted more than one time? In other words, did you stay overnight?

A Yeah.

Q On occasions -- on the time that they did this surgery?

A Yeah, chemotherapy and everything, radiation.

Q Where you would stay overnight in the hospital for that?

A Right.

Q Were you hospitalized -- strike that. Is the full name of the hospital St. Joseph's?

A Yeah.

Q But you called it St. Joe's for short?

A Yeah.

Q And that's right in Port Charlotte?

A Right.

Q Were you hospitalized in any other hospital while you were living in Florida?

A No, unless I had a couple tests done but I wasn't admitted.

Q What hospital was that where the tests were done?

A Faucet Memorial.

Q Faucet like a water faucet?

A Yeah.

Q You were seen as an outpatient there?

A Yeah.

Q Were you seen as either an outpatient or emergency room patient at any other hospital anywhere in the State of Florida?

A Over the last year?

Q Any time in your life, sir?

A Yeah, I went to Tampa University.

Q Is that the University of South Florida or University of Southern Florida or something like that?

A Yeah, I had a scan done.

Q Now, as far as you know, were the results of that reported back to your oncologist in Port Charlotte?

A Right.

Q Any other hospitals where you were seen as either an outpatient or emergency room patient?

A Cleveland Clinic.

Q Were you ever in a hospital for purposes of your own care or treatment or examination while you were in the State of Texas for any reason?

A A long time ago I had a lypoma on my back, fatty tissue, and they removed that.

Q What hospital was that?

A St. Joe's.

Q In Florida?

A Yeah.

Q How about in Texas, were you ever in any hospital in Texas either as an emergency room patient, outpatient or an admitted patient?

A No.

Q Have you ever been in a hospital in Ohio except this one and the one at the Cleveland Clinic associated with the Cleveland Clinic?

A No, I don't remember any. No, I don't think so.

Q Mr. Wallace, did you contact the Occupational Safety and Health Act inspectors to come to the Chrysler plant?

A Yeah.

Q Did you contact them by writing?

A Yeah, you had to.

Q Did you do that on your own initiative, sir, or as the safety inspector because of a complaint of someone else there?

A My own.

Q Your own initiative? You in your own mind felt you were being exposed to something that was not good for you while you were at Chrysler?

A Well, I knew the fumes were bad.

Q Yes, sir.

A And everybody was complaining about them.

Q And that's why you initiated the contact with the Occupational Safety and Health people?

A Right.

Q And do you remember, Mr. Wallace, whether or not they responded to you? It's my understanding that when an individual initiates an inspection or some action that the individual is informed of what was done and the results.

A I don't remember the day he contacted me or the union. I don't know if I gave them the union address or my own address.

Q And I guess you do recall seeing some sort of letter or report from them but you are not sure what it said?

A I'm not sure.

MR. JONES: That's all I have.

Thank you.

(Recess held.)

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REDIRECT EXAMINATION

BY MR. DELLI BOVI:

Q Fred, I just have a few questions. Mr. McHugh asked you some questions about you when you were union safety representative at Chrysler.

A Yes.

Q When you were safety representative, did Chrysler or anyone ever tell you that you could be injured by exposure to vinyl chloride or polyvinyl chloride?

A No.

MR. CARMIN: Objection.

Q Did anybody ever tell you that at any time you worked at Chrysler?

A No.

MR. CARMIN: Objection, asked and answered.

Q Did anyone from OSHA ever tell you that you could be injured from over exposure to vinyl chloride or polyvinyl chloride?

MR. JONES: Objection.

A I don't remember if they did or not it's been so long ago. It's kind of hard to remember.

Q In the letter that you sent to Mr. Walter Butts on October 30, 1982, you said in part, "My doctors are interested in knowing what types of chemicals I worked with. Do you have a list? I cannot remember all the names of them." What was your reason, Fred, for asking Walter Butts for a list of the chemicals you worked with?

A Because I know his brother died.

Q Did you know what the names of the chemicals were at that time?

A Not all of them.

Q Do you recall ever receiving a list of chemicals from Mr. Butts?

4 A I don't think so. I'm not sure. I don't think so.

Q Do you recall anyone ever telling you before you contacted our law firm that you could be injured by an over exposure to vinyl chloride or polyvinyl chloride?

A No.

MR. DELLI BOVI: That's all I have,
Fred. Thank you.

- - -

RECROSS EXAMINATION

BY MR. CARMIN:

Q Just a couple questions, Mr. Wallace. As union representative you had access to the various documents available at Chrysler Corporation, didn't you?

A Yeah.

Q Pertaining to safety including the OSHA reports of investigations?

A Yeah.

Q Is that correct? And did you review those documents in your capacity as union representative?

A Yeah, I probably went through them, yeah.

Q Nobody at Chrysler ever hid anything from you, did they? They didn't say you couldn't go look at this report or go look at that, they were cooperative, weren't they?

A As far as I know.

MR. CARMIN: I have nothing further.

- - -

RECROSS EXAMINATION

BY MR. McHUGH:

Q Mr. Wallace, when you wrote to Mr. Butts on

October 30, 1982, and discussed with him in writing or at least suggested in writing your willingness to file a lawsuit against Chrysler Plastics, you knew at that time that you had been exposed to polyvinyl chloride or to vinyl chloride, isn't that correct?

A. I wasn't sure of it. I just got the information on him, see what he come up with.

Q. I understood from your earlier discussion with Mr. Delli Bovi that where you took us through and showed us the various pictures that you were able to tell us about the polyvinyl chloride, where the bags were stored, what color it was and how you moved the polyvinyl chloride from the storage area into the clear mixing area and what you did with it. That testimony when you gave it to us was all true, wasn't it?

A. I have no doubt.

Q. And I take it at the time certainly as early as in 1974 you were well aware that one of the chemicals that you were working with in those resins was polyvinyl chloride?

A. Yeah, but I didn't know what it was. Polyvinyl

chloride, I didn't know what it was.

Q You didn't know what polyvinyl chloride was but you knew that the white powder stuff that you saw was polyvinyl chloride?

A They called it PVC.

Q Do you know whether the OSHA inspection in 1974 or 1975 monitored PVC?

A Did they monitor it?

Q Yes, sir, did you check for that?

A I guess I did. I checked.

Q Because that would be one of the things at that time that you were concerned about, correct?

A Yeah.

MR. MCHUGH: That's all I have,
Mr. Wallace, thank you.

MR. JONES: I have no more
questions.

- - -

REDIRECT EXAMINATION

BY MR. DELLI BOVI:

Q Did you have occasion following that OSHA inspection to discuss polyvinyl chloride and vinyl chloride with Mr. Flounders?

A Yes.

Q And did he tell you that the polyvinyl chloride and vinyl chloride was or was not harmful?

MR. CARMIN: Objection.

MR. JONES: Objection.

MR. McHUGH: Objection.

MR. BARCLAY: Object.

A He said the dust particles was enough to harm you at the time.

MR. DELLI BOVI: That's all I have.

MR. CARMIN: Move to strike that answer.

Q Would you tell us, Mr. Wallace, following the OSHA inspection what if anything Mr. Flounders told you about polyvinyl chloride in the plant?

MR. CARMIN: Objection.

A No.

Q Did he tell you anything at all?

A No, I don't think so.

Q And what was his position in the plant at the time?

A Safety director.

MR. DELLI BOVI: That's all.

RECROSS EXAMINATION

BY MR. JONES:

Q Maybe I have one question or two. I just have one or two, Mr. Wallace. You knew that you shouldn't be breathing in large quantities of that dust, didn't you?

A I guess if you have your dust mask.

Q Sure, you knew they wouldn't give you a breathing mask unless there was some reason to keep quantities of that powder out of your body?

A Yeah, but it didn't do no good.

Q Excuse me, I interrupted, I think.

A Pardon?

Q I think I interrupted you.

A I said it didn't do no good; that dust mask didn't do not good.

Q But I said that you were aware that the concentrations in the air were higher and that's why they gave you the respirator instead of the dust mask, right?

A When OSHA come in.

Q And you knew that those materials in high dosages were potentially harmful?

A Harmful but they didn't know the cancer.

Q Sure, but you knew they were harmful?

A To what extent I don't know.

Q Yes, but you didn't know to what extent they might cause harm but you knew they were harmful?

A Uh-huh.

Q Your answer is yes?

A Yeah.

MR. JONES: Thank you.

MR. DELLI BOVI: Off the record.

MR. CARMIN: I just want to move to strike on the grounds that I haven't heard over 50 percent of the words that were said in the deposition, the answers, excuse me. I did not hear the answers.

(Deposition concluded at 12:45 o'clock p.m.)

FRED A. WALLACE

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C E R T I F I C A T E

STATE OF OHIO)
) SS.
COUNTY OF LUCAS)

I, Dianne Bochi, a Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named witness, FRED A. WALLACE, was by me first duly sworn to tell the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by him was by me reduced to stenotype in the presence of said witness, afterwards transcribed upon a typewriter, and that the foregoing is a true and correct transcription of the testimony so given by him as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified, and was completed without adjournment.

I do further certify that I am not a relative, counsel or attorney of any party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Toledo, Ohio, on this 20th day of August, 1985.

UCC
043891

Dianne Bochi

DIANNE BOCHI
Notary Public

in and for the State of Ohio

My Commission expires February 26, 1987.